Crofter in History

BY DALRIAD

THE CROFTER IN HISTORY.

BY

LORD COLIN CAMPBELL
(DALRIAD).

SECOND EDITION.

EDINBURGH:
WILLIAM BROWN, 26 PRINCES STREET.
1886.

TO

THE RIGHT HONOURABLE

J. B. BALFOUR, Q.C., LL.D.,

THIS ESSAY, SUGGESTED BY HIS SPEECH ON INTRODUCING

THE CROFTERS' BILL IN THE HOUSE OF COMMONS

IN 1885, IS RESPECTFULLY DEDICATED

BY

DALRIAD.

PREFACE TO THE SECOND EDITION.

ALTHOUGH the first edition of this Essay was published on the eve of the last General Election, and when I had practically ceased to be member for a Highland county, I thought the time inopportune for publishing it in my own name. Of all mental trainings, that of the House of Commons is perhaps the worst for an historian. Especially is this the case when he sets himself to write on historical questions which touch on questions of practical politics. He will be fortunate if, when he is in such a position, he can save his mind from the warping tendencies of interest, prejudice, or passion, whether in him or around him. That he should be exposed to such influence is alone sufficient perhaps to raise a presumption against the value of his work, and of his fidelity to historical truth.

To lay down the lines of historical truth freely and impartially was my aim and purpose in writing this Essay. My endeavour has met with a degree of recognition which, if not altogether beyond my deserts, certainly exceeds my expectations. In any case, I may now, without placing the little book in jeopardy, put off the mask.

COLIN CAMPBELL.

March 4th, 1886.

PREFACE.

THE Crofter Question, as it is now termed, is one on which an angry and embittered controversy has raged intermittently for more than a century. A recent agitation has given it prominence, and, for the first time, brought it within the sphere of practical politics. A Bill for its settlement has been presented to the House of Commons, and it remains for a new and reformed Parliament to decide whether the work which a ministerial crisis postponed shall be resumed.

The question at one time was one between political economists and writers whose "sentiment" was considered more forcible than their logic. For many years economic conditions conspired to demonstrate that the "economists" were right and the "sentimentalists" wrong; but the operation of Free Trade has been of late to diminish the advantage of the former. The imports from abroad have successively reduced the price of wool and the price of meat. This, combined with other

causes, has produced — to use the language of the Royal Commissioners — "something like an economic crisis."

While the arguments derived from *results* are thus weakened, the arguments on the other side have been proportionately strengthened. To this turn of fortune the popular party have united the force which springs from the re-action in the public mind against centralization, and from the condition of the poorer classes in the great cities, which is represented as a grave social danger and disgrace. Legislation based on mistaken philanthropy, and legislation divorced from philanthropy, are equally dangerous. If the history of the past with reference to the occupiers of the soil has exposed the Legislature to the reproach arising from the latter, only the most careful enquiry and the most scrupulous attention to facts will save us, in the revulsion of feeling, from the opposite error. The writer of these pages aims only at a faithful representation of the facts. If he succeeds in that humble endeavour he will have the satisfaction of believing that he has done something to aid in a right settlement of a most difficult and complicated question.

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The Crofter in History.

CHAPTER I.

DECLINE OF FEUDALISM.

Not quite a hundred years ago, on a summer's day, a large herd of cattle might have been seen gathered in front of a Highland steading in the heart of Inverness-shire, and some seventy or eighty people—men, women, and children—congregated on the same spot. From the windows of a neighbouring manse the wife of the parish minister watched the preparations with absorbing interest.

The cattle are driven on to the road; the people, with pipers playing in front, fall into procession, and march by. As they pass, they raise their bonnets, the good lady waves her hand, and her husband, a white-haired minister, standing at the door, bids them "God speed!" On they pass towards the head of the glen, and before long a turn of the road hides them from view. Ere

the sound of the music has died away, the words which follow have been penned.

"One of the great concerns of life here is settling the time and manner of these removals. Viewing the procession pass is always very gratifying to my pastoral imagination. . . . The people look so glad and contented, for they rejoice at going up; but by the time the cattle have eat all the grass, and the time arrives when they dare no longer fish and shoot, they find their old home a better place, and return with nearly as much alacrity as they went."

Thus wrote Mrs Grant of Laggan, the accomplished authoress of those "Letters from the Mountains," that have come down to us as one of the best examples of a literary style no longer in fashion. What a picture of Highland life is this! Who will not turn with pleasure from the dreary and monotonous labour of reading the five thick octavo volumes embodying the labours of a Royal Commission, appointed to inquire into the condition of the Highlanders of the present day, to those epistles which bring before us here and there vivid descriptions of a mode of life of which in many places scarcely a vestige remains? So utterly different is it from what we are familiar with, that it is hard to realise how comparatively short is the time which separates it from us. That life seems some Utopian dream. There is no mention of the grinding poverty, that

semi-starvation which the advocates of Highland improvement point to as the invariable concomitant of a pastoral life. Can we wonder that the picture exerts a fascination on the mind of the people, and that, in less fortunate circumstances, they look back to the days when their ancestors went up to distant shielings and tended the herds on the mountain tops, or beguiled the hours in fishing and shooting, or singing and dancing through the long summer evenings? No monstrous sheep-farms engulfed them—apparently not even game-laws restrained their liberty. It would be strange if the traditions of such a time served not to keep alive a spark of feeling that requires but little art and knowledge of human nature to fan into a flame. Mrs Grant's testimony is not only trustworthy, but it is peculiarly valuable. To arrive at the exact truth about the condition of the people in the past is not easy. Those who are in favour of emigration and sheep-farming are apt to exaggerate the poverty and misery of the people under the old system. On the other hand, their opponents are tempted to depict in too glowing colours their former prosperity. But Mrs Grant's letters were written without any controversial object. She was under no temptation to exaggerate. The following description of the daily life on a Highland farm at the end of the last century is not without interest:—

"As they must carry their beds, food, and utensils, the housewife who furnishes and divides these matters, has enough to do when her shepherd is in one glen and her dairymaid in another with her milk cattle; not to mention some of the children, who are marched off to the glen as a discipline, to inure them to hardness and simplicity of life. Meanwhile his reverence, with my kitchen damsel and the ploughman, constitute another family at home, from which all the rest are flying detachments, occasionally sent out and recalled, and regularly furnished with provisions and forage. . . . I shall, between fancy and memory, sketch out the diary of one July Monday. I mention Monday, being the day that all dwellers in glens come down for their supplies. Item, at four o'clock Donald arrives with a horse loaded with butter, cheese, and milk. The former I must weigh instantly. He only asks an additional blanket for the children, a covering for himself, two milk tubs, . . . two stone of meal, a quart of salt, two pounds of flax for the spinners, for the grass continues so good that they will stay a week longer. . . . All this must be ready in an hour, before the conclusion of which comes Ronald from the high hills, where our sheep and young horses are all summer, and only desires meal, salt, and women with shears to clip the lambs, and tar to smear them. . . . Before he departs the tenants who do

us service come ; they are going to stay two days in the oak wood, cutting timber for our new byre, and must have a competent provision of bread, cheese, and all for the time they stay."

The farm is thus described elsewhere :—

"We hold a farm at a very easy rent, which supports a dozen milk cows and a couple of hundred sheep, with a range of summer pasture on the mountains for our young stock, horses, &c. This farm supplies us with everything *absolutely* necessary: even the wool and flax which our handmaids manufacture to clothe the children, are our growth !"

It has been said that Mrs Grant's testimony is valuable because it was given with no controversial purpose. But she lived in the Highlands long enough to witness changes which she was not slow to denounce, and she raised her voice in warning against what she regarded as a danger, socially and economically. Thus in 1791 she wrote :—"The only real grievance Scotland labours under, originates with land-holders, perhaps more remotely in commerce ; since the tide of wealth which commerce has poured into the northern part of the island, has led our trading people to contend with our gentry in all the exterior elegancies of life. The latter seem stung with a jealous solicitude to preserve their wonted ascendancy over their new rivals. This pre-

eminence can only be kept up by heightening at all hazards their lands. Thus the ancient adherents of their families are displaced. These having been accustomed to a life of devotion, simplicity, and frugality, and being bred to endure hunger, fatigue, and hardship, while following their cattle over the mountains or navigating the stormy seas that surround their islands, form the best resource of the State when difficulties, such as the inhabitants of a happier region are strangers to, must be encountered for its service." Again :—" The only cause of complaint in Scotland is the rage for sheep-farming. The families removed on that account are often as numerous as our own. The poor people have neither language, money, nor education to push their way anywhere else ; though they often possess feelings and principles that might almost rescue human nature from the reproach which false philosophy and false refinement have brought upon it. Though the poor Ross-shire people were driven to desperation, they even then acted under a sense of rectitude, touched no property, and injured no creature."

In the year following the date of this letter, viz., in 1792, an Englishman was an eye-witness of the trial of the " poor Ross-shire people " here alluded to. The circumstances are interesting as affording an almost exact counterpart of recent events in the Island of Skye.

"These disturbances have arisen from the sudden extermination of a number of small farmers, who have been used to maintain their families by a dairy, the rearing of a few black cattle for sale, and a little tillage, in order to give place to the establishment of extensive sheep-walks; which unite many of the old divisions of estates under the occupation of a single tenant. People here assert that thirty-seven families were lately turned adrift in the prosecution of this scheme."

"The number may have been exaggerated; and, as I am rather inclined to believe so, I should not have ventured to particularize it had I not heard it repeated without variation by different persons. But could it be affirmed that only half the number, or even but a fourth part were included, under this calamity, the evil is very great, and of such a nature as surely to merit the particular attention of Government, so long as it shall be thought conducive to national prosperity rather to have a country peopled by human creatures than by sheep. The alarming migrations, which for some years have taken place from the Highlands, are partly attributed to this innovation. That the rent-rolls of estates are augmented, and the avarice of landlords successfully gratified by it, cannot be doubted; but where individuals grow opulent by the depopulation of a country, they make more haste to grow rich than ought to be suffered by its rulers." The

rioters were indicted for "riot, assault, and battery by assembling with a number of other persons and forcibly relieving from a poind fold certain cattle confined therein, and at the same time assembling and beating the gentleman and his servants who had poinded the cattle." * As it was proved that legal notice had not been given to the tenants, and that the prosecuting landlord had been guilty of violence, the jury returned a verdict of not guilty. Some cottars who had driven off the stock of certain proprietors fared differently. A few were sentenced to transportation for seven years, others were fined and imprisoned.

During the last century the Highlands underwent precisely the same changes in rural economy which England passed through two centuries earlier. Such changes had long been in gradual operation in the south of Scotland. In the Highlands they were suddenly brought about in consequence of the fall of the clan system which existed until the middle of the last century.

The clan system is commonly spoken of as something very different from the feudal system in England. There were no doubt social features in the clan system not to be found elsewhere in Europe; but as far as regards the tenure of land and the condition of the tillers of the soil, we shall find it is not possible to draw any sound

* Lettice, "Tour in Scotland."

distinction between the clan system and the feudal system in England and the Lowlands of Scotland. The former was the result, after centuries of internecine warfare, of combining with the inveterate customs of the Celt the more powerful, because more civilized, customs of southern feudalism. But wherever the iron hand of feudalism extended, it is impossible to exaggerate the misery of the lower orders of the people. Whatever was harsh in the Celtic polity was stereotyped by feudalism. Unfortunately, we cannot discover with any approach to certainty what the state of the common people was under Celtic government; but when history first begins to lift the veil, and we pass from the age of the unwritten to the written law, the first thing which strikes us is the existence of villainage, or some form of bondage throughout Scotland. Very many charters of the crown in the twelfth, thirteenth, and fourteenth centuries set the example of conveying, along with the right of property in the soil, the right of property in those who cultivated it. "The greatest curse," says the editor of "Fragments of Scottish History," "attendant on mortals—the curse of slavery—was entailed on the ancient inhabitants of Scotland. We have most ample evidence of this. It has been said, and by an author whose opinion I highly respect, as that of the most learned historian Scotland has produced—it

has been said that few instances occur of absolute villainage. It is true I have not found many. Some did exist: and I question if we are entitled to say they were uncommon. Villainage is but a superior species of slavery, yet we see examples of the most humiliating bondage. Before 1189 two brothers, their children, and their whole posterity are transferred to a person for three marks. The prior and convent of St Andrews emancipate a man, his children, and property, or rather give him permission to change his master, 1222. Malise, Earl of Strathern, grants Gilmory Gillendes, his slave, to the monks of Inchaffry; likewise Johannes Starnes, 1258. I have seen several charters *cum villanis*. One of the Roberts grants certain lands, '*Mariæ Comyn, cum licentia abducenti tenentes cum bovis suis, a terris, si non sint nativi et ligii homines. . . .*'

"There were various kinds of slaves. The laws are copious respecting their state and manumission."

Another learned historian* tells us that during the period above mentioned, "no canon of the Church, no assize of the King, and no act of Parliament appears in favour of freedom."

Let us pass to the sixteenth century. For a century or more a great change has been in progress. The process of manumission is nearly complete, and

* Chalmers' "Caledonia."

the great bulk of the common people are in possession of personal freedom. Mr Mackintosh, in his "History of Civilization in Scotland," has, with much acuteness, questioned the soundness of the common theory that the process had been fostered and encouraged by the clergy. He sees no evidence of this, and is inclined to attribute the emancipation to the frequent wars and the anarchy they entailed. Be this as it may, it is important to note that while the people appear to have been settled in villages for mutual support, and while something like a system of rural economy is developed, the rights of the feudal lords are gradually strengthened. The decline of feudalism has always been accompanied by grievous hardships to the cultivators of the soil. The law survives, while the social fabric dissolves. Power arises independently of law. The position of a villain in the thirteenth century was infinitely preferable to that of a free tenant in the fifteenth. Of this the Scottish Statute-book supplies abundant evidence. First, let us note that the "nativi" had definite means of escaping from servitude; *e.g.*, if they remained for one year and a day in a Royal burgh. But the law did more than this for them. It secured them from being capriciously removed from their native dwelling and the land which they had cultivated around it. The words of the charter, "Mariæ Comyn," which are italicised above, have reference

to this custom. There is extant a charter of Malcolm Caenmore which runs as follows: "Malcolmus Rex., &c., Sciatis me concessisse et fermiter precipisse ut Prior et monachi de Collingham *secundum voluntatem suam adducant suos proprios homines ubicunque maneant in terra sua ad habergandum villam de Collingham.*" * The royal prerogative is thus found dispensing with the law or custom for certain public objects. But as we proceed we find all this changed. It is true the Statute-book is full of Acts designed to protect the poor against the exactions and oppressions of the rich; but the arm of the law is too short to reach the offenders. The "Landlords, on the most frivolous pretences, turned the tenants out of their holdings, and the labourers out of their cottages. Parliament tried to check this, but in vain. . . . In 1401 an Act was passed which declared all such resumptions by the overlord to be null unless lawful excuse was shown; and it was provided that the tenants turned out of their land should not lose it until after the lapse of a year, if they repledged their lands within 40 days." †

The Parliament of James I. enacted that, "no man rydand or gangand in the countrie lead nor have maa persons with him nor may suffice him nor

* "National MSS. of Scotland," No. xxxi. Introduction, page 10.
† Mackintosh's "History of Civilization in Scotland," vol. i.

till his estate, and for quhom he will make readie payment."

In 1449 it was enacted, "for the safetie and favour of the puir people that labouris the ground, 'that purchasers should keep the tacks set by the vendors.'" In 1457 the setting of lands in feu is expressly declared to be a practice favoured by the king.*

The practice, under the feudal law, which held possession by the tenant to be equivalent to possession by the lord, and made the tenant's effects liable to be seized in payment of the lord's debts, was found to bear so hardly on the people that in 1469 it was enacted that the liability of the tenant should extend only to the amount of the rent. In 1491 it became necessary to forbid any lord, baron, freeholder, or gentleman, to compel any of the king's tenants to perform any service "by exaction or dread," under pain of being punished as oppressors of the king's lieges.

To this time belongs the poet Henryson, who speaks of "ravenous wolves who have enough and to spare, yet so greedy and covetous they will not suffer the poor to live in peace. Over his head his rent they will lease, though he and his family should die for want."

The third Parliament of Queen Mary passed an Act, the preamble of which clearly shows that

* This was re-enacted in 1503.

evictions had been violently carried out throughout the country, and as violently resisted. The Act forbids any convocation "for putting and laying furth of ony tennenter," or "ony convocation or gaddering for resistance to the lords of the ground." In the "Complaynt of Scotland," we read, "i hef sene nyne or ten thousand gadyr to gidder vitht out ony commissone of the kingis letteris, the quhilk grit conventione has been to put their nychtbours furtht of their steding and takkis on vytson veddyinsday, or ellis to leyde awaye ane puir manis kynd in heruyst."

In 1563 Parliament passed an Act for securing possession for five years to tenants of Kirklands, who were threatened with eviction from their "lawful and kindly possessions" by feuars and tacksmen. It is unnecessary to adduce more in proof of the misery of the people, both while feudal institutions were unimpaired and during their decline.*

There is an exact parallel to the changes which the Highlands of Scotland underwent in the last century. Green, in his "History of the English

* Pinkerton divides the Feudal System into—1. The Feudal System; 2. The Corrupted Feudal System—the latter commencing with the 11th and ending with the 15th century. From a pure state in which "nobility and estates annexed were not hereditary," it passed to one "of aristocratic tyranny and oppression."—*Dissertation on the Goths*, Part ii. chap. iv.

People," has given a description of a social revolution which, if we substitute Highland tenant for English yeoman, will serve as a description of the changes in Scotland that followed the '45.

"But beneath this outer order and prosperity a social revolution was beginning which tended as strongly as the outrages of the baronage to the profit of the crown. *The rise in the price of wool* was giving a fresh impulse to the changes in agriculture which had begun with the Black Death and were to go steadily on for a hundred years to come. These changes were the throwing together of the smaller holdings and the introduction of sheep farming on an enormous scale. The new wealth of the merchant classes helped on the change. . . . The land indeed had been greatly underlet, and as its value rose with the peace and firm government of the early Tudors, the temptation to raise the customary rents became irresistible. . . . But it had been only by this low scale of rent that the small yeomanry class had been enabled to exist."

What the Wars of the Roses accomplished for the English yeoman, the Rebellion of '45 did for a class whose history it is proposed to sketch in the following pages.

CHAPTER II.

POWERS OF A CHIEF UNDER THE CLAN SYSTEM.

A LOW scale of rent was a necessary part of the old system in the Highlands. Lord Selkirk observed: "The sacrifice of pecuniary interest was of very inferior importance, and was not a matter of choice; for any proprietor who should have acted on contrary principles, losing the attachment of his people, would have been left a prey to the violence of his neighbours." This is undoubtedly true in the main; but this writer goes too far when he says the Highland gentlemen never ventured to raise their rents.

Amongst the MSS. in the possession of the British Museum, there is one entitled, "Some Remarks on the Highland Clans, and Methods proposed for Civilization." The writer investigates the "trew and genuine reasons why theft and depredations which above all things cherish the spirit of Jacobitism and rebellion are more luxuriant of growth amongst the Highland clans than some of their neighbours." He draws his information, he says, from the "honester

sort of natives." The first reason, he mentions, is *the exorbitant lawless power exercised by the gentry over the commoners.* He proceeds to describe the tenure by which the gentry held their lands:—"Their holdings of land are either free or leases, so much for ordinary as can accommodate themselves and great numbers of their tribes and dependants, generally bad people entirely devoted to their service. Some of them have mortgages in the lands they have a lease of, yet this, till of late, did not hinder the chief to remove from one possession to another, or quite out of the land, if any way disobedient to his irresistible orders and decrees—the unhappy situation of the poor people at all times under the chief and inferior gentry, so that the inferior gentry, as well as the commoners, were constantly kept in a state of slavery and dependance, which they bore with equal constancy. . . . The commoners are cunning, lazy, and vindictive as the gentry are. They never get leases, but constantly depending on the good pleasure of their masters, who thereby have it in their power to fleece them, as they do their sheep, and keep them in the most abject state of slavery and dependance. I have asked many of them why they did not choose to have better houses, and the answer I had was commonly much the same: that the building of good houses or making any other improvement was a sure way to get themselves

removed ; as for a shilling or two more rent, the master would give the preference to the first that offered, so that it seems every kind of industry was studiously discouraged, and that laziness, that delusive mother of vice, and source of dependancy, were the chief things aimed at." *

Captain Burt painted vividly the lights as well as the shadows of the clan system. He tells us of chiefs freeing the necessitous from arrears of rent, and maintaining the decayed. He tells us that if the tribe increased, and there was in consequence a want of land, farms were split up, "because all must be somehow provided for." He records a curious instance of an agrarian outrage, when a minister's hut was fired into because he had taken a small farm—an outrage which, he says, arose from the "dread of innovations, and the notion they entertain that they have a kind of hereditary right to their farms, and that none of them are to be dispossessed, unless for some great transgession against their chief, in which case every individual would consent to their expulsion."

This passage has attracted much attention. It has been regarded as "the solitary contemporaneous testimony to a custom unknown to the Statute book, but which may have been practically embodied in the reciprocal necessities and affections

* This MS. bears no date, but, from internal evidence, it appears to have been written about 1718.

of chief and clansmen, as long as those relations remained a reality." *

But a curious confirmation of Burt's testimony is to be found in the first page of Spalding's account of the Troubles in which allusion is made to the Revolt of the Clan Chattan in 1624.

"After the death and burial of Angus M'Intosh of Auld Tirlie, alias Angus Williamson (which was a little before Whitsunday in the year of God 1624), his kin and friends of Clanchattan, whom he in his time held under rule and in peace by his power and policy, began to call to mind how James, Earl of Murray, their master, *had casten them out of their kindly possessions, whilk past memory of man, their predecessors and they had kept for small duty, but for their faithful service, and planted in their places, for payment of a greater duty, a number of strangers and feeble persons,* unhabile to serve the Earl their master, as they could have done, by which means those gentlemen were brought through necessity to great misery, and therewith considering their young chief, the laird of M'Intosh was but a bairn, who (according to the common band) might not be answerable to their misdeeds; and thinking and calling to mind how oft and how humbly they had craved their kindly possessions from the said Earl, but could not be heard, nor find favour, which grieved them in the highest

* Report of the recent Royal Commission.

degree; they therefore finding the time proper, partly through infancy of their young chief, and partly through the death of this worthy chieftain (who, by his wit and policy, held them still under awe and obedience), *desperately resolve by force of arms, either to recover their own kindly possessions, or otherwise cast the samen waste, and none should labour the ground or pay any duty to the Earl;* and to that effect, about the said feast of Whitsunday 1624 there brake out in arms about the number of two hundred of the principal gentlemen of that race and lineage of Clanchattan under the leading of Lachlan M'Intosh, alias Lachlan Oyle (uncle to this now laird of M'Intosh), and Lachlan M'Intosh or Lachlan Angus-son (eldest son to the said umquhile Angus Williamson) their captains. They keeped the fields in their Highland weed upon foot, with swords, bows, arrows, targets, hagbuts, pistols, and other Highland arms, and first began to rob and spuilzie the Earl's tenants, who laboured their possessions, of their haill goods, gear, insight plenishing, horse, holt, sheep, cows, and cattle, and left them nothing that they could get within their bounds, syne fell in sorning throughout Murray, Stratherick, Urquhart, Ross, Sutherland, Brae of Mar, and divers other parts, taking their meat and food per force where they could get it willingly, frae friends as well as frae their foes, yet still kept themselves from shedding of innocent

blood. Thus they lived as outlaws, oppressing the country, besides the casting of the Earl's land waste, and *openly avowed they had taken this course to get their own possessions again*, or then hold the country waking. The Earl of Murray, mightily grieved at the Clanchattan to break out in such disorder, himself being dwelling in Murray, sends shortly and brings out of Monteith and Balquidder about three hundred Highlandmen armed after their own custom. This people, with the Earl himself, came through Murray to Inverness in battle rank; they stayed there that night, and the Earl was, with his good brother the Earl of Enzie, in the castle well entertained. This people stayed a while in the country upon the Earl's great expences, without seeing or seeking the Clanchattan; therefore the Earl sent them all back the gate they came; always the Earl returned frae Inverness back to Elgin, and provided another company to go against the Clanchattan; but they also did little service, and so returned without finding of the enemy first or last, albeit they made a pretext of seeking them through the country.

"But the Clanchattan, nothing dismayed, became more furious and enraged, to rob and spoil every man's goods, wherever they came, whether friend or foe, to the great hurt and skaith of the King's lieges. The Earl, seeing he could hardly

get them suppressed by force of arms, resolves upon another course to bear them down, which was, he goes down to London to King James, and humbly shews the rising of their Clanchattan, and that he could not get them overcome and subdued without an lieutenantry in the North, which the King graciously granted to him for some few years, and to sit, cognosce, and decern upon some capital points allenarly, specially set down thereintill. The Earl returns home, causes proclaim his lieutenantry (whereat it was thought the house of Huntly was somewhat offended, thinking none should be lieutenant in the North but themselves, albeit he was his own goodson who had gotten it, to wit, the Marquis's son-in-law, who had married his eldest daughter), proclaims letters of intercommuning against the Clanchattan at the head burghs of sundry shires, that none should receipt, supply, or intercommune with them, under great pains and peril. After publication of which letters, the Clanchattan's kin and friends who had privately promised them assistance before their breaking out, begins now to grow cold, fearing their estates, of whom sundry was wealthy in lands and goods, and simpliciter refused them help, receipt, or supply, for fear of the laws.

"The Clanchattan seeing this, by expectation begin now to repent their breaking out, and seek the Earl's peace, whilk, by intercession of friends,

was granted, provided they should the Earl information who did receipt or supply them after publication of the letters of intercommuning, and to give up their names and prove the same. Upon this condition the Earl forgives them and takes them by the hand, and shortly begins to hold justice courts within the burgh of Elgin. Some slight lowns, followers of the Clanchattan, were execute, but the principal outbreakers and malefactors were spared and never troubled." *

We are not told that the Clan Chattan were restored to their "kindly possessions," and the argument deducible from the facts related by Spalding obviously cuts both ways. They consist with a notion of hereditary right in the people, but cannot be cited in proof that arbitrary eviction was unknown during the period when the clan system was in vigorous operation.

But there are passages in Burt which could not have been penned had he not too been deeply impressed with the arbitrary powers of the chief. He was personally acquainted with a chief who, he says, systematically impoverished the people. "This chief does not think the present abject disposition of his clan towards him to be sufficient; but entertains that tyrannical and detestable maxim, that to render them poor will double the tye of their obedience, and accordingly he makes use of

* See also Shaw's "Historical Memoirs of the Clan," vol. ii. p. 303.

all oppressive means to that end. To prevent any diminution of the number of those who do not offend him, he dissuades from their purpose all such as show an inclination to traffic. . . . This he does (when downright authority fails) by telling them how their ancestors chose to live sparingly and be accounted a martial people, rather than submit themselves to low and mercenary employments like the Lowlanders. . . . It may for aught I know be suitable to clanish power, but in general it seems quite contrary to reason, justice, and nature, that any one person from the mere accident of his birth, should have the prerogative to oppress a whole community for the gratification of his own selfish views and inclinations; and I cannot but think the concerted poverty of a people is, of all oppressions, the strongest instigation to sedition, rebellion, and plunder."

Burt relates that on one occasion he had employed labourers at sixteenpence a day. The same men were required by the chief to work at sixpence a day, and complained that they lost by it. "I very well remember," says Burt, "he then told me that if any of those people had formerly said as much to their chief, they would have been carried to the next rock and precipitated." This writer says the advantage of enclosing was a "mighty topick" with the Highlanders, but he asks, "Where is the Highland tenant that can lay

out ten shillings for that purpose? And what would he be gainer by it in the end, but to have his rent raised or his farm divided with some other?" Other passages might be quoted from Burt's letters to show the "arbitrary authority" exercised by the chief.

CHAPTER III.

CONDITION OF THE HIGHLANDS AND ISLANDS IN THE SIXTEENTH AND SEVENTEENTH CENTURIES.

ENOUGH has been said to prove that even long before the breaking up of the clan system the Highlanders were far from enjoying that absolute immunity from oppression which has been imagined. On the other hand it is a gross error to represent them as being everywhere under a feudal despotism. If we turn to the records of the sixteenth century we shall find them enjoying, under the more powerful and settled clans, a system of rural economy, regulated by laws and customs which may well excite the admiration of a modern land reformer. In the "Black Book of Taymouth," examples of tenures will be found typical of feudalism. There is a tack obliging the holders "to mak slauchter" upon the Clan Gregor. The lessees undertake, "with the haill companie and forces," to "enter a deidlie feid with the Clan Gregor," and "continew thairin, and in making of slauchter upon them and thair adherents, bayth

priuelie and oppenlie." Another binds the lessee to be "ane leill and trew servand to me and my airis at all tymes, baith upon hors and futt as he salbe requirit." The condition of a third is the "yearly payment of a sheaf of arrows." A fourth well illustrates the premium set by feudalism on population. It binds the tenant to keep a sufficient number of sub-tenants, and not to set the lands in schieling. There cannot be the least doubt that so long as such conditions were observed the tacksmen and their sub-tenants were undisturbed in the enjoyment of their holdings.

Not less interesting are the records of the Baron Court printed in the same work. They prove that stricter rules of estate management prevailed than are common at the present day. Nor are these rules always imposed as the arbitrary decrees of the lord of the soil. They read like the laws of a small republic. A common form of the record is—"It is statute and ordainit with aduyis and consent of the heall commins, tennentis," &c.* Amongst many other enactments we find heather burning forbidden except in the month of March: the maintenance of head-dykes and fold-dykes is enjoined: every householder is required to have a kail-yard: the method of cutting peats is pre-

* Sir Walter Scott, in contrasting the Highland clans with the Afghan tribes, says, "At no time do the Highland chiefs appear to have taken counsel with their elders as an authorized and independent body"—an assertion which is here disproved.

scribed: every tenant and cottar is ordered to leave his dwelling-house, *on removing*, precisely as he found it: every person is commanded to plant trees in number proportionate to the extent of his holding: none are to permit crows to build in the trees: the occupiers are warned that their stock must be put outside the head-dykes from the first of May until the eighth of June, and after that they must pass to the schielings, and remain there until a certain day.

It is a curious fact that the practice of resorting to arbitration in the assessment of rent is found in use. One of the tacks has the following proviso: "If the said Nicoll be impeded in labouring the said lands by any enemy's army, the tack shall become void, and he shall be bound to pay only such duty as four honest men, assessors in the country, shall appoint." * This custom appears to have taken strong root in Perthshire. It was a common practice formerly to call in sworn valuers or appraisers, under the name of Birleymen or Byrelawmen. The word is derived from the Gaelic word *bir*, signifying "short": hence short law or speedy justice. These functionaries existed in each officiary, and were called in to settle disputes between landlord and tenant, or between one tenant and another. †

* The date of this lease is 1651.

† Robertson's Report to the Board of Agriculture on Perthshire.

But an example of a decree of removal carried out by the officers of the Sheriff Court of Perth is also to be found in this volume. The following relates to the year 1596: "Whilk day in presence of me notar public Alexander Campbell ane of the ordinar mairis of the Shirefdome of Perth past to the grounds of the lands of the Ardcandknokquhane . . . and there finding the door of the dwelling house of Malcolm Galt one of the tenants of the said lands open and patent he entered in the same and finding therein one iron pot, one kettle, one brass pan, one chair, two dishes &c. and also upon the ground of the said lands occupied by the said Malcolm he found 40 sheep and 20 goat 4 horses and 15 cows which the said Alexander Campbell put out of the said Malcolm's house and removed the same together with all the sheep goats horses cows above specified off the march of the said lands as also the said Malcolm his wife and servants out of the said dwelling house."

Such was the condition of rural economy in the Central Highlands in the sixteenth century. It is a question how far the description applies to the Western Highlands and Islands. At first sight it is difficult to believe that up to the close of that century, the last half of which is noted for the perpetration of atrocities not perhaps surpassed in the history of any European nation, the western Highlanders and islanders could have devoted them-

selves much to agriculture. They early acquired habits which must have disinclined them to such pursuits. Not expelled or absorbed by the Norwegian invaders, the Celts of the Western Isles seem to have acquired the habits and manners of their enemies. At one time a Scottish Viking was as formidable as his Norwegian contemporary.* If this character was transitory, other circumstances combined in later times to give the people a distinctive character. If their chief occupation for centuries was not war, they enjoyed at best but an armed peace. At any moment they were liable to be called upon to save their lands from pillage and rapine, or to be summoned to join the array of their chief to plunder and ravage in their turn. How far, then, were their manners modified by feudalism? Mr Skene tells us that the introduction by marriage or royal grant of feudal overlords with apparently feudal holdings was "purely nominal" in the Highlands and Islands. It led to nothing like the Teutonic colonization which characterised the Lowlands, and neither affected the Gaelic population nor the institution of clanship. But he also tells us that the tribal organisation under the Celtic dynasty which ended with Malcolm the Second, gradually disappeared in the East under feudal forms, while in the west and north it passed into the clan system. He shows

* Skene, "Celtic Scotland," vol. iii.

clearly that the first result of foreign dominion was the breaking up of the tribe into clans. If the primary consequence was such, did the process stop there? Mr Skene fails to show that it did. But there is another question on which his high authority may save us from falling into a popular error. By many the institutions of the Celt are placed in broad contrast to those fostered under feudal laws. Whenever there is found a vestige of ancient custom in the Highlands, if it is desired to abolish it, they brand it as a relic of "feudalism;" as though nothing harsh or oppressive ever came out of Celtic rule. This is not only absurd but positively mischievous. It leads men to associate with one system of law, evils which in reality belong to every barbarous or semi-civilized government. Under the tribal system it is certain that there was at least one broad distinction in society, namely, that between Freemen and Bondmen. Mr Skene thinks that in the law relating to *nativi*, which is found in the old Scottish Acts of Parliament, the various distinctions and definitions mark those which were recognised under a purely Celtic régime. It is a mistake to suppose that bondage was a special characteristic of feudalism. Yet we find this belief colouring the narrative of one of the most interesting writers on the Western Islanders in the last century—viz., in the description of the North Western Islands by Lane Buchanan, written

from 1782 to 1790. He says it was an invariable custom among the tacksmen and lairds to refuse an asylum to any sub-tenant without the recommendation of his master; and he adds, "so inveterate are the remains of feudal slavery in Scotland, that master is, for the most part, the term used for landlord." The fact is, that Buchanan observed a relic of the old Celtic bondage. There is every reason to believe that servitude, and what was known in later times as predial service or manerial bondage, existed in the Hebrides long before feudal tenures came in. There was a class of cultivators exactly corresponding with the "ascripti glebæ" of feudal times. Nor is this all. The oldest burdens on land in Scotland were purely of Celtic origin. The *cain* or *can* was the survival of the "Bestighi" or food-rent of the Irish and the Gwestva of the Welsh laws. It was paid by every occupier of land to his superior. It ceased as soon as the possessor was feudally invested. We learn, on the same authority, that the *conveth* was nothing else than the payment or sustenance due from the followers to their leader; that it was the same as the Irish *coigny*, and, under the name of *cuddicke*, long continued to be a burden on land in the Highlands and Islands. Even the obligation of military service had its counterpart in the *feacht* and *sluaged* of the Celtic tribe.*

* Skene's "Celtic Scotland," vol. iii. pp. 231-235.

But it is doubtful if Mr Skene does not overstep the mark when he fixes the seventeenth century as the period when the supremacy of the feudal law became established. Was it not till then that "the law ignored all Celtic usages inconsistent with its principles, and regarded all persons possessing a feudal title as absolute proprietors of the land, and all occupants of the land who could not show a right derived from the proprietor as simply yearly tenants?" The suspicion that the feudal law stamped its mark on the customs of those regions long before the seventeenth century, is surely pardonable. If the condition of holding lands by military service to the crown was not an innovation, what effect shall we ascribe to the frequent forfeitures which were the powerful and merciless sanctions of the feudal law? Can we contemplate these consequences of the spread of feudalism, and say that the institution was "nominal"? The Mackenzies were employed to quell the insurrection of 1491. It is significant that soon afterwards we find the Lieutenant of the North commanded to proceed against them as oppressors of the King's lieges. The Statute-book leaves us in no doubt as to the nature of such oppression. Again, after the forfeiture of the Lordship of the Isles, in 1493, Archibald, Earl of Argyll, obtained a lease for years of part of the lands. Is it to be supposed that such a concession

was in the interest of the former occupiers? In 1502 the policy of the Government actually aimed at the ejectment of all persons in occupation of the Crown lands and suspected of disaffection. Commissioners were appointed to let the King's lands in Lochaber and Mamore for five years to "true men," and to expel all "broken men." Gregory observes that this was equivalent to an order to expel the whole population.* Similar directions were given with respect to the forfeited lands of Macleod of Lewis. Though such a policy was not, and, indeed, could not be carried out completely, there can be no question of the ruinous consequences to the lower orders which occasionally followed these penalties of the law.

But though such considerations might dispose us to believe that the occupiers of the land led a precarious existence, it is a notable fact that such a view is not confirmed by the earliest accounts we possess of the state of the Western Islands. The description of them by Sir Donald Munro, High Dean of the Isles, is the earliest record of personal observation. It takes us back to the year 1549. Let us recall some of the historical events of the preceding decade. Nine years before the Dean set his foot on some of these Western Isles, James V., "under the conduct of that excellent pilot, Alexander Lindsay," made his famous

* Gregory, "History of the Western Islands."

voyage, which ended in the annexation of the Lordship of the Isles inalienably to the Crown. He had carried back with him in his galleys many a stubborn chief who only obtained his liberty by giving hostages in security for his good behaviour, and Donald Dubh, the great disturber of the public peace, had been deterred from carrying out his preparations to drive Argyll and Huntly from their acquisitions. The intrigues of Glencairn had resulted in the liberation of the hostages, and six years before, the coast of Argyll had witnessed an invasion of 1800 men. Four years before the Dean's journey, the Lord of the Isles, with the advice and consent of his Barons and Council, had sent two Commissioners to treat with England, and four thousand men, "clothed in habergeons of mail, armed with long swords and bows," had disembarked from a fleet of 180 galleys, and taken the oath to the English King at Carrickfergus. Two years before, numbers of Highlanders and Islanders had returned from the disastrous field of Pinkie.

Let us now glance at the scattered notices of the internal condition of the Islands as disclosed by the Dean of the Isles. The account confirms a conjecture which is derived from certain historical facts, that there was a very considerable population in the Islands. There is reason to believe that this has generally been under-estimated.

Nor can any one read this account and come to the conclusion that the Islanders were very far behind their countrymen of the mainland in the art of cultivation. It is clear that in addition to cattle they depended largely on cereal crops. In proof of this a few extracts may be given. To begin with the larger isles, *Bute* was "very fertyle ground, namelie for aitts." *Isla* was "fertil, fruitful and full of natural grassing with many grate diere, many woods, faire games of hunting, beside every toune with ane water called Laxay, wherupon maney salmon are slaine."

Colonsay is "ane fertile ile." *Mull* is "ane grate rough ile, noch the les it is fertile and fruitful." *Skye* has "twelve paroche kirkes, manurit and inhabit, fertill land namelie for aitis, excelling aney uther, ground for grassing and pastoures, abounding in store." *Barra* is "ane fertill and fruitfull ile in cornes." *Uist*, "ane fertile countrey and maine laiche land." *Harris*, "very fertill and fruitfull of corne store and fisching, twisse mair of delving in it nor of teilling." *Lewis*, "faire and weill inhabit at the coste, ane fertile fruitfull countrey, for the most part all beire . . . in this ile ther are maney schiep, for it is verey guid for the same for they lay furth ever one mures and glenis, and enter nevir in a house, and ther wool is but anes in the ziere pluckit aff them in some fauldes. In this countrey is peit moss land

at the sea cost and the place quhar he winnes his peitts this zeir thir he sawis his corne the next zeire, after that he guidds it well with sea ware."

Of the smaller isles, *Berneray Beg* is "weill inhabit and manurit and will give maire nor twa hundred bows of beire with delving only." *Berneray Moir* is "inhabit and manurit fertill and fruitfull with maney pastures and meikell store." *Tarandsay* is "ane rough ile with certain tounes weil inhabit and manurit; but all this fertill is delved with spaides excepting sa meikell as ane horse pleuch will teill and zet they have maist abundance of beir, meikel of corn, store, and fishing." * Many other examples might be given. Out of one hundred and ninety-seven islands and island-rocks north of the Mull of Kintyre enumerated by the Dean, at least one hundred may be put down, either by his express statement or by inference from his description, to have been inhabited in the middle of the sixteenth century. Nowhere does the Dean lead us to infer that scarcity prevailed amongst these people. Nor, beyond some notices of the haunts of thieves and rebels, is there any hint that their condition was one of insecurity. An interval of upwards of thirty years elapses before we have another detailed description of the Western Isles. Between 1577 and 1595 a report

* By the last census this island is now occupied by twelve families.

was drawn up for the information of Government.* It supplements in many important particulars the account of Sir Donald Munro. We obtain from it an approximate estimate of the population at the close of the sixteenth century. It appears that the number of men which twenty-eight of the most considerable islands,† north of the Mull of Kintyre, could raise, amounted to 6540, or, roughly speaking, to 6000, "quhairof the 3d pairt extending to 2000 men aucht and sould be cled with attounes and haberchounis, and knapshal bannetts, as thair lawis beir." According to the common calculation, we should infer from these figures that the population of these islands alone, at this period, was not far short of 40,000. But it is possible that even this estimate is below the mark, since the fighting strength is not represented as a general conscription of all the inhabitants capable of bearing arms. The writer states that "in raising or furth bringing of thair men ony time of yeir to quhat sumevir cuntrie or weiris, na labourers of the ground are permittit to steir furth of the cuntrie quhatevir thair maister have ado, except only gentlemen quhilk labouris not that the labour belonging to the teiling of the ground and wynning of thair

* Skene's "Celtic Scotland," App. iii., where the document is printed *in extenso*.

† Of these, Skye furnished 1780; Lewis and Harris, 840; Uist, 600; Barra, 200; Mull, 900; Islay, 800; Tiree and Coll, 440; Jura, 100; Colonsay and Oronsay, 100.

corns may not be left undone." Thus it seems that even in the turbulence of those times, except in cases of extreme emergency, nothing was permitted to interfere with agricultural operations on which the very existence of the entire community depended.

Lewis is described as "very profitable and fertile alswell of corns as all kind of bestiall wild fowl and fishes and speciallie of beir sua that thair will grow commonlie 20 18 or at the leist 16 bolls beir yeirlie eftir ilk bolls sawing." *Harris*, "fertile, commodious and profitable in all sorts." The former paid yearly "18 score chalders of victuall, 58 score of ky, 32 score of wedderis and ane great quantitie of fisches, pultrie, and quhy, &c., plaiding by thair cuidichies,* that is, feisting thair master quhen he pleases to cum in the countrie, ilk ane thair nicht or twa nichtis about according to thair land and labouring;" the latter paid "3 bolls malt and 3 bolls meill for ilk day in the yeir, 40 mairtis and eight score wedderis, by customs, pultrie, meill, with oist silver." Each merkland in *Uist* paid "20 bolls victuall, by all uther customes, maills and oist silver *quhairof thair is na certane rentall.*"

As to the customs, they are described as "splendit

* "In the rentals of South and North Kintyre for 1505, we find besides 'firma,' or rent, each township is charged with a certain amount of meal, cheese, oats, and a mert or cow, 'pro le cuddecht.'" —Skene's "Celtic Scotland," vol. iii. p. 233.

and payit at the *Landlordis* cumming to the Ile to his Cudicht."

The district of *Trotterness* in *Skye* paid "ilk merk land thairof twa bollis meill, twa bollis malt, four mairtis, 16 wedderis, 16 dozen of pultrie, twa merks by the auld maillis and utheris dewteis accustomat." The district of *Slate* was "occupiet for the maist pairt be gentlemen, thairfore it payis but the auld deuteis, that is, of victuall, butter, cheis, wyne, aill and aquavite, samekle as thair may be able to spend being ane nicht (albeit he were 600 men in companie) on ilk merk land." *Eg* was "verie fertile and commodious baith for all kind of bestiall and corns, speciallie aittis, for eftir everie boll of aittis sawing in the same ony yeir will grow 10 or 12 bollis agane."

The rent of *Mull* was, for each merkland, "5 bollis beir, 8 bollis meill, 20 stanes of cheese, 4 stanes of butter, 4 mairtis, 8 wedderis, twa merk of silver, and twa dozen of pultrie, by Cuddiche, quhanevir thair master cummis to thame." The fertile island of *Lismore* had "na set rental of dewtie, *because it is everie yeir alterit or set.*" The lands of *Tyree*, belonging to M'Lean of Duart, were assessed at "sa great of victuall, buttir, cheis, mairtis, wedderis and other customes" that it was "*uncertain to the inhabitants thairof quhat thai should pay, but obeyis and payis quhatevir is cravet be thair maister for thair haill deuties.*" In *Islay* each merkland, in

addition to the rent, was made to "sustein daylie and yeirlie ane gentleman in meit and claith, quhilk dois na labour, but is haldin as ane of thair maisters household men, and man be sustenit and furneisit in all necessaries be the tennent, and he man be reddie to his maisters service and advis."

From this period, until the time of Martin, whose curious, but in many respects defective account, appeared in 1703, no traveller of note appears to have set foot in the Isles. The exception referred to is William Sacheverell, governor of the Isle of Man, who visited Iona in 1688. His description of the islanders of Mull will be noticed hereafter. But enough is known of the history of the Isles during the last half of the sixteenth and the following century to enable us to gauge with tolerable accuracy the condition of the islanders. Reference has been made to the general history of this time. We may look in vain through this long record of internecine strife for one ray of light to herald the dawn of civilisation. Whatever else the feudal law may have done, here it inspired no chivalrous sentiment. The most solemn obligations are set aside. Faith is ruthlessly broken: the most sacred trust violated. Avarice and revenge are the motives which alternate in impelling men to the commission of the most hideous atrocities. Scarcely a year passes but the attention of Government is

directed to quell disturbances, demanding the levy of the armed forces of half the kingdom. In 1586, the feud between the Macleans and the Macdonalds involved not less than ten of the principal clans in a sanguinary conflict. In 1587, the Macdonalds invaded Mull and Tyree, putting to death all who fell into their hands, as well as the domestic animals of every description. The Macleans retaliated on the inhabitants of Canna and Muck. In 1596, Torquil Dubh, of Lewis, ravaged Cogeache and Lochbroom, sparing neither man, woman, nor child. At the same time a section of the Campbells were in feud with the Stewarts of Appin, on account of the barbarous murder of a chief of the former. Well might the historian of James VI. say that the Islanders were "of nature verie prowd, suspicious, avaricious, fule of decept and evill invention, each aganis his nychtbour be whatsoever he may circumvin him." This was the state of things which called for the exercise of all the State craft of James VI. One of the first acts of his government was to make every chief responsible for the conduct of his vassals. Next, all landholders were required to produce their title deeds on pain of forfeiture. Mr Gregory has found fault with the measures of James, as being designed to replenish an empty exchequer. But the first duty of the Government was clearly to enforce the rights of the Crown. There is no question that

the rents of the Crown lands were hopelessly in arrear. In the result, Lewis and Harris, along with Dunvegan and Glenelg, were forfeited. It is not necessary to dwell on the well-known attempt to plant a colony of Lowlanders in Lewis and Trotterness. The scheme failed in consequence of the opposition of three powerful chiefs. The length to which James was prepared to go in "planting" the Isles must be measured by his compact with Huntly a few years after, by which that nobleman undertook "the extirpation of the barbarous people of the Isles within a year," in reward for which he was to have a feu of the North Isles, excepting Skye and Lewis. Not less instructive is the grant by royal charter of the lands of Kintyre, the ancient inheritance of the Clan Donald, to the Earl of Argyle.

The principal object of the King being now to diminish the power and influence of the chiefs, a Commission was appointed to superintend the government of the Isles, and in 1609 the Bishop of the Isles was entrusted with the mission which resulted in the famous Statutes of Iona. In these enactments, to which the assent of all the most considerable chiefs of the Isles was obtained, indirectly much light is thrown on the condition of the people at this period. The picture is anything but attractive. These statutes show that the people were labouring under oppres-

sion arising from a variety of causes. Not least amongst these was the swarm of idle persons which the tenantry had been compelled to support. Precisely the same grievance in the Lowlands, let it be observed, had engaged the notice of the Parliaments of the preceding reigns. Here a statute enacted that no man should be suffered to reside within the Isles who had not a sufficient revenue of his own, or who at least did not follow some trade by which he might live. All persons, not natives, living at free quarters upon the poor inhabitants, were to be tried by the Judge Ordinary as thieves and oppressors. Equally notable is the injunction that every chief was to support his household from his own means, and not by a tax upon his tenantry. The people are represented as demoralised to the last degree by drink. Their love of strong wine and aquavitæ is assigned as the chief cause of their poverty and barbarity. But another cause, which may long be traced in operation, was the utter absence of education, and the want of schools and regular clergy. It was ordained that churches should be repaired, and regular stipends paid to the clergy of the reformed religion. With a view to remedy these evils, every gentleman or yeoman possessed of sixty cattle was required to send his eldest son or eldest daughter to school in the Lowlands. *

* Gregory, "History of the Western Isles."

At this period we have evidence that the natives were jealous of their laws and customs. When an attempt was made by Sir Ronald Macdonald to introduce Irish laws and customs into Isla, the resistance of the people caused the Privy Council to interfere. Gregory considers this resistance as an indication of the greater progress made by the feudal system in Scotland. Irregularity in payment of the rents and services due to the Crown and the superior lords was probably the cause of much disturbance. Thus, in 1612, we find Campbell of Barbreck appointed by the Earl of Argyle Commissioner for Ardnamurchan, with power to fix and collect the rents, and punish by expulsion or otherwise the refractory tenants. Until the year 1617 the *calpe*,* which was an acknowledgment of vassalage, was rigorously enforced. Early in the century the chiefs of Mull were required by the Privy Council to cultivate their home farms, and *to let the remainder of their lands to tenants for a certain fixed rent in lieu of all exactions.* They were further required to abstain from oppressing the country people in voyaging through the Isles.

* The taking from children or executors of the "best aucht," whether mare, horse, or cow. Skene, vol. iii. p. 368.

CHAPTER IV.

CONDITION OF THE HIGHLANDS AND ISLANDS DURING THE EIGHTEENTH CENTURY.

THE nature of the sacrifices made by the Highlanders in the cause of the Stewarts is a passage of their history too well known to be dwelt on in these pages. That disastrous struggle, after a period of forty years of comparative tranquillity and some progress in civilisation, convulsed the Highlands, and everywhere revived and aggravated old feuds. Montrose's strength was largely due to the fact that he drew his recruits from clans in whom hatred of the Campbells supplied as powerful a motive as devotion to his person or loyalty to the race of Stewart.

During the period from the termination of the civil wars to the rebellion of 1745, the Highlanders and Islanders developed that rude system of rural economy which continued with little change up to the commencement of the present century. Sacheverell thus describes the inhabitants of Mull in the year which witnessed the flight of James II. Some of the men he saw were destined to make desperate efforts to restore that Prince to the throne.

"I generally observed the natives to be large bodied, stout, subtle, active, patient of cold and hunger. There appeared in all their actions a certain generous air of freedom and contempt of those trifles, Luxury and Ambition, which we so servilely creep after. They bound their appetites by their necessities, and their happiness consists not in having much but in coveting little.

"The women seem to have the same sentiments with the men, though their habits are mean and they had not our sort of breeding, yet in many of them there was a natural beauty and a graceful modesty which never fails of attracting. The usual outward habit of both sexes is the pladd; the women's much finer, the colours more lively, and the squares larger than the men's, and put me in mind of the ancient Picts. This serves them for a vail and covers both head and body. The men wear theirs after another manner, especially when designed for ornament, it is loose and flowing, . . . what is covered is only adapted to necessity, a thin brogue on the foot, a short buskin of various colours on the legg tied above the calf with a strip'd pair of garters, . . . a large shot pouch (in front), on each side of which hangs a pistol and a dagger, . . . a round target on their backs, a blew bonnet on their heads, in one hand a broad sword and a musquet in the other: perhaps no nation goes better arm'd, and I assure you they will handle

them with bravery and dexterity, especially the sword and target, as our veteran regiments found to their cost at Gille Crankie. Their utensils are few and buildings mean, only suited to meer necessity, and are indeed below description."

In a tract, entitled "A Memorial concerning Disorders in the Highlands," published in 1703, the Highlanders are described as "altogether heathenish." If the writer is to be believed, they had but little improved since the time of James VI. "Thift and Robbery is esteemed only a Hunting and not a crime, Revenge and Murder especially in what concerns a Clan, is counted a gallantrie. Idleness and not undertaking husbandrie or trade is become a piece. Honour and blind obedience to chiefs or branches takes off from any other influence either of religion or the civil government. . . . Some of them will not stand to let their lands ly waste for some years and wait on their chiefs or branches of their Clan."

To this period belongs also Martin's book—a work for which the author received the honour of being made a Fellow of the Royal Society, and which is said to have inspired Dr Johnson with the wish to visit the Western Isles, a feat he accomplished seventy-three years after its publication. Martin was a man of mean understanding and imperfect education. Amongst many absurd beliefs of the people whose manners and customs he describes, it would

be easy to enumerate several, in which he shared. His credulity and simplicity, indeed, made him the butt of the wits of his day. A copy of the book exists, annotated by John Toland, in which very uncomplimentary observations are made on the man whom the Royal Society delighted to honour. The faults of the work did not escape the notice of Johnson: "Martin was a man not illiterate: he was an inhabitant of Sky, and therefore was within reach of intelligence, and with no great difficulty might have visited the places which he undertakes to describe: yet, with all his opportunities, he has often suffered himself to be deceived. He lived in the last century, when the chiefs of the clans had lost little of their original influence. The mountains were yet unpenetrated, no inlet was opened to foreign novelties, and the feudal institutions operated upon life with their full force. He might, therefore, have displayed a series of subordination and a form of government which, in more luminous and improved regions have been long forgotten, and have delighted his readers with many uncouth customs that are now disused, and wild opinions that prevail no longer. But he probably had not knowledge of the world sufficient to qualify him for judging what would deserve or gain the attention of mankind. The mode of life which was familiar to himself, he did not suppose unknown to others, nor imagined that he could give pleasure

by telling that of which it was, in his little country, impossible to be ignorant."

But in the absence of a better, Martin's book is a valuable record of the condition of the Western Islanders at the commencement of the eighteenth century. The children of the men he describes witnessed the rebellion of '45, and submitted to the disarming acts. We shall cease to express surprise at the immense sacrifices of that generation in the cause of the Pretender; we shall cease to wonder at the temerity which brought a handful of Highlanders to oppose themselves to the whole power of England, if we study the moral condition of the people when the Pretender appeared amongst them and made that last appeal to their fidelity.

Martin reveals the people steeped in ignorance and grovelling under superstitions which had been fostered by the clergy. In many places the light of the Reformation had not penetrated. The forms of worship used by the ancient Celtic Church lingered in a corrupted form. The belief in witchcraft was rampant, and second-sight undimmed. Martin tells us that in the island of Lewis, on the first day of May, a man was sent very early to cross a certain stream which, if a woman crossed first, no salmon would ascend: another stream never whitened linen: in a certain well no meat could be boiled: persons suffering from jaundice were

cured by the application of a hot iron to the backbone: a form of sore throat was cured by gulping a lump of bread and cheese: the fever-stricken were restored by fanning them with the leaves of a Bible: a valley was haunted by spirits, and no one dared set foot in it without first pronouncing three sentences of adulation to propitiate them: one island had been inhabited by a race of Pygmies, whose bones were dug up in handfuls: a change of wind before landing at a particular spot was an omen requiring an immediate return homewards, but if they landed they uncovered and pivoted round "sun-ways": if a dish placed on holy water performed a like evolution, the sick person would certainly recover, but if it revolved against the sun he must surely die: when they commenced a voyage, it was the height of impiety to proceed without first pulling the boat round and round from east to west: at a certain chapel a party stripped themselves at a given signal half naked, and prayed aloud, first advancing on their knees, then circling round the building, and then in some other posture: on sighting a chapel they crossed themselves and said their *pater noster*. Is it wonderful that such a people were easily imposed on or persuaded to undertake a desperate enterprise?

But that they cultivated their lands to some profit Martin's account amply proves. He tells us

that the Island of *Lewis* had been fruitful in corn until late years of scarcity and bad seasons. The crops were barley, oats, rye, flax, and hemp. The natives showed great industry in digging the ground with spades—a practice which he invariably associates with a large return. He even records that the abundance of corn encouraged them to "brew several sorts of liquor." For manure, sea-ware and soot were used. In one of the smaller north-western islands barley was plentiful enough to be given away to those who came to ask for it. In *North Uist* the soil was "very grateful to the husbandmen, yielding a produce of barley from ten to thirty-fold in a plentiful year, provided the ground be manur'd with sea ware." He testifies to the great natural fertility of *Skye*. Ground which had been fallow for seven years bore a good crop after digging. Soil which had not been manured for forty years yielded a large crop. The ordinary yield was from twenty to thirty-fold, and in one instance he mentions one hundred-fold. Regarding their implements of husbandry, in *Lewis* he saw harrows with two rows of teeth and rough heather in the third row. In *North Uist* the natives used the four-horse plough and the "ristle"—an instrument which went before the plough and severed the tough roots of bent with a sickle-shaped blade. These instruments were observed by Dr Walker

seventy years afterwards. In some places beef was salted in the skin and exported to Glasgow. In *South Uist* farms appear to have been set in shieling. Martin gives exactly the same description of the condition of the stock which is given by a writer on the farming of *Arran* at the commencement of the present century.* There was no green crops for winter food, and the cows were left out to graze all the year round. The result was that in the spring they were reduced to mere skeletons, and were unable to rise without assistance. From this condition they slowly recovered with the return of the grass.

It is remarkable that no evidence of the exclusive right of proprietors to salmon fishing is to be found in this account. It is possible that such rights existed, but Martin's allusion to the methods of taking the fish does not favour the supposition that they were rigidly enforced. Thus he describes the natives of *Barra* netting the salmon in a peculiar fashion. "The rivers on the east side afford salmons, some of which are speckled like those mentioned in North Uist; but they are more successful here in catching them. The natives go with three several herring nets, and lay them crossways in the river where the salmon are most numerous, and betwixt them and the sea. These salmon, at the sight or shadow

* Headrick's "Account of the Isle of Arran."

of the people, make towards the sea, and, feeling the net from the surface to the ground, jump over the first, then the second, but, being weakened, cannot get over the third net, and so are catched. They delight to leap above water and swim on the surface: one of the natives told me that he killed a salmon with a gun, as jumping above water." Nor is there much evidence of the existence of game-laws. In some places, as in *Arran* and *Jura*, the deer were preserved, and no one could kill them without a licence.* We learn from Martin that the "barbarous custom" of burning the corn to remove the husk was still in use. "A woman sitting down takes a handful of corn, holding it by the stalks in her left hand, and then sets fire to the ears, which are presently in a flame: she has a stick in her right hand, which she manages very dexterously, beating off the grain at the very instant when the husk is quite burnt; for if she miss of that she must use the kiln, but experience has taught them this art to perfection."

The introduction of the potato and its establishment as an article of diet is generally assigned to the middle of the eighteenth century. There is a well-known story of a chief being compelled to assert his authority in a summary manner on the refusal of his people to eat the foreign root which had been brought from Ireland. But if reliance

* In Arran it was forbidden to kill black game.

can be placed on Martin, the potato in his day was part of their ordinary diet. He says, "The diet generally us'd by the natives consists of fresh food, for they seldom taste any that is salted, except butter; the generality eat but little flesh, and only persons of distinction eat it every day and make three meals, for all the rest eat only two, and they eat more boil'd than roasted. Their ordinary diet is butter, cheese, milk, potatoes, colworts, *brochan*, *i.e.*, oatmeal and water boil'd; the latter taken with some bread is the constant food of several thousands of both sexes in this (Skye) and other isles during the winter and spring: yet they undergo many fatigues both by sea and land, and are very healthful."

In *Jura*, "the inhabitants for their diet make use of beef and mutton in the winter and spring; as also of fish, butter, cheese, and milk."

With respect to tenure, contracts between landlord and tenant were not unknown. "When the proprietor gives a farm to his tenant for one or more years it is customary to give the tenant a stick of wood, &c., and then both parties are as much obliged to perform their respective conditions as if they had signed a lease or any other deed." In one passage we have an allusion to the dread of arbitrary rent raising. "The natives (of *Bernera*) never go a fishing while Mackneil or his steward is in the Island, lest, seeing their plenty of fish,

perhaps they might take occasion to raise their rents." In the Island of *Arran* we are told, "if any of the inhabitants refuse to pay their rents at the usual term, the Coroner is bound to take him personally or to seize his goods. And if it should happen that the Coroner with his retinue of three men is not sufficient to put his office in execution, then he summons all the inhabitants to concur with him, and immediately they rendezvous to the place where he fixes his Coroner's staff."

On the other hand the friendly relations of landlord and tenant are illustrated in *Barra*, where, "if a tenant chance to lose his milk-cows by the severity of the season, or any other misfortune; in this case Mackneil of Barra supplies him with the like number that he lost." Again, "when any of these tenants are so far advanc'd in years that they are uncapable to till the ground, Mackneil takes such old men into his own family and maintains them all their life after." Equally characteristic of the time is the account of the customs observed with a view to preserve the population.

"When a tenant's wife in this or the adjacent islands dies, he then addresses himself to Mackneil of Barray, representing his loss, and at the same time desires that he would be pleas'd to recommend a wife to him, without which he cannot manage his affairs nor beget followers to Mackneil, *which would prove a publick loss to him.* Upon this

representation Mackneil finds out a suitable match for him; and the woman's name being told him, immediately he goes to her, carrying with him a bottle of strong waters for their entertainment at marriage, which is then consummated."

From Martin's let us pass to Pennant's account of the Western Isles. When the latter visited the the Hebrides ten years had not elapsed since the Peace of Paris, which brought the Seven Years' War to a conclusion. The war with America had not commenced. During this interval of peace many improvements in farming had been introduced in the Low country. These changes had a marked influence on the Highlands. It was not to be expected that the Highland proprietors should be witnesses of the improvements in the Lowlands and not attempt to introduce them into their own country. In the South they saw whole counties rapidly transformed from a state little if at all in advance of the Highlands to one immeasurably superior. The high farming in East Lothian was not commenced until late in the century. In 1750 the farm houses in Ayrshire were no better than those in the heart of Inverness. They are described as the "merest hovels," with a fire-place in the middle of the floor and a dunghill at the door. The cattle were starving and the people wretched.* Dr Robertson, in a report

* Chalmers's "Caledonia."

drawn up for the Board of Agriculture in 1795, thus refers to the condition of Perthshire, including both the Highland and the Lowland districts, in 1745:—"The husbandry of Perthshire was in a most wretched condition, even so late as fifty years ago. The whole land was occupied by runrig, not only in farms but frequently in estates." The same measures were adopted as in the South. "Upon the decline of the feudal system, the wealthier or more industrious tenant in many cases got the whole farm, with the burden of some small portions of arable land and grass deducted under the name of pendicles, to which the poorer tenants were obliged to resort. . . . Where the country is best improved every vestige of the feudal holdings is there abolished, and the tenants are wealthy and intelligent. In the Carse of Gowrie, in the lower parts of Strathearn, along the Tay from Perth to Dunkeld, and on the banks of the Isla, some of the farms contain more than 400 acres of Scotch measure, and a few amount to 500 acres."* Nor did Government, when the opportunity offered, set a different example to Highland proprietors. Amongst the forfeited estates of those who "were out" in the '45, was that of Robertson of Struan. In a letter to Dr Robertson from Colonel Robertson of Struan, we find the following record of the management during the period when the lands

* 500 and 600 English acres.

were annexed :—"Some farmers upon the estate of Struan, who got leases from Government for forty-one years, of which there are still many years to run, manage their farms with great propriety. *A great number of small tenants were removed to make place for those tacksmen.*"

At the time of Pennant's visit to the islands, viz., in 1772, a rise in rents was almost universal. Apart from the desire to improve and get the full value of their lands, the rise in the price of stock is sufficient to account for the increase demanded by the proprietors. The price of cattle had been more than doubled since the Rebellion. If the proprietors had contented themselves with a proportionate increase, and if they had devoted themselves gradually to introduce new modes of farming, it cannot be maintained that complaints would not have been heard ; but it is certain that such complaints would have found little sympathy.* It is vain to expect uniformity of action where selfish motives are in operation ; but there is always danger in such cases of the conduct of a minority being taken as characteristic of a class. The action of the few who look only to their own interests has a greater effect on public opinion than the generosity of the rest. The kindness, in its effects, is only known to a portion of the public ; the harshness which gives rise to discontent is

* Stewart's "Sketches."

easily made the subject of a popular cry. But there is good reason to believe that want of consideration for the people was the rule, and not the exception at the period we are dealing with. "The rebound from feudal despotism to insatiate speculation was almost instantaneous and destructive. Deprived of his state, of his patriarchal and feudal privileges, the Highland landholder seems to have resolved upon the part of a hard taskmaster as a satisfaction to his wounded pride for the immunities he had forfeited." * The fact that the Highland proprietors did nothing gradually, and that discontent was so widely prevalent in Pennant's time, is one of the strongest grounds for the presumption that the tenure of the occupiers, in the islands especially, had been far more precarious than is sometimes supposed. If the tenants had a quasi-proprietary right in the soil, we should expect to find improvements gradually introduced, and with full regard for the interests of the people. A commercial policy could not have been at once adopted. Old and kindly feelings could not have been quickly outraged: old customs could not have been suddenly ignored. That the change was in fact extremely rapid was largely owing to the fact that much regard for the feelings of the people had never been shown. Were the

* "Essay on the State of Society and Knowledge in the Highlands in 1745," by T. Anderson, W.S., 1827.

people too much accustomed to the exercise of arbitrary power to feel much surprise at an exertion of it that threatened their very existence? The first result of the new management was an emigration movement, which was, however, not looked on with indifference by the proprietors. Indeed at one time the movement of the population so much alarmed them that they used all their endeavours in Parliament and otherwise to arrest it. Reports were sedulously spread of the deceitful methods adopted to entice the Highlanders to the colonies. Emigration agents were represented as little better than slave traders. The system of contracting for the emigrant's labour, and the condition of the emigrant ships, probably gave colour to these allegations, and had some effect in checking what Dr Johnson termed the "epidemical fury." But here again the conduct of the proprietors appears to have been not uninfluenced by a regard for their own interests. A diminution of the population meant, in many places, an increase in the price of labour, and a corresponding decrease in the profits to be derived from the kelp trade. Neither were they willing all at once to lose the influence which a redundant population placed at their disposal, and see themselves deprived of the power of furnishing the British army with its best material, and their sons of the commissions which such services in times of

national need were able to purchase. We shall see, when the kelp trade declined, that this last inducement to keep the people gave way to the temptation which assailed them in the shape of offers from south-country graziers.

Almost everywhere Pennant touched in the Islands he found the produce of the land insufficient to support the population. His description of the distress in Skye leaves no room for doubt that the people were pressing dangerously on the means of subsistence. Contending against the effects of a tempestuous climate, the tacksmen had enough to do to maintain and educate their families; "so the poor are left to Providence's care. They prowl like other animals along the shore to pick up limpits and other shell fish, the casual repasts of hundreds during part of the year in these unhappy islands. Hundreds thus annually drag through the season a wretched life, and numbers, unknown, in all parts of the Western Highlands, fall beneath the pressure, some of hunger, more of the putrid fever, the epidemic of the coasts, originating from unwholesome food, the dire effects of necessity." * The people were too poor to make experiments in rural economy, and the failure of some who attempted them, gave them a "disinclination to go from the beaten track. . . . The quantity of corn raised in tolerable seasons in this island is

* Pennant's "Tour": description of Skye, vol. i. p. 353.

esteemed to be about 9000 bolls. The number of mouths to consume them, near 13,000; migrations and depression of spirit, the last a common cause of depopulation, having since the year 1750 reduced the number from 15,000 to between 12,000 and 13,000. . . . The poorer tenants who have no winter parks are under the necessity of keeping the cattle under the same roof with themselves during night; and often are obliged to keep them alive with the meal designed for their families."

