

Dornoch, UHI/Dornoch Historical Society

18 March 2010

'Let them understand that they must submit to rule: the Crofters War on the Sutherland Estate'

Introduction

In 1883, a Royal Commission travelled around the Highlands, remitted to investigate the grievances of the crofters and cottars. This work had been prompted by the outbreak of violence on Skye in 1882, and growing calls for the reform of the land laws in the region and a curb of the power of the great estates. No estate was greater than that of Sutherland; at over one million acres in the north of Scotland and a further 30,000 acres in England, it was the largest landed estate in western Europe, the dukes of Sutherland standing among the richest patrician landowners in Britain, a nation not lacking in patrician landowners. Crofters, cottars and their representatives came forward to give evidence to the Royal (Napier) Commission, to discuss what they felt were the roots of the chronic poverty, even destitution of the people in the Highlands – no security of tenure, lack of land and high rents were all cited. But in Sutherland, other views were put forward – partly historical, partly contemporary grievance, the Sutherland crofters brought up firstly, the great clearances of 1807-1821 and secondly, what we might call examples of landlord oppression or factorial tyranny – and both of these were, in the minds of the Sutherland crofters at least, deeply related. That is, the troubled history of the estate was seen as feeding into contemporary estate management policy, techniques and personnel – as though the estate factors were the physical incarnation of the clearance policy and the landlord dominance it represented.

I want to explore these ideas in this paper – that is, the concepts of landlord oppression and factorial tyranny on the Sutherland estate. For much of the nineteenth century, the presence of the ducal family in Sutherland was sporadic, perhaps a few weeks per year, as they spent much of their time in London and on their English estates – so it is the role and position of the Sutherland factors that we must turn to when

examining the concept of estate tyranny over the small tenants. Interestingly, most crofters did not blame the duke of Sutherland for their difficulties or oppression, identifying the factors as their enemies. One witness in front of the Napier Commission claimed, quite accurately, that: ‘they [the crofters] impute all the woes and cruelty, and repression they talk about to the Duke’s officials. The Duke, in their opinion, can do no wrong.’¹ A cottar put the situation more bluntly: ‘the Duke of Sutherland is a good proprietor, but his officials are tyrannical.’² There were some exceptions to this ideal of good feeling between tenant and proprietor. Some pointed out that as the landowner, the Duke was ultimately responsible for both the well being of his tenantry and for the actions of his officials: ‘it is the Duke! the Duke! the Duke!’, shouted one witness, ‘there is no room for enterprise or any independent spirit.’³ Complaints about the Duke’s absenteeism were also made: ‘all that we are allowed is to gaze with admiration on the retreating wheels of his carriage when he is going away,’ said one clerical witness in Tongue.⁴ These were the exceptions to the rule, however; most crofters, at least up to the early 1880s, were loyal to the ducal family, and were completely attached to the basic principles of landlordism. That is, they were not opposed to the idea of a duke of Sutherland, per say, but they wanted better treatment from his estate management.

I want to look this evening at what this factorial tyranny or oppression consisted of, and why it became such a political and social hot potato in the 1880s. What becomes immediately evident from reading the evidence to the Napier Commission is the great historical storage of grievances against the Sutherland estate management – complaints large and small, made against named individuals, almost always the Sutherland factors. This takes me to my last point: how did the estate management deal with this vilification? It is clear that as part of their job they were never popular figures in Highland society, nor

¹ *Napier Commission Evidence*, 2512, John MacKay, Hereford, a candidate for the Sutherland county seat in 1894; T. M. Devine, *Clanship to Crofters War: The social transformation of the Scottish Highlands* (Manchester, 1993), 214.

² *Napier Commission Evidence*, 1645, Angus MacKay, crofters’ son; Richards and Clough, *Cromartie*, 290.

³ *Napier Commission Evidence*, 1601, Rev. Mr James Cumming; 1633; for a fuller elucidation of Rev Cumming’s views on the land question see NLS, Acc. 5931, Papers of Rev James Cumming, ‘Observations on our Land Laws,’ Mar. 1883.

⁴ *Napier Commission Evidence*, 1651, Rev. Mr Donald MacKenzie. Landlord absenteeism was a controversial issue across the Highlands and Ireland; Dunvegan Castle, MacLeod of MacLeod MSS, 1377, Sir Stafford Northcote to MacLeod, 22 Jun. 1882; Newby, *Ireland, Radicalism and the Scottish Highlands*, 89-90.

did they expect to be so – some of them thought that popularity among the crofters would mean not doing their jobs properly. But still, it must have taken its toll, both professionally and personally, and I want to explore this tonight as well. How did the increased political and social confidence of the Sutherland crofters affect the position of the factors? How successful were they in adjusting to new rules, new legislation, and the new direction taken by the upper management towards crofting policy and management?

Before we get into these issues, I should say a word about the nuts and bolts of the Sutherland estate management – it's structure, who was who. Due to the vast size of the Sutherland estate, it was divided into three managements, as they were called – the Dunrobin management was the largest, covering 6 parishes in the eastern portion of the county, and included the largest share of population. The Dunrobin factors were at this time based in Rhives farm, which, along with £600 salary, made up their salary. The Dunrobin factor was seen as the more prestigious post, as it covered the largest, richest section of the estate, and of course, came into the most contact with the ducal family when they were in the county. Joseph Peacock was the Dunrobin factor in the 1880s, the period we will mainly be concentrating on today – he was English, had a good head for numbers and able to deal effectively with both the crofting tenantry and the large number of sheep farming and shooting tenants in his management, who effectively propped up the estate rental. Secondly, there was the Tongue management, covering three parishes in the north and of course much more sparsely populated. The Tongue factor, in this period John Crawford, was based at Tongue House and was salaried at £400, plus sheep farm let, a reflection of his smaller responsibilities. Lastly, but by no means least, the Scourie or west coast management; the factor there, Evander McIver, was based in Scourie lodge, and was responsible for Assynt, Eddrachillis and Durness parishes, salaried at £400, with sheep farm. The Scourie management carried by far the greatest number of crofters and cottars, and laboured under intense poverty and congestion – it would be here that would see the greatest levels of agitation in the 1880s and present bitter problems for the management.

So, we have the three managements – Dunrobin, Tongue and Scourie. Each of the factors were helped by a ground officer, one per parish. But, there was also a layer of upper estate management that the factors were subject to: this consisted of, firstly the

dukes of Sutherland (in our period this evening, this was the 3rd Duke), and their commissioners. The role of the commissioner is an interesting one – he was more than a land or estate manager, but ran all of the ducal family’s business – estates, business and industrial investments and estate and familial expenditure; the strategic head of the Sutherland empire, in other words. James Loch was the first, and possibly most infamous, Sutherland commissioner, but in our period, it was General Sir Arnold Burrowes Kemball, a career army officer, born in India and seeing service in Afghanistan, Iraq and Turkey before taking the most prestigious post in land management in Britain at the time in 1879. Another outsider to the Highlands, to Sutherland, then, and he would have his work cut out for him once the Crofters War spread to the Sutherland estate, and in marshalling his factors to face the Brave New World of crofters rights from the 1880s.

Factorial Tyranny – a history in Sutherland

So – factorial tyranny and landlord oppression; what did crofters and cottars mean by this? Whatever the root cause, moral or historical, it was clear that the crofters regarded the commissioner, the factors and the ground officers as their opponents.⁵ One witness in front of the Napier Commission described the factors thus: ‘the agents of His Grace are his hands, his eyes, his ears and his feet, and in their dealings with people they are constantly like a wall of ice between his Grace and his Grace’s people.’⁶ Note the long standing, widespread and fundamental belief that if only the crofters could communicate directly with the duke, all would be well. It is the old myth of the ‘evil counsellors’ alive and well in Sutherland in the 1880s.

There were many alleged instances of tyranny of factors towards the Sutherland crofters and cottars, including those relating to clearance or eviction, the extension of sheep farm and shooting boundaries into crofting land, rack renting and they built an overall picture of an autocratic management gone mad in the north, away from the public gaze. A minister who gave evidence to the Commission focussed on these moral causes, explaining factorial tyranny in these terms: ‘Factors find themselves placed in remote

⁵ *Napier Commission Evidence*, 1645 Angus MacKay, crofter’s son.

⁶ *Napier Commission Evidence*, 1596, Rev. Mr James Cumming.

districts with enormous and almost absolute power over nearly every person there, and the more they exercise this power, the more the love of power increases, and impatience of all opposition increases; these men in these circumstances would be more than human if they did not sometimes commit excesses in the exercise of this power, and do things which it would be painful to bring to light, and which they can hardly see in their true colour unless set before the eyes of the public.’⁷ There was some truth to claim of the role – or lack of role – of public opinion and knowledge in the conduct of affairs of all Highland estates. But, if anything, the Sutherland estate was the exception to this particular view; after all, the prominence of the Sutherland clearances in the early nineteenth century had led to sustained and public criticism of the estate and family for decades by the 1880s, only to be revived and intensified by the Crofters War from 1882. The Sutherland estate, more than any other Highland estate, was resentfully aware that its actions habitually came under more public scrutiny than any other. The impact this had on estate policy has been examined elsewhere – what we are interested in this evening is what impact it had on the factors and their personal behaviour.

The Sutherland factors always denied that ‘tyranny’ or ‘oppression’ of crofters happened, and they were not being deliberately disingenuous in this denial; they sincerely believed that their actions were fair. How could this total disengagement between the two sides occur? The crofters and cottars on one hand feeling that they were treated unfairly, unjustly and even cruelly, often needlessly, ‘just because’; and the factors believing that they were acting in the best interests of their employer and the tenantry together – that the two sets of interests were one and the same. On the face of it we have a puzzling but complete lack of self-knowledge on the part of the factors and, dare I say it, the crofters – or was it about expectations, and how these changed, on both sides, from 1882? I want to look at this now.

⁷ *Napier Commission Evidence*, 1716, Rev. Mr N. N. MacKay; this would happen to McIver in 1886; Hunter, *Crofting Community*, 121; A. W. MacColl, *Land, Faith and the Crofting Community: Christianity and social criticism in the Highlands of Scotland, 1843-1893* (Edinburgh, 2006), 113.

What had changed from c.1880?

Clearly, factorial tyranny had become a key issue in the Crofters War; the crofters, cottars and their champions wanted accountability and transparency in the actions of estate managements. No more personal fiefdoms, no more lack of avenues of redress for wrongs done – but crofters’ rights, regulated by an impartial outsider: the British government. Estate managements were not seen as capable of exercising an even hand – and in one sense, why would they? Estates were run in and for the interests of their owners, and crofters, the entire crofting system, was in the wake of the Highland famