

The Crofter.

A MONTHLY RECORD FOR THE PEOPLE.

"KNOWLEDGE IS POWER."

No. 2.

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JOHN MACKAY, C.E.,
HEREFORD.

FROM WHOM WE HAVE COME

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1822- 1906
Railway Contractor

Highland land law reformer

"Shoulder to shoulder"

(Summary version)

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"There could be no better plea for the preservation of a Highland peasantry than the existence of such families as one to which the subject of **this sketch belongs**" wrote the Rev. A. Gunn, joint editor of "Sutherland and Reay Country".

John Mackay, born in Acheileach Rogart 25 Oct 1822.

Railway construction as agent to T. Brassey 1841 -1870

Railway construction on his own account 1870-1906

Chief of Inverness and London Gaelic Societies, President of An Commun

Writings in Gaelic Society, Celtic Monthly, Celtic Magazine wrote Reay Fencibles and joint Editor of Sutherland and Reay Country

Highland land reform

It was the rankling memories of the burning out atrocities, as much as the oppression and tyranny of the factors, that brought on the agitation for redress of Crofters grievances, and long before it became fashionable to do so. John denounced the system which cleared the glens and pauperised the people.

Fear of factors

Rev J Murray wrote in Hereford papers about the petty tyranny of the factors-

" A factor deliberately set his dog to fight a poorer conditioned collie that lounged harmlessly in front of a crofter's door. Appearances proved deceptive, and the territorial magnate was chagrined to find his friends witnesses of a combat out of which his dog emerged with everything but flying colours. "You must kill that dog" said the factor to the crofter. "I would be very sorry" answered the latter "as it is a very useful animal." "That matters not, what I say must be done" was the reminder and the dog was shot."

Beginning of agitation

It was Highlanders and friends in the south that started to voice the needs of the crofter in press and platform.

President of Federation of Celtic Societies founded 1879

The Federation of Celtic Societies convened the first "Highland Parliament" meetin^g in Bath Street Assembly Rooms, Glasgow on 28 November, 1879 and John was it's President. The object of this association was intended to co-ordinate the action of the various Celtic societies calling for land reform.

Liverpool Society of Highlanders founded - first substantial agitation Liverpool Dec 1880 - John Chief of the Liverpool Society of Highlanders

The substantial agitation for the crofters, however, began with the great demonstration in Liverpool in December 1880 at which John along with Fraser Mackintosh, John Murdoch, Donald Macfarlane and Samuel Smith M.P. were the principal speakers. The Liverpool Post and the Mercury reported these proceedings.

In a letter to this Society in May, 1881, John predicted that - "There will be a fight, there must be a fight, before the Land Question is finally settled....." He concluded by saying "We want no rows, we want no clamour, if we can help it. We wish the Highland Chiefs of their own account to do the right. If they do not, we must force them."

Edinburgh Sutherland Association

In January 1882 he chaired a meeting of the Edinburgh Sutherland Association in which he said - "The terror frequently inspired by factors unmans him. The fear of eviction and rent raising represses him."

John President of Glasgow Sutherland Association

John was also president of the Glasgow Sutherland Association which did so much to actively promote and publicise the cause of reform and also organised, in March 1882, and presented to Parliament a petition of 45000 signatures requesting a Royal Commission.

Kirtomy crew drowned

On the 9 April 1882 a fishing boat from Kirtomy, Farr, which had been financed b^y John, sank with the loss of four young men leaving their families destitute. As unfortunate coincidence would have it the Marquis of Stafford wrote to John on the 6 April about supporting this very crew and the letter also mentions, for the first time in the Hereford papers, his support for a crofters Bill --

"I have determined to help the Kirtomy crew as they are so well recommended.

I am very much obliged in your offer of help. If only we can get this crofter Bill through, the loans for fishermen will be useful and we must find out the best crews. There are many crews I cannot help and any outside help, or help from friends will be ^gladly appreciated. This particular crew I can help and unless you hear to the contrary in a day or two you will know I have done it."

Helmsdale affair

In the same month there was notice of evictions on eleven families in Kildonan and the Glasgow Sutherland Societ^y came aggressively to their defence. The factors had tried to get the tenants to sign away their ri^ghts that no sheep should be kept by any of them on hill pasturage. Their parents had been evicted to this barren spot, said the Glasgow Association, and had turned it with persistent toil into a garden of fruitfulness. Yet the sons of these poor people were being denied of any improvements bequeathed to them by their fathers. The tenants at first refused to sign but agreed in the end to the factors terms because of the threat of eviction and the sheep were taken over at valuation. The Duke at this time had reduced the rent of large farmers but took land away from the crofters without a commensurate reduction in their rent.

John spent two weeks in Sutherland collecting much information on this affair and made a report on it which he addressed to the Glasgow Sutherland Association.

He also wrote to the Marquis in 2 September 1882 regarding it ---

"...The Helmsdale affair was an unfortunate business, settled in a way to irritate the people, and rouse them to a degree of disaffection, that I could scarcely have believed unless I had been amongst them last Ma^y. The people there blamed Mr Peacock for his partiality, his abruptness of action, his hardness of-demeanour in every particular matter of business and transaction, he and they had together, individually and collectively, no conciliation or attempt at conciliation. Law at once or submission right or wrong. Mr Peacock was blamed for all.

1882 Rogart eviction

In August 1882 Andrew Mackenzie, Rogart, obtained his mother's nine and a half acre croft and had built a new house and barn on it. Andrew was the youngest son, the eldest son being involved in some form of dispute with his mother was disinherited by her. The factor. Mr Peacock, saw an opportunity of raising the rent by not allowing this transfer and giving the lease instead to one of the sons of Sellar's shepherds who was said to have assisted the evictions and was looked upon with great aversion by the people of the district. On the day of his eviction women threw eggs at the Police and the men threatened with sticks. Later Andrew, along with John Campbell, broke the locks and took re-possession. The were both taken to court in Dornoch where the prosecution witnesses were all paid by the Duke, or were police, or had an interest in the property. Protests were made about "Dornoch law being proverbial" but they were nevertheless sent to jail for fourteen days after an appeal to the High Court of Justice which upheld the original sentence. Alexander lived near Muie where a few years latter land raids occurred.

Dismissal of factors and end of commissioner system

It was John's action and remonstrances, wrote his brother Donald, with the third Duke and the then Marquis on the subject of the high handed action of Peacock on the East coast and another factor in the West that not only led to their retirement at the earliest opportunity but that led also to the abolition of the commissionership and the landlord becoming his own commissioner.

Highland Land Law Reform Association (H.L.L.R.A.) founded Inverness 1882

In February 1882 the Highland Land Law Reform Association was, founded in Inverness and John was its Honorary President. One of the two Vice Presidents was Baillie Charles Mackay, Inverness, whose brother William (Craigmonie) was married to Margaret Mackay daughter of Hereford. Charles's mother was Christian Fraser who was a cousin of Fraser Mackintosh both being descended from the Frasers of Ruiskich, Glenurquhart.

H.L.L.R.A. London and Edinburgh 1883

John quickly realised the potential of H.L.L.R.A. calculating correctly that it would more readily and directly represent the interests of the crofters themselves than existing celtic societies who had, until that time, held the stage. He therefore suggested that Land Law Reform Associations be formed in Edinburgh and London, the latter being formed in February 1883 with D H Macfarlane its President and John. Blackie. Fraser Mackintosh Dr. R Macdonald and G B Clark amongst its Vice Presidents. John's brother Donald on writing about the objects of the leadership of this association had this to say - " Neither John, Blackie Fraser Mackintosh nor any other of the kind hearted heads of the H.L.L Reform Association ever contemplated anything more as a first measure than securing the people in what they held, and getting them effective protection from the oppression to which they had so long, been subjected by factors and landlords.

History of the Highland Clearances

This bulky volume, printed in January 1883, dedicated to John, had a large circulation and opened the eyes of many hitherto blind to what was going on.

Appointment of Royal Commission

Under pressure from the three M.P.s, the Metropolitan and parish associations with John's ceaseless work at their back, wrote the Rev A Mackay, the Government at last yielded to the extent of appointing a Royal Commission with Lord Napier as chairman to enquire into the conditions of the Highlands. John's brother Donald commenting on this said - " During these years of strenuous effort in the Crofter cause it was John in conjunction with the M.P.s named and the H.L.L.R. association in

London that worked the oracle."

Purves correspondence

On February 23 March, 1883 Thomas Purves of Rhifail the most gifted of the gentlemen farmers of the day championed the cause of landlordism in a memorable speech at the annual dinner of the Caithness Agricultural Society, and cast aspersions at the heads of the native populations. The Rev. A. Mackay commenting on this affair said - "The following issue of the "Ensign" brought three replies. One from John, one from Rev. James Cumming and the other from Rev. John Mackay of Altnaharra. Happy and fortunate were the people who had three such friends. Mr. Purves' powers of invective and sarcasm were of no mean order, but his sallies resembled the discharge of popguns compared with the "thunders from the native oaks." Under the crushing blows from the sledge hammers of the trio Highland landlordism as it existed up till then went down forever. Many minor writers including myself joined in the fray and the heather was in a blaze."

"Promulgator of anonymous slander"

This correspondence is too long for the scope of this text to detail but they are recommendable reading. Mr Purves immediately drew John into the fracas by provocably writing - "But really, so long as platform mountebanks. like Prof. Blackie and promulgators of anonymous slander like Mackay of Hereford, are patted on the back and encouraged by those who should know better, so long must discontent be engendered and prevail." He also wrote that had John not achieved his success "he would have still been plain John Mackay, 'navvy,' and not in a position to dominate and denounce Sutherlandshire from his eyrie in Hereford." He further went on to say "I also believe that they (the crofters) are contented, except in such places as Rogart and Helmsdale, where outside agitators have undue influence, and obtain. If not so, it is at least curious that it is only where they go that disturbances have taken place."

"Braggart, bully and sycophant"

John replying to these unsolicited and unwarranted personal attacks countered in kind by describing Purves as a braggart and a brutal coward saying also that he had a "weakness of intellect, want of proper education, and communion with animals more than communion with civilised society." Purves, pointed out John, had championed the big and small farmers case for a reduction in rent saying "the polatic Chief of Sutherland, by a timely remission of 50 per cent of his rent and something more, set him on his legs again, saved him from himself, saved him from posing as a cheap and pseudo patriot: enabled him to put a new coat on, which being turned, turned the wearer, not from being a blustering bully, but a more ignoble one - a sycophant"

Third Duke commenting on John and Blackie

The Third Duke in October 1883. in a clear reference to the Purves correspondence, made the following observation on John - "So long as Mr Mackay and his old companion (Blackie) keep talking about the land, they are comparatively harmless, to say the least. It is, besides, unwarrantable language to say there is no sympathy between big farmers and the crofters."

H.L.L.R.A branches formed in Highlands

Taking advantage of the knowledge he had by this time of every corner of the county through the aid of the correspondence John now got associations organized in every Sutherland parish.

Travels Sutherland preparing crofters evidence

It was largely owing to John's unwearied efforts in following the Commission parish to parish and to his influence with the people that such abundant and conclusive evidence was brought as convinced Lord Napier and the majority of the Commission that great wrongs had been done.

Royal Commission in Sutherland

At the time of the sitting of the Commission the excitement was intense, the people were roused, the factors were afraid. The people felt sure that John and Lord Napier would protect them from any consequences on their telling truth.

In July 1883 the Lord Napier Commission visited the west coast of the county and the Rev. A. Mackay described the scene in the Hereford papers one incident may be mentioned. "The factor accompanied by a few sheep farmers met the Commissioners on their way to the church and advised them to hold the meeting in the school. The object was to prevent the bulk of the people from hearing the evidence. When the Commissioners entered the school, and when the dodge became known we sent word to the Free Manse where John was put up. In a moment he was out without waiting for his "glengarry," and along with the Rev. John Mackay of Altnaharra, he proceeded to the school. A minute's conversation with Lord Napier was sufficient. The Commissioners accompanied the two Mackays to the church, and the crestfallen factor and his associates followed at a respectable distance. The first real Highland cheer I ever heard greeted the two Mackays on that occasion."

Evidence before Commission calling for extension of arable and pasture holdings, fair rents and compensation for improvements

John's evidence given before the Crofters' Commission in 1883 said Col. Gilbert Gunn, stood out as an excellent presentation of the case of those whose cause he advocated. It was a dignified and effective statement, and it was said that in the whole voluminous evidence placed before the Commission, a better reasoned or more convincing ex^position than John's was not to be found.

He appeared three times before the Commission. Firstly in Bettyhill, secondly ⁱⁿ Golspie and thirdly in Edinburgh

Threatened evictions denied by Marquis May 1884

On hearing that some factors were threatening to evict tenants for giving evidence he wrote to the Marquis who replied -

"I regret to hear from you that you should think it necessary to intercede for Crofters in Sutherland who you have heard by a rumour are in danger of eviction for having given evidence before the Crofter Commission. I can assure ^{you} the Duke is as little likely to evict any of the crofters on his estate for such a reason than you would yourself."

Crofters Commission's report April 1884

John's brother, Donald, made the following observation on the report which was more favourable than had been generally expected - "It was most fortunate that the few, but especially Fraser Mackintosh and John, kept the head and through their tact and management, and the sympathy and influence of Lord Napier secured by the Report of the Commission the honest aims which they had in view all along."

Marquis gives notice of crofters Bill

The Marquis was keen for John's support and to show that he was a genuine reformer he wrote the following letter to John on the 25 January 1885 -

"I will support Mr Macfarlane in moving for a suspension of evictions pending legislation on the Crofter question. I fancy one of their own people will second it.

I gave notice yesterday that I would as early as possible introduce a Crofter Bill."

Lairg Resolution - "no landlord or landlords relative or connection" could represent the county

The following summer and autumn were trying times in Sutherland. Some of the best friends of the people were maligned and boycotted. The good Mr Cumming lost many of his congregation, and others were subjected to various forms of intimidation."

1885 election - March-John calls crofters to reject half measures

Reluctantly gives his support to the Marquis in October

Giving the following reasons - That the Marquis was "more likely from his position and influence to give immediate effect to the

amelioration of their condition by conceding extension of holdings and hill pasture, such as had been done in Rogart, Armadale, and Tongue, and, moreover, would, as their representative in Parliament, have more influence with the Government, of whatever shade of politics it might be.'

Marquis thanks John

The Marquis immediately wrote to John on 16 October from Dun-robin thanking him for his support -

"I am glad you have declared yourself in my favour for the reason that you recognise that I am sincere in my wish to benefit the, people of Sutherland, and that I am (through no credit to myself, but by chance) in a position to do so.

I feel my position is a difficult one, my own class look upon me somewhat as a traitor, and the ^Peo^Ple will be impatient with me if I fail to do those things which they have been led to expect from me."

Slow progress intensify John's ill feeling

Wrote to Marquis on the 19 October saying --

"The reasonable claims of the crofter tenantry either i^gnored or left unattended to, intensify my ill feeling. A year ago little would have served to appease, even the most clamorous, if only the initiation of a change of policy had been arrived."

Marquis drafts Bill - Letter to John - will not satisfy all

"I begin to hope we may get the crofter bill through before we are all wrecked on the Irish question. Though the Bill will not satisfy many it will at least give fair rents and securit^y with where possible an increase of land. I also look to those clauses which will assist the sea fishing.

In many cases you are more powerful than I am. In fact my hands are tied in every direction. Still there are many requests one is obliged to say "no" to and which have to be classed as unreasonable. If I find I cannot assist the people without injury to others I shall stand aside. What we must endeavour to do is to reconcile conflicting interests, as far as possible. This I know you are with me in, but still patience is required."

Crofters Act 1886

The Crofters Act was passed in June 1886 after many amendments which were roundly condemned at the time. However it conferred on the crofter perpetuity of tenure, at a fair rent, and vested in him all im^Provements he or his predecessors in the Same family had made on the holding, and the right in certain conditions of bequeathing his holding. He could only be removed for non-payment of rent.

Marquis originator of Crofters Act

In January 1906 Donald, John's brother, published an interesting letter as to the originator of the Crofters Act, namely the Marquis of Stafford

"It is reported in the northern papers of a meeting at Culcabock. Inverness, on 13th inst., that Mr Dewar, the Liberal candidate, replied as follows to one of his hecklers, viz -

'The Crofters Act was passed in 1886, and Mr Gladstone was the man who passed it. Not only so, but Mr Gladstone drafted the measure, and it was Mr Gladstone who gave effect to the measure.'

Now, many things, now-a-days, are halves only of the truth, but this story has got less than that for a basis.

The Crofters Act was passed in 1886 before Home Rule broke up the Gladstone Government of the time. Sir George Trevelyan had charge of the measure in the Commons, and its passing there is due to him principally

Mr Gladstone did not draft the measure. It was drafted originally by the present Duke of Sutherland, after his election, towards the end of 1885 as a member of his own county, and the amendments made by Mr Balfour, the then Lord Advocate, after it was adopted by the Government of Mr Gladstone, did not tend to make it more liberal, but quite the contrary.

It may be quite pertinent to ask me how I know all this, and I answer now, because I was in the "know" at the time, I took a small part in helping in the return of the Marquis of Stafford as member for his county, and he did me the honour of asking my opinion on the printed draft of the Bill he had framed to give fixity of tenure, fair rents, and compensation for improvements to the crofters in all the Highland counties.

Then again, how do I know that the Bill, so seen and discussed, was the one taken over from the Marquis and adopted by the Government as its own measure -because, while in the early part of 1886 at Stafford House, the Marquis was discussing with me the clauses of his Bill, the then Lord Advocate came on the scene, and Lord Stafford excused himself to me by saying that Mr Balfour had, on behalf of the Government, come to discuss his Bill with a view to its adoption as their own measure.

It is a matter of Parliamentary record that the Marquis of Stafford got a place for his Bill, and afterwards, by arrangement, withdrew from it in favour of the Government. He was returned in 1885 as a supporter of Mr Gladstone.

Mr Gladstone's Government did not give effect to the Crofters Act. It was the Conservative Government that came into power in 1886 and lasted for the next six years, that gave effect to the Act through the Crofters Commission.

There have been so very many fictions and misstatements about the origination of the Bill that became the Crofters Act that it is just as well to put on record the facts of the case. It has in the past suited the Radicals to give the credit for the act to any or every one but to the liberal-minded nobleman to whom it is really due, and it would appear as if there is still much fiction or ignorance about it as there was formerly intentional, malevolent, misleading of the multitude by unscrupulous politicians and their political satellites."

**First Land Courts -rents in Highlands decreased by up to 75%
but Duke's estate increased by 19%**

The radical author of the "Old and the new Highlands and Islands" wrote the following revealing information - "Sutherland was not by any means the worst of the crofting counties. Indeed the crofters in that county had generally been treated with comparative fairness. Yet what happened there in the preliminary visit of the Land Court? The Commissioners went over six estates, and the average reduction of rent which they made on five of these estates was 12.5, 29.5, and 51 per cent. The sixth estate was that of the Duke of Sutherland, which had been known to be generously managed for years, and there the Commissioners had fixed the average increase of **19%**. This was owing to improvements made by the landlord, quite an exceptional thing on Highland estates."

President of the Clan Mackay Society-

Napier letter

In 1889 John sent Lord Napier a copy of *Memorabilia Domestica* by the Rev. D. Sage, which his son had edited and published.

Thirlestane Selkirk,
November 2nd, /89.

Dear Mr. Mackay.

I have had the pleasure of receiving your letter and the book. It always gratifies me to hear that the manner at which I discharged my duties as Chairman of the Crofters Commission gave satisfaction to the spectators of the scene and the poor people more deeply concerned, so I value your kind expressions. I never had any doubt either of the burning of the cottages or the violation of the promises, I only desired to have direct contemporary testimony of incidents which are liable to be disfigured by popular tradition. The burning of the dwellings was the natural, almost inevitable result of the cruel policy of eviction. The violation of promises to the families of recruits was to be expected in the Raey family, who had no conscience, and as it turned out no means of fulfilling their engagements. In the Sutherland family the faithlessness was more inexcusable, but their conscience seems to have been perverted by bad counsel and false theories of social management.

I have never yet quite understood or realised the real motives of the Duchess-Countess and her husband. I have always hoped that they were

misled by prevalent, tho' erroneous views of economical and national policy, that they really believed that they were doing permanent good by transitory suffering, that they were not actually heartless or moved by rapacity!

However this may be I have always thought that there would not be a true expiation of the guilt of the great eviction till some representative of the family led back a band of crofters to repeople in part, at least, the wilderness of Kildonan and Strathnaver. The present Duke who, despite all his vagaries, has at bottom a good heart, is now too far gone to do it, his son might still collect some of the grand children of the fugitive people, and lead them home, to found in new forms, the basis of a race of small resident cultivating tenantry. The picture of the evictions by an eyewitness, which I have just read, is most interesting and affecting. It is curious and characteristic that the Highland Minister speaks of the authors of the evil deed as the "Stafford family" as if he could not bear to render the Countess personally responsible.

The whole chapter regarding the Topography of Kildonan is most interesting. There are many particulars respecting the characters and occupations of the clergy, respecting the buildings, manners and customs, local traditions and industries of the country and people that are really invaluable and will become more so as years go by. I am now following Mr. Sage to the Universities of Aberdeen and Edinburgh. I am rather sorry that the whole M.S. without the least alteration or omission, has not been printed. It may be, however, that the work would have been too voluminous and expensive.

A similar Journal by a Shetland Minister was recently published by the Scottish Historical Society, but much less interesting.

I hope that you are well and prosperous and happy in all your family relations.

Believe me,
Very truly yours,
(signed) Napier & Ettrick

On examining the book I found that Lord Napier was indeed correct in his observation that the Rev. Sage referred to them as the "Stafford family."

Parish of Rogart's acknowledgement-snuff box and illuminated address 1887.

I would like to thank the following for their assistance - George Mackay, Maidstone, Kent who generously lent me the Hereford papers, Mrs Mackay, Coul and Mrs Joanne Sutherland Morness for kindly me conducting around Rogart, and Mr. A. Macnab, Crofters Commission, Inverness for documentary help.

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Mackay, Inverness 1989.