Of *Mull*, Pennant says it did not yield corn enough for its inhabitants. *Rum* only raised one fourth of what was required. The deficiency was supplied by curds, milk, and fish. The people had "famine in their looks;" they were "often a whole summer in the islands without a grain, which they regret not on their own account, but for the sake of their poor babes." The people of *Canna* were in such want that numbers for a long time had neither bread nor meal. Fish and milk were their sole subsistence.* Pennant recommended that magazines of meal should be established by public bounty to guard against famine, for, he says, "the isles, I fear, annually experience a temporary famine." In *Colonsay* the increase in the price of cattle from twenty-five shillings a head in 1750 to three pounds a head in 1772, did not en-

* It is remarkable that here, as in the case of Rum, Pennant makes no mention of potatoes.

rich the people, "all the profit being exhausted in the purchase of bread." Not less pitiable was the condition of the people of *Islay*. "A set of people worn down with poverty: their habitations scenes of misery — the contents of the 'pot pendent over a grateless fire,' fare that may be called rather a permission to exist than a support of vigorous life — the inmates lean, withered, dusky, and smoke-dried." One thousand pounds' worth of meal was annually imported, and in the year of his visit a famine was only averted by the opportune arrival of a meal ship. In *Jura* enough bear and oats were raised to maintain the inhabitants in good seasons, but the principal food was potatoes, fish, and shell-fish. In *Arran*, Pennant observed "a deep dejection" in the people. "No time can be spared for amusement of any kind; the whole being given up to providing the means of paying their rent, of laying in their fuel, or getting a scanty pittance of meat and clothing."

The question arises, how far was all this wretchedness due to improvident and wasteful management on the part of the people? Nothing can be further from the truth than to ascribe it generally to excessive rents or other oppression. It is not too much to say that, had the rents remained at the old figure, there would still have been a very large amount of distress. Indeed, in some places this was actually proved to be the

case. The people of *Colonsay* were receiving more than double the old price for their cattle, of which they annually exported more than 200 head. They manufactured from 40 to 50 tons of kelp, for which they got £3 or £4 per ton. The laird never raised the rents. Yet Pennant says they were too poor either to cultivate the land properly or to fish the sea; and he points to the principal cause in the fact that *almost all the grain was used for distillation.* In *Arran* the extravagant number of horses consumed so much corn as often to occasion a scarcity. In *Islay* the cultivation of grain crops was impeded by the want of enclosures, which allowed the cattle to roam at large. Overstocking was a frequent cause of loss and failure. As in the time of Martin, corn was commonly graddan'd, though this wasteful practice was sometimes forbidden. In *Skye* almost all the corn land was worked with the caschrom. It took eight men to do in one day what could be done with a single plough.

But on this subject we shall do well to consult the work of a writer who was a contemporary of Pennant. Dr Walker's "Economical History of the Hebrides" is an invaluable contribution to the history of agriculture in this country. Charged with the duty of reporting to the Commissioners for the annexed estates, he took the opportunity of visiting, in the course of several years, almost every corner of the Western Islands. It is worthy

of note that while he had to record a state of things which appeared to many to demonstrate the necessity of emigration on a large scale, he was a strenuous opponent of such measures, and devoted himself zealously to the task of introducing those improvements which, in his judgment, might have rescued the people from extreme indigence, and obtained for them comparative prosperity.* The first complaint which he makes against the system he found in operation, relates to the division of the land. He divides the possessors of land into three classes—tacksmen, tenants, and sub-tenants. The first ranged from £20 to £55 a year; the second, from £5 to £20; the third, from 15 shillings to £2. The ordinary calculation was one sub-tenant for every £4 of rent, or one for every 50 shillings. Thus, on a farm rented at £30, with sixteen servants, the total number of persons would not fall short of seventy. He urged that this system should be abolished, and that every occupier should pay rent directly to the proprietor. "The progress of improvement, the advantage of the public, the revenue of the landlord, and the liberty and happiness of the people demand this. All the sub-tenants, who are the great body of the people in the Highlands, are tenants at will of the tacksman or farmer, and

* Dr Walker went so far as to assert that an increase of population was indispensable.

are therefore placed in a state of subjection that is not only unreasonable but unprofitable, both to themselves and their superiors. . . . The tacksman generally has one day in the week of the sub-tenant's labour the year round, which, with the spring and harvest work and other occasions, will amount to one-third of his whole annual labour. He can, therefore, have neither ability nor opportunity to attempt any improvement which many of these sub-tenants would undoubtedly do, were they but masters of their time and independent in their possessions." *

The farms were divided into penny, halfpenny, and farthing lands. To each division theoretically was assigned a souming or quantum of stock, but in practice little difference was observed. The penny land, for which £12 of rent might be demanded, bore often an equal amount of stock with the halfpenny land rented at £6, viz., four or five cows with their followers, and from six to eight almost useless horses.

Large farms were not uncommon. Dr Walker mentions a farm in Knoidart which contained 15,000 acres, rented at twopence an acre. On the Gordon estate in Lochaber there were farms of 40,000 acres.

In the North two-thirds of the rent was still paid in grain—a custom which arose principally

* "Economical History," vol. i. ch. i.

from the want of markets, and was not without "attendant hardships," such as the transport of the grain for many miles, and disputes about the quality of the grain. On every Highland farm, partly from the want of proper instruments of husbandry, an extravagant number of servants were kept. A plough took three men—one to hold it, another to drive four horses abreast, a third to follow with the spade, "to rectify the imperfections of the tilth." Where the restle was used, two more were required. Thus five men were employed to do work which, with a proper plough, might have been done by one. There were no day labourers, and the farm servants were often paid by giving them grass for three or four milk cows and some potato ground. Dr Walker urged that all the sub-tenants should be converted into day labourers, holding by lease from the landlord, and free of services, and able to devote their spare time to earning wages. If they were given small parcels of uncultivated land free of rent for a term of years, and afterwards bound to pay a stipulated and advancing rent, great additions would everywhere be made to the cultivated land, and every property be increased in value, not by the fluctuation of prices and markets, but by a solid and permanent improvement. He cited as successful examples of this class, the "mailers" who had been settled in East Ross, the crofters of Aber-

deenshire, and those who under improving leases had reclaimed the Kincardine Moss. As things were, the soil was miserably managed. It was divided into "infield" or "croft land" and "outfield." The former was cut up into three sections, each of which was manured once in three years. It generally produced thin crops of oats and bear. The outfield was almost entirely under oats. Except in spots where the cattle were folded in summer it never received manure. It had been immemorially in tillage, and the crops were of the poorest description, rarely giving a return of fivefold. It is described as "a scene of husbandry that is really deplorable, especially as it is carried on by a sensible, frugal, and laborious set of people." Dr Walker recommended a complete change, viz., that the whole of the infield should be thrown into grass and green crops, by which means it would be rendered fit at proper intervals for grain crops, and that the whole of the manure should be given to the outfield. To restore the fertility of the soil he advocated a seven years' shift, which need not be here detailed.

Nor was the condition of the cattle, from the sale of which the Highlanders paid their rents, less wretched. The animals wandered over the farms the whole year round. Turnips and hay were alike unknown. This state of matters is carefully described by Headrick in his account of the Island

of Arran early in the present century, up to which time no improvement had been effected. "As every one has an unlimited right of putting as many sheep or cattle upon the mountains as he pleases, every one endeavours to put as many there as his capital or credit may enable him to procure; and there are frequent examples of persons who pay only a few shillings of rent, having more numerous flocks upon the mountains than others who pay above £40. The consequence is what might be expected. The grass of these mountains is torn up even by the roots. You never see a cow or a sheep lie down to ruminate. They are perpetually active, and seem to hold a very unequal contest with starvation. The poor animals barely exist during summer. In winter many die, and the season is commonly far advanced before the survivors are able to travel in search of food." That there were some parts of the Highlands where such mismanagement did not prevail, it would be absurd to deny. In a former part of this work the condition of agriculture in the sixteenth century in the central Highlands is described. There is reason to think that the prosperity noted at that time was long afterwards maintained. When we come to consider the changes which were made when sheep farming spread from the Borders, reference will be made to the work of Colonel Stewart of Garth, in proof that such lamentable

mismanagement was not universal, and that examples and traditions of prosperity were not wanting to support those who asserted with Dr Walker that time and patience were only required to produce the best results without having recourse to tenants from the Lowlands.*

* Colonel Stewart of Garth states that "grain on all average seasons was so plentiful, even in the most populous glens, in which the people have been retained in their original possessions, that the greater part was unsaleable, nor was there a redundant population except where the people had been cramped in lots of an acre or more."

CHAPTER V.

BUCHANAN'S ACCOUNT OF THE WESTERN HEBRIDES, 1782.

WHEN Dr Walker wrote, sheep farming had not advanced beyond Dumbartonshire. Colonel Stewart deplored its extension over the whole country. Before we pass on to that time, one other description of some of the Western Islands should be noticed. We refer to the work of John Buchanan, a minister of the Church of Scotland, who resided on the islands of Lewis and Harris from 1782 to 1791. It would not be easy to find anything in the whole range of literature bearing on the social condition of the Scottish people, if we except perhaps Orkney and Shetland, to compare with this curious tract. It brings vividly before our eyes the evils of a system which Dr Walker laboured to amend. The accuracy of this writer has never been questioned; and yet he depicts on the one hand an exercise of arbitrary power, and on the other a depth of human suffering, degradation and misery which are almost incredible. But it would be an injustice to ascribe this condition

of things to the direct action of the proprietors. Buchanan expressly mentions several who were doing their best to improve it. Lord Macdonald, instead of dismissing the actual cultivators of the land, had taken them under his own immediate protection, and "settled them in dozens in the room of one overgrown landbroker or tacksman." Another proprietor laid "plans of rural economy before his tenants, and by his own example led them, as it were, by the hand, to execute them for their own benefit." The proprietor of Harris laid out money in piers and harbours, improved the houses, made roads, and endeavoured to introduce a woollen manufactory. Mackenzie of Seaforth made every tenant hold directly from himself. But though such examples were to be found, others lived at a distance, and permitted a class of middlemen to farm the rents. Many of these did not represent the old class of tacksmen, but were introduced into the country during the last half of the century, and succeeded to all the privileges of their predecessors without possessing any of their good qualities. The efforts of some of the best proprietors were rendered nugatory by combinations of this class. Macleod of Harris, "after a generous struggle for years to bring about a regular plan of improvement among them, found himself fighting against the stream, for the tacksmen counteracted his well-intended schemes, as they under-

stood that the more they co-operated with him the sooner their own weight in the scale would be lessened."

Buchanan divides the population into lairds, tacksmen, sub-tenants, and *scallags*. This last class is thus described—"The scallag, whether male or female, is a poor being, who for mere subsistence becomes a predial slave to another, whether a sub-tenant, a tacksman, or a laird. The scallag builds his own hut, with sods and boughs of trees; and if he is sent from one part of the country to another he moves off his sticks, and by means of these forms a new hut in another place. He is, however, in most places, encouraged by the possession of the walls of a hut, which he covers in the best way he can with his old sticks, stubble, and fern. Five days in the week he works for his master, the sixth is allowed to himself for the cultivation of some scrap of land, on the edge of some moss or moor, on which he raises a little kail, or coleworts, barley, and potatoes. These articles, boiled up together in one mash, and often without salt, are his only food, except in those seasons and days when he can catch some fish, which he is also obliged not unfrequently to eat without bread or salt. The only bread he tastes is a cake made of the flour of barley. He is allowed coarse shoes, with tartan hose, and a

coarse coat, with a blanket or two for clothing.* These people still wore the Highland garb—except when at work; the men a short coat of home-made tartan, a philibeg of breacan or fine Stirling plaid, and short hose. Their underclothing was made of coarse wool: their shoes, brogues made of cow or horse leather, sometimes of seal skin, tanned with the roots of tormentil. At ceremonies they put on "large forest coats."

The women wore the *guilechan*, or small plaid, fastened with a brooch, about the shoulders. The wives had linen mutches or caps fastened with ribbons. Their other garments were made of tartan. The dwellings—it would be a misnomer to call them houses—were commonly destitute of furniture. The walls were six feet thick, packed with moss or earth in the middle, and faced with rough stones.† On these were placed beams and spars bound together by heather ropes, to which in

* As to the condition of the people in the past this writer gives contradictory testimony: in one passage he says—"Formerly they were a free, animated, and bold people, commanding respect from their undaunted courage, and repelling injuries from whatever quarter they came, both by words and actions. . . . Formerly a Highlander would have drawn his dirk against even a laird if he had subjected him to the indignity of a blow." But in another passage he speaks of sub-tenants being treated "with all the freedom and caprice of a Scottish baron before the Jurisdiction Act," and in a third he says old residenters claimed "a kind of prescriptive right of oppression."

† The crofters' houses in Tyree are thus made, and give, with modern improvements, great warmth.

turn side rafters were fastened by rows of ropes placed close together. On this the thatch was laid and kept in place by ropes weighted with stones. Holes in the thatch served for windows. The fire-place was in the centre. Drift timber or large stones served for seats. The door, except at meals, was always open. Beds were unknown, each person rolling himself in a blanket and lying on the floor. The cattle, dogs, and poultry, "must have the common benefit of the fire, and particularly the young and tenderest are admitted next to it. This filthy stye is never cleaned but once a year, when they place the dung on the fields as manure for barley crops. Thus, from the necessity of laying litter below these cattle to keep them dry, the dung naturally increases in height almost mid-wall high, so that the men sit low about the fire, while the cattle look down from above upon the company. . . . No argument can prevail on them to turn out the dung on a dunghill daily, as they have got the idea impressed on their minds that the air carries off the strength if much exposed." They had two meals a day. The first consisted of potatoes and fish. One huge dish, or rather trough, three or four feet long by one and a half broad, served for the whole company. The second meal consisted of brochan or fish. Those who could afford it had boiled mutton with bread and potatoes. When at the shielings they fed on milk, butter,

cheese, and fish. Their whisky was made from oats. Smugglers supplied them with rum, brandy, and gin. Their fishing gear consisted of a pock-net bound round a hoop and fastened to a pole eight feet in length. This was sunk beneath the surface, while bits of chewed shell-fish were flung on the water. In this manner they caught a large number of "cuddies." Their corn was graddan'd and ground in *braahs* or querns made of a hard stone. They dried the barley in small kilns, cutting off the heads and laying them on the "ribs." When dried they were thrashed and winnowed. Their flails consisted of a hand staff and short thick "supple," either of wood or sea tangle, bound by a six-inch thong. This implement was used by the women. The barley crops were plucked by the root: the oats and hay were cut with a sickle. In ploughing they used the old Scotch plough, drawn by four feeble horses yoked abreast, and the restle or a simpler plough called the *cromman-gadd.* They had two kinds of spades, the *cas chrom* and *cas direach.* The latter was employed in cutting turf or trenching. The farm labourers were paid from ten to forty shillings a year. The women received five shillings a year. The out-door labours consisted in carrying sea-weed on creels slung over the back. "One must be a hard-hearted taskmaster that will not pity a poor woman with her petticoats tucked up to her knees and a heavy

load of dung or wet sea tangle on her back, mounting those rugged declivities and steep hills, to the distance of a complete mile from the sea before they lay the burdens on the ground. . . . Their being obliged to use the tangle where the sea casts it on the shore, and the grounds nearest the sea being exhausted, is the reason why they must mount very high up the faces of those horrid mountains where very little earth is to be found among the craggy rocks; and they are therefore obliged to collect earth into small spots by way of ridges. .Those little collections are called *seannags*, and the furrows between their ridges are generally six feet wide, while the strip of a ridge is often less in breadth, . . . this renders the whole back settlements of Harris almost impassable, as a man meets constantly with *seannags* and wide furrows to reap over. . . . Figure out to yourself one of those ridges covered over with thick sea ware, and a man cutting the sward of the furrow with a spade, and a woman up to the knees in that quagmire before him lifting up every turf he cuts and covering the ware with them all over the ridges."

Some were employed with sickles cutting the ware off the rocks for kelp, or collecting what was thrown up on the shore; others burnt it in the kilns made for the purpose. "This," says Buchanan, "is the hardest labour which the people have throughout the year, and at the time they are

worst fed; because their own potatoes or little grain are by this time mostly consumed. The oatmeal . . . is very sparingly dealt among the people, that, if possible, they may not eat more of it than the price given them for making each tun of kelp can afford: and thus, instead of paying part of their rents with their summer labour, they may sink deeper into their master's debt. . . . The nature of their work requires their attendance by night and by day, frequently in some of the remote little isles, where even the slender assistance of their poor families cannot reach them with periwinkles or any kind of shell fish. Such poor men as these can hardly afford to keep a milch cow: some of them have two ewes, bound together by a rope called *caiggean chaorich*, to give a little milk for the poor starved children at home; but of this luxury the father of the family cannot then partake; and they are frequently obliged to kill these milch ewes for their food when their families are at the point of starving." Others, again, were employed in cutting and preparing peats. For this operation five people were required. One cut, a second placed the peat on the brink of the ditch, a third spread it on the field, a forth pared and cleaned the moss, a fifth rested.

As to tenure, Buchanan says, though the tacksmen enjoyed their leases on liberal terms, their exactions were most severe on the sub-tenants.

The latter held from year to year, and "lest they should forget their dependent condition, they are every year, at a certain term, with the most regular formality, warned to quit their tenements, and go out of the bounds of the leasehold estate. The sub-tenant who failed became a scallag. Nor was it necessary, in order to supply the place of a scallag, to be at any expense, for the frequent failure of sub-tenants afforded but too many recruits to the wretched order. This wretched class were forbidden to change their masters, and no tacksman would take one who came without a character.

The barbarous insecurity of property is illustrated by the position of beggars, who were "much respected among the commonality." This arose from the fact that when a man became too frail to look after his sheep he was robbed of them by even his near relations.

Such was the state of the inhabitants of the Hebrides in the eighteenth century.

It remains to notice the changes which were rapidly introduced on the extension of sheep farming from the southern counties to the Western and Northern Highlands.

CHAPTER VI.

ORIGIN OF THE MODERN CROFTER.

In the seventeenth century the term "crofter" was unknown. In old tacks and leases of that period the word "croft" is of common occurrence. In the Breadalbane papers, for example, there is a "tack" which was given by Sir John Campbell of Glenurchy to his "weil belouit" servant John M'Conoquhy V'Gregour, in the year 1530. It purports "to haue set and for malis and service . . . the four markland of Kincrakin . . . with the *croft* of Polgreyich and the *croft* that Ewin M'Ewin was wount to haue," &c. In England the word is frequently used in Latin charters of the twelfth century. It is, in fact, an Anglo-Saxon word meaning "field," and survives in many local names both in England and Scotland. Dr Walker, as we have seen, refers to the division of farm land into infield or *croft land* and outfield. One of the earliest notices of a crofter class is to be found in Sir John Sinclair's "General View of the Central Highland." The passage is remarkable, as proving that at the end of the eighteenth

century the crofters were not only hardly recognised but were at the very bottom of the social scale in the rural economy of the Central Highlands. Sir John Sinclair says, "The sub-divisions or real holdings of the present tenant do not contain on a par more than 5 acres of infield, 4 acres of outfield, 2½ acres of meadow, 10 acres of pasture, 2½ of woody waste with 75 acres of muir: and of course the holdings of many of the smaller tenants are still more narrowly circumscribed: yet even these sub-divisions are diminished by a still lower order of occupiers (if such they may be deemed) under the name of acre men or crofters. This extraordinary class of cultivators appear to have been quartered upon the tenants after the farms were split down into their smallest size: the crofters being a species of sub-tenants on the farms to which they are respectively attached. Besides one or two 'cow holdings' and the pasturage of three or four sheep, they have a few acres of infield land (but no outfield or muir), which the tenant is obliged to cultivate, and they, in return, perform to him certain services, as the works of harvest and the cutting of peats: the tenants fetching home the crofters' share." Here, then, we have a description which, with the exception of what relates to the reciprocal services, would be applicable to the modern cottar where he is not an unlicensed squatter; and it is evident

that the crofter of the present time owes his conspicuous, and in many respects unfortunate, position to the fact that a numerous class of occupiers who cultivated what would now be considered fair-sized crofts, have entirely disappeared, as well as the tenants and tacksmen who were still higher in the scale. The sheep farmer represents none of these classes. The crofter remains as the solitary survivor, and may be said to be an example, sufficiently rare, of the survival of the *unfittest.* It is not surprising that he has had to struggle for existence against the forces which were strong enough to remove those above him, and on whom, to use Sir John Sinclair's term, he was "quartered." The only wonder is that in so many cases he should have survived the loss of his mainstay and support.

But it is impossible to give one general description which would apply equally well either to the origin or the condition of the crofter. There was another class of crofter, which was not part of the old system, but which represents the first vigorous attempt to remedy the abuses of the old system, and to put a stop to practices which were alike ruinous to the individual and to the community. The old system of rural economy in the Highlands could only continue so long as causes checking population were in existence. Of these causes, the first was war; the second, pestilence; the

third, famine. Every one of these causes ceased to operate in the eighteenth century. Peace, inoculation, and the introduction of the potato, which long flourished without showing a symptom of disease, combined to illustrate the doctrines of Malthus. The feudal system, by setting a premium on population, had given rise to a system of subdivision which it was not possible to continue. Sir John Sinclair thus describes the effects:—"The farms were divided and subdivided to make room for a greater number of soldiers, and were thus frittered down to the atoms in which they are now found, and the country burdened with a load of tenantry which has hitherto been considered as a bar, even under a change of circumstances, to the prosecution of any rational plan of management." The first and obvious reform was to give every tenant a holding in which he should have an individual interest, and on which he could support himself and family. The evil of the runrig system was, that it was a form of joint occupancy in which the individual interest was in continual danger of being jeopardised by the common interest, and *vice versâ.** Every township or *societas arandi* had its own rules and regulations binding on each

* "In case default was made by any worthless fellow, he was left to do as he liked, and the industrious, hardworking, sober man, who had already discharged his own rent, was called upon and obliged to pay a portion of that due by the idle profligate, who escaped."—*Loch's Improvements*, p. 50.

member. Besides being restricted in the method of cultivation, no man's interest in what he cultivated was sufficiently enduring to encourage him to improve. It was obvious that a salutary change must be effected by abolishing the system of joint tenancy with respect to arable land, and maintaining it in relation to the pasture, thus creating an incentive to individual exertion while keeping up the community of interest. The next reform, not less imperatively required, was to limit the amount of stock which each tenant was to be allowed to put on the common pasture. The third reform was to utilise the higher pastures by introducing sheep stock within certain limits. It was not disputed that so long as the hills were used for grazing only black cattle a great deal of this pasture was entirely lost. Either the cattle could not reach the higher grounds, or could not remain on them. For a time there was a prospect that such experiments would be given a fair trial. It must be acknowledged that they entailed an immense amount of trouble on the proprietor, and that failure was only too often to be expected from the improvidence of the people. No better example of the difficulties to be contended against is to be found than in the island of Tyree. There, as in many other parts of the Highlands, the growth of the crofter class had been accelerated by the desire, in some cases the

obligation, of providing holdings for those who had served in the militia or the line regiments. In 1776 the proprietor abolished runrig, and directed that tenants should hold of the proprietor, under improving leases, crofts of not less extent than "a four mail land." The right to these was settled by public roup. But in a very few years the general prosperity, which was largely due to the profits derived from the kelp trade, resulted in a great increase of population. The consequence was the subdivision of the crofts down to the "atoms" which Sir John Sinclair observed elsewhere. In 1802 there were in the island 319 tenants of crofts, which instead of being four mail lands capable of holding 16 cows with their followers and 80 sheep, were "so small that even under better management they were inadequate to support a family, whilst under the wretched husbandry which actually prevailed, they were still more incapable of doing so. Many of them barely fed two cows, and an extravagant number of horses reduced the grazing of these cows almost to the starvation point." Cottars who had not and could have no land of their own, "but who nevertheless kept cattle and horses for the collection and transport of sea weed . . . impoverished still more the common pasture." In 1803 other farms were subdivided among crofters. The same result followed. In 1822 there were consequently

to be found in this island "cases of individual wretchedness and misery that perhaps are not to be found in any part of Scotland."* But though the results of subdivision were so ruinous in Tyree, it is worthy of note that elsewhere the feeling of the community has sometimes been sufficient to prevent subdivision altogether. In Sir John M'Neill's Report of 1851, will be found a description of club farms in Loch Carron, held on lease and cultivated in runrig; and one of the causes of the prosperity of these farms is expressly stated to have been the feeling against the practice entertained by the co-tenants. If such a feeling could be fostered in club farms occupied by crofters, one of the greatest difficulties of Highland proprietors would disappear.

* "Crofts and Farms in the Hebrides," by the Duke of Argyll.

CHAPTER VII.

THE POLICY OF SHEEP-WALKS.

BUT whatever might have been the result of the general adoption of the system which began so inauspiciously in Tyree, economic causes and not less potent economic theories,* interfered to prevent the attempt. The sheep farmer offered a short way out of the difficulties which were besetting the landowners. It is sometimes forgotten what these difficulties were. One instance may be given. In Clanronald's estate in Uist in 1812 the sum of £3353 was spent by the proprietor in purchasing meal for the people, and from 1815 to 1818 upwards of £6000. In 1828 the number of persons thrown out of employment by

* In the Preface to Mr James Locke's "Account of the Improvements on the Stafford Estates" will be found an illustration of these theories or axioms. "The consideration of the more general questions as to the propriety of the policy of permitting or encouraging emigration and of converting small occupations into large farms, with the consequent effects of accumulating a large portion of the population of the country into villages and large towns, has in some degree been taken for granted in the following pages, as matters upon which the public mind seems to be in a great measure made up; at least as far as the practice of the whole nation can be supposed to be a proof of their acquiescence in the truth of these once strongly contested points."

the failure of the kelp trade was estimated at 50,000. It was not only that the sheep farmer offered a higher rent than the old occupiers. Acceptance of his offer in many cases put an end to the expenditure involved in the cost of management. It was as if gold mines had suddenly been discovered. A school of political economists looked on, if not with indifference, at least without alarm. Was there not a great increase in production and a dimunition of a class verging on pauperism? were the people not better off in the towns: were they not happier in America or in Canada? To hinder this movement was now considered the height of folly. Emigrant ships once more appeared on the western coasts and carried off their living freights, which were destined in the fulness of time to strengthen and extend the limits of the empire. Lord Selkirk urged not only the expediency but the absolute necessity of emigration conducted on a system and with State assistance. He laid it down as indisputable that the landowners had every right, legal and moral, to remove the people and to make the utmost profit out of their lands. Even Dr Robertson of Callander, while he denounced such conduct as unpatriotic, pleaded that those proprietors who preferred what he considered the public interest to their own should be indemnified by the State.*

* Report to Board of Agriculture in Perthshire.

Others warned the proprietors of the danger of the course they were adopting even for their own interests. Dr Walker declared that there would be no market for the enormous number of sheep in the country, little dreaming of the changes which railways and steamboats were about to make. But it was no want of foresight which led him to contend that the price of wool was precarious, and that "black cattle, the long established profitable production of the country should not be relinquished on precarious grounds." Stewart of Garth stoutly asserted that, "at a distance from market, with much ragged but improvable land, an active, abstemious population, and a comparatively barren soil, improvements which could not be executed by capital alone, unassisted by the manual labours of the occupiers, may be carried on to the mutual advantage both of landlord and tenant." Describing the conversion of some run-rig farms into separate tenements, he says—"The people were so numerous that about two arable acres, with a portion of pasture, were all that could be allotted to each person, but none were removed. The pastures remained in common as from their nature and extent they must always be . . . the horses, cattle, and sheep to be kept on the pastures were limited in proportion to the quantity and quality of the arable land occupied by each tenant." Later experience has proved that such

small allotments cannot maintain a family in comfort; but the unfortunate inclination to deprive the smaller occupiers of their common pasture in order to add to neighbouring sheep farms has largely contributed to the failure. On this subject Colonel Stewart wrote, "Others, by separating the high pasture lands from the low arable grounds and letting them apart, have lost the advantages which joint possessors of arable and pasture grounds afforded for counteracting the evils of precarious seasons, and the difficulty of disposing of produce when distant from market, and have lost the benefit to the arable ground of the winter manure of the cattle fed upon the pastures in summer. It frequently happens that when corn is at a low price, the produce of the pastures is high, and again when sheep wool and cattle are low there is sometimes a great demand for grain. Judicious distribution of these natural advantages of the country have long secured an equality to, if not in some cases a superiority over, situations more favoured in point of climate and soil."

Colonel Stewart wrote when the controversy occasioned by what are known as the "Sutherland clearances" was before the public. It was probably with reference to them he says—"Rents might have been gradually increased with the increasing value of produce, and improved modes of cultivation introduced, without subverting the character-

istic dispositions of a race of men who inherited from their ancestors an attachment seldom equalled, and still more seldom exceeded, either in fidelity or disinterestedness. . . . Tenants might have been induced to pay adequate rents for their lands without the necessity of depopulating whole districts; the farms, too, might have been gradually enlarged —the mode of husbandry altered, sheep stock introduced—the surplus population, if such there was, employed in clearing and improving the land fit for cultivation, or induced to change their residence from one district to another, or to transfer their industry from the land to the fisheries, without being driven at once from their usual means of subsistence, and from their native districts. . . . This mode of giving all the good and cultivated land to a few rich individuals, and of subdividing small portions of barren moor, or of inferior soil, among the previous occupiers, in a country without any permanent means of subsistence beyond the scanty and precarious produce of those unreclaimed patches, is a line of policy which could not fail to excite universal surprise did we not yearly witness so many theoretical schemes, and so little regard for the happiness of the people." Experience has done much to confirm these views, and the Sutherland clearances are generally condemned as the result of a scheme unhappily conceived and unfortunately executed. But it would be more

accurate to say that they were done from a mistaken view of what was for the happiness of the people rather than from a cynical indifference to their welfare. Again, the old system of occupation, it must be borne in mind, had not only led to great distress and misery in the people, but was in Sutherland, as elsewhere, producing a drain on the revenue of the estates which few proprietors could have borne. Nor was the result of the measures adopted a surplus instead of a deficit. It is certain that for many years the expenditure on these estates, long after the evictions, was greatly in excess of the rental. Whether the expenditure was a wise one or not is another question. The fact is a sufficient refutation of the charge that the changes were done with the selfish object of immediate gain to the proprietor. Whatever method of improvement might be adopted, an eventual increase in the revenue derived from the property was of course to be expected.

Pennant, in 1772, described the natives of Sutherland inhabiting the district between Loch Shin and Loch Broom in the following terms:— "This tract seems the residence of sloth; the people almost torpid with idleness, and most wretched; their hovels most miserable, made of poles wattled and covered with thin sods. There is not corn raised sufficient to supply half the wants of the inhabitants: climate conspires with

indolence to make matters worse; yet there is much improveable land here in a state of nature, but till famine pinches they will not bestir themselves: they are content with little at present, and are thoughtless of futurity. . . . Dispirited and driven to despair by bad management, crowds were now passing, emaciated with hunger, to the eastern coast, on the report of a ship being there laden with meal. Numbers of the miserables of this country were now migrating: they wandered in a state of desperation; too poor to pay, they madly sell themselves for their passage, preferring a temporary bondage in a strange land to starving for life in their native soil." *

Mr Loch, after detailing the evils of the runrig system, thus describes the people of Sutherland:— "Such being, until very lately (1820), the condition of the estate of Sutherland, the effect was to scatter thickly a hardy but not an industrious race of people up the glens and over the sides of the various mountains; who, taking advantage of every spot which could be cultivated, and which could with any chance of success be applied to raising a precarious crop of inferior oats, of which they baked their cakes; and of bear, from which they distilled their whisky; added but little to the industry, and contributed nothing to the wealth of the empire. Impatient of regular and constant

* Pennant's "Tour," vol. i. p. 366.

work, all the heavy labour was abandoned to the women, who were employed occasionally even in dragging the harrow to cover in the seed. To build their hut, or get in their peats for fuel, or to perform any other occasional labour of the kind, the men were ever ready to assist; but the great proportion of their time, when not in the pursuit of game or of illegal distillation, was spent in indolence and sloth. Their huts were of the most miserable description. They were built of turf dug from the most valuable portions of the mountain side. Their roof consisted of the same material, which was supported upon a rude wooden frame, constructed of crooked timber taken from the natural woods belonging to the proprietor, and of moss fir dug from the peat bogs. The situation they selected was uniformly on the edge of the cultivated land and of the mountain pastures. They were placed lengthways, and sloping with the declination of the hill. This position was chosen in order that all the filth might flow from the habitation without further exertion upon the part of the owner. Under the same roof, and entering at the same door, were kept all the domestic animals belonging to the establishment. The upper portion of the hut was appropriated to the use of the family. In the centre of this upper division was placed the fire. . . . The floor was the bare earth, except near the fireplace, where it was

rudely paved with rough stones. . . . Every hollow formed a receptacle for whatever fluid happened to fall near it, where it remained until absorbed by the earth. It was impossible that it should ever be swept, and when the accumulation of filth rendered the place uninhabitable, another hut was erected in the vicinity of the old one."

Repeated failures in the potato crop gave rise to a partial famine every third or fourth year, when "the starving population became necessarily dependent for their support on the bounty of their landlord." In winter cattle died, not by scores, but by hundreds. In the year 1807, "there died in the parish of Kildonan alone, 200 cows, 500 head of cattle, and more than 200 small horses."

Yet, in spite of all this misery—if it be admitted to be such—the people were devotedly attached to their homes. On this subject Loch remarks—"Like all mountaineers, accustomed to a life of irregular exertion with intervals of sloth, they were attached with a degree of enthusiasm only felt by the natives of a poor country to their own glen and mountain side, adhering in the strangest manner to the habits and homes of their fathers. They deemed no comfort worth the possessing which was to be purchased at the price of regular industry; no improvement worthy of adoption if it was to be obtained at the expense of sacrificing the customs or leaving the homes of their ancestors."

But what was to be done? Were the people to be allowed to remain in the condition here described, sinking deeper and deeper into poverty with the increase of their numbers, and forming an indefinite drain on the resources of the proprietor—a *proletariat* rooted to the soil? Was it possible to introduce improvements, and by new regulations of the estate convert them into a prosperous peasantry? It must be admitted that the prospect was not encouraging. It required the enthusiasm of men like Stewart of Garth to believe in the possibility of such an undertaking. Still it must be regretted that the experiment was not tried. Instead of it a resolution was arrived at, which may be best stated in Mr Loch's words.

"As there was every reason for concluding that the mountainous parts of the estate, and indeed of the county of Sutherland, were as much calculated for the maintenance of stock as they were unfit for the habitation of man, there could be no doubt as to the propriety of converting them into sheep-walks, *provided* the people could be at the same time settled in situations, where, by the exercise of their honest industry, they could obtain a decent livelihood and add to the general mass of national wealth, and where they should not be exposed to the recurrence of those privations which so frequently and so terribly affected them when situated among the mountains. . . . It had long been known that the

coast of Sutherland abounded with many different kinds of fish, not only sufficient for the consumption of the country, but affording also a supply *to any extent* for more distant markets, or for exportation when cured and salted. . . . It seemed as if it had been pointed out by Nature that the system for this remote district, in order that it might bear its suitable importance in contributing its share to the general stock of the country, was to convert the mountainous districts into sheep-walks, and to remove the inhabitants to the coast, or to the valleys near the sea."

In accordance with this decision the removal of the people was completed in the spring of 1820. Amongst those removed were more than 400 families, consisting of nearly 2000 individuals, who were mere squatters, and paid no rent either to the proprietor or the tacksmen. As an inducement to the others, all arrears were abandoned and no rent was exacted for the last year of their occupation of their old holdings. They were also given the price of the wood belonging to their houses, such price being fixed by "two sworn appraisers." The amount thus expended, together with the value of the arrears, was estimated at more than £15,000. It is noteworthy that, in connection with these arrangements, improving leases were adopted on terms which appear to have been favourable to the settlers. This was the settlement on Dornoch

Muirs, a portion of which was cut up into lots of various sizes. For each lot, 1s. of rent was demanded; tacks were given for seven years, "with a condition to continue the term for seven years more for the land which may be brought under cultivation." For each acre rendered arable, £3 was allowed. It is to be regretted that improving leases of this description were not more generally tried.

Those who carried out these removals had no doubt that they tended towards the general prosperity. The possibility of the people failing near the sea coast to secure the means of livelihood, never crossed their minds. In seasons of scarcity the people so situated had been comparatively thriving. The managers of the estate jumped to the conclusion that it was only necessary to place those who had lived in the interior alongside of them and all would be well. It is not proposed here to mark the precise degree in which these anticipations have been fulfilled or disappointed. It will suffice to quote one description from the pen of an eye-witness to prove that grave doubts of the success of the new arrangements were entertained before they had been long carried into effect.

"These* wretched people exhibit every symptom of the most abject poverty and the most helpless

* Letter to General Stewart, Stewart's Sketches, introduction and appendix. The district is not specified.

distress. Their miserable lots in the moors, notwithstanding their utmost labour and strictest economy, have not yielded them a sufficient crop for the support of their families for three months. The little money they were able to derive from the sale of their stock has therefore been expended in the purchase of necessaries, and is now wholly exhausted."

It remains to notice the work of a writer of some repute, who travelled in the Highlands before the clamour excited by these proceedings had subsided. It was the misfortune of Sir Walter Scott, in the decline of life, to be the recipient of a series of voluminous letters, which occupy the four closely-printed octavo volumes known to us as "M'Culloch's Tour in the Hebrides." It would not be inaccurate to describe these epistles as a fifth-rate encyclopædia. M'Culloch was a man of versatile talent and extensive information. He had a wide knowledge of history and literature: he was a proficient in the classical and modern languages. His claims to be considered an antiquarian were by no means despicable. To these accomplishments he added, in his own estimation, the reputation of a political economist, a mathematician, an astronomer, a geologist, a mineralogist, and a chemist. He determined to prove to Sir Walter Scott and the public the vast range of his faculties. Yet, absurdly ostentatious as the

work is, the want of judgment which prompted such parade would have been venial if it had gone no further than to fatigue his readers. But he was so deeply prejudiced, so violent and rash in his opinions of men and things, and so intemperate in his mode of expressing them, that for all the effect produced on his mind by what he saw and heard, every chapter might have been as well inspired in London as in the Highlands. Everywhere he discovered pegs on which he hung interminable disquisitions for the satisfaction of his intellectual vanity. Of all the topics in the Highlands which might have called for careful examination, that of the occupation of the land and the recent alterations of system was the first and most important. There was material enough to occupy one at least out of the four volumes. Yet he devotes only a single chapter to the subject, and warns his readers that they must ascribe any obscurity in his meaning to this unfortunate lack of space.

The following abstract and quotation from M'Culloch's argument may be taken as a fair example of the view adopted by the "economic" school of his day. "In the Highlands, black cattle cannot consume all the pasture. Sheep can: and sheep can only be cultivated in large flocks. Small capitalists cannot manage them. As it is necessary to have a proportion of winter food, the smaller

interspersed tracts must be taken from petty agriculture, when these are adapted to that purpose. These tracts were occupied by a race of starving and miserable tenants, who impeded the application of what they could not use, producing nothing themselves, and obstructing production." "*It had become imperative on the proprietors to eject them and place them near the shore.*"

"This reform was advantageous: it was favourable to the increase of population: the land was incapable of further division among the people, because everything arable was occupied: they were incapable of farming the pastoral farms: *by their removal to the sea-shore they have been introduced to fresh wealth. The rent of the maritime crofts is a tax upon labour. The farms themselves are so minute that the people could not subsist on them without fishing. They could pay no rent from a surplus produce, since their lands afford none. The rent is the rent of the fisheries. Just as in the neighbourhood of a city, the rents are high because they represent accommodation for labour, so are rents higher near the shore, where there are more demands than room for houses.*" "Fishing and competition are the two main causes of the occupation of such lands. The temperate habits of the people are another cause."

"Land was formerly cultivated in a manner which only such a population as then existed rendered

practicable. A large tenant could not cultivate it by capital and hired labour. If labour had a value, the produce of a crofter's holding could not offer an equivalent; but labour has no price in the Highlands. The small tenants are improvers by compulsion, and their capital is their own labour." "It is impossible to concentrate or accumulate the smaller capitals and their effects, and thus, while the improvements of the small tenements are great, even to folly, in a commercial view, the larger are neglected. Thus it is the worst looking land that maintains the greatest population. The resources of this land are, however, in the way to be exhausted: *what remains of eventual augmentation of wealth must be sought in the interior lands and the extensive tracts; but it is a distant and contingent one, otherwise than as the crofting system may still be continued to these.*".

It is unnecessary to quote further. The bearing of the passages printed in italics on existing disputes is too obvious to require comment. The question has arisen, Are our fisheries worth anything to the maritime crofters as a class? There is a general agreement that fishing and agriculture are incompatible. Attempts to combine the two have failed and are certain to fail. The weakness of the arguments urged by M'Culloch's school appears to consist (1) in adopting no middle course between sheep farming on the

monopoly system and the old joint tenancy; (2) in supposing that a pastoral and agricultural class could be suddenly converted into fishermen, and that the fisheries would furnish an unfailing source of supply; (3) in not foreseeing that sheep farms would leave no room for the expansion of the crofting system on a scale which would have given it a reasonable chance of success. The cry for "more land" is a natural, and, in some places, a necessary consequence of these mistakes.

FINIS.

Turnbull & Spears, Printers, Edinburgh.