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The Countess died in January 1839. The Highland estates descended to her son (the 2nd Duke of Sutherland) and thus returned to the general administration of the property of the House of Sutherland. In 1839 the Duke relinquished all claim to the rent-arrears of the small tenants, and instituted construction works costing more than £4,500 in that year. By 1843 there appears to have been a substantial net income from Sutherland—which was the occasion for optimism, even high spirits, amongst the management.<sup>14</sup>

But, for the population at large, there was little improvement of prospects. In 1839 a recurrence of smallpox and the partial failure of the corn and potato crops as well as the fishing had produced acute distress in many areas. The Minister of Assynt reported that 'there are several families who know not in the morning, where, or how, they are to obtain the means necessary for continuing existence till the evening.' An agent thought that relief on the scale of 1837 would lessen individual exertion and produce 'a population of absolute paupers—none of whom would ever leave the country'. Another believed emigration to be the only solution since the landlord could not subsidize the people for ever.<sup>15</sup>

Inevitably, the conditions of 1839–40 quickened the migration of many Highlanders. Often the people were too poor to pay their passage, and there was again a general clamour for assistance. On average it cost 48s. to assist the migrant to America. But the idea of full-scale subsidization was resisted by the 2nd Duke, although he remitted all arrears of rent of prospective migrants, and directed that any coastal lot vacated by such be given to the adjoining lotter.

<sup>13</sup> SC, Loch to Gunn, 20-7-1836; MacIver, *op. cit.*, 67; Gaskell, *op. cit.*, 40-1.

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In 1841 he gave £200 to aid migrants, but with firm instructions: 'Ask no one to go, and allow none the full cost of their passage, but assist them who are desirous to go.' It was stated categorically that all manner of pressure was to be avoided. Acute distress returned in 1842 and the spirit of migration revived with 'double vigour'. On the west coast, for instance, twenty families arrived at the factor's house at Scourie demanding that the Duke pay their full passages. 'As scarcely one family had one shilling to spare for that purpose . . . I see nothing but misery staring them in their faces', reported the factor who provided some assistance.<sup>16</sup>

Anti-clearance violence again erupted in September 1841: at Durness on the north coast. A year earlier tenants at Culrain in Ross had set a renewed precedent for resistance to removal warrants. The Durness Riots were presaged by a petition from the people against their immediate landlord, James Anderson. In 1818 Anderson had taken a lease from Lord Reay of a large stretch of the northern coast of the parish of Durness. The lease did not expire until 1846. Anderson was involved in cod-fishing in which he employed a large number of sub-tenants—his lease allowed him to contravene Loch's most basic rules against sub-letting. In 1829 Anderson had boasted of the hard battle he had fought 'to keep my tenants from going to Caithness' and he had extended his operations into Assynt where, he remarked, the uncontrolled headstrong people were backward in everything except procreation. In 1839 the fishing was in decline and Anderson decided to quit—he determined to exploit sheep farming instead of fishing, a rational switch of capital in the prevailing economic circumstances. Great distress ensued for his sub-tenants. Anderson set about their clearance. The first stage involved thirty-two families, some of whom migrated, but most of whom dispersed into the Sutherland estate. Anderson planned a second ejection of thirty-one families in September 1841. He made no provision for their resettlement and the people turned to the Duke of Sutherland to intercede and give them 'shelter against the threatening and expected storm of tyranny'. Sutherland gave no answer.<sup>17</sup>

Anderson, apparently with full legal warrant, attempted to evict the people on forty-eight hours' notice. The Sheriff's party arrived

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at Durness only to be resisted by 'the menaces and threats of an angry mob', mainly of women—'a large body of officers were de-fenced, assaulted, threatened with instant death, and expelled at Midnight from the parish of Durness by a ferocious mob,' it was reported. Three attempts to serve the summonses failed and there were fears of a general rioting to mobilize support from the Assynt and Culrain people. It was not until military intervention was threatened that a compromise was negotiated, by which the people gained a further six months' notice. The Sutherland management was highly critical of Anderson's actions—the fundamental cause was said to have been 'that wretched system of subletting' which had been abolished in every case except Anderson's. Although the Duke had the power of resuming the lease, it was felt that Anderson would demand unreasonable compensation. Loch was particularly displeased, and refused to give Anderson the right to clear any land he held on annual tenancy. He sternly upbraided Anderson and told him he was under a strong obligation to see that the evicted tenants were secure in their future livelihood—and that they should have ample warning and should be fully compensated. In no way whatsoever did Loch condone Anderson's actions.<sup>18</sup>

Active resistance and public criticism acted as a brake on the operation of landlord policy in Sutherland. Gunn, the factor, remarked that 'the state of public opinion is such nowadays, that a Proprietor cannot exercise his just and legal rights without being exposed to all sorts of calumny and mis-statements.' In 1843 an attempt to remove one man, John Macleod, from Balchladich was greeted by threats to rouse 'the whole people of Assynt' against the Sutherland management, and the resistance was only subdued by the intervention of a large body of officers, the surrender of Macleod and the incarceration of a few prisoners.<sup>19</sup>

The Durness incidents coincided with a new wave of criticism of the Sutherland clearances. In a general way the agents had already detected a spirit of resistance to the authority of the management among the population; Patrick Sellar branded them as 'the most lying, psalm singing, unprincipled peasantry in the Queen's dominions'. The trouble was ascribed to the restricted level of estate expenditure

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But in 1841 there were wider criticisms. The ashes of the Sellar affair were raked up. Thomas Dudgeon returned from America and promised a most damaging exposé of the policies. Donald Macleod published a series of direct attacks on the Sutherland regime, which, said Gunn, were designed 'to instill the poison and spread its baleful effects among our virtuous and peaceable tenantry' by the means of abominable and slanderous falsehoods. Hugh Miller, referring to Sutherland, wrote that 'a singularly well conditioned and wholesome district of a country has been converted into one wide ulcer of wretchedness.'

Then, in 1843 *The Westminster Review* published the ideas of Sismondi concerning 'Celtic Tenures' in Sutherland. Sismondi, in 1837, had written a systematic denunciation of the Countess and the system of tenurial law which permitted the inhumanity of the clearances. His radical ideas, which Loch considered subversive, spread into the Scottish newspapers. Loch took precautions; he wrote to Gunn: 'From certain doctrines that have been lately promulgated, it becomes more than ever necessary that the Duke's ownership should be asserted upon every change of occupancy.' Criticisms of the Sutherland policies took on another dimension when the Duke became involved with the theological complexities of the Disruption of the Scottish Church. Apparently the Duke refused sites to the Free Church on his estate for theological reasons, and this inevitably led to allegations of cruelty.<sup>20</sup> One irate correspondent drew a parallel with the clearances and announced that,

<sup>20</sup> It seems that nine out of fifteen ministers in Sutherland defected to the Free Church at the time of the Disruption. H. Scott, *Fasts Ecclesiae Scoticae* (1928), VIII. Differences of religion added another edge to contemporary criticisms of the House of Sutherland. This is especially striking in Sage's *Memorabilia Domestica* (1889 ed., 53), where he gives an account of the admission of Mr Walter Ross as Minister at Clyne in 1777:

His admission was opposed by the parishioners who had set their affections upon Mr Graham . . . Known to be a godly man. The then Countess of Sutherland was an enemy of God's truth, and her practice was to appoint, to every parish in



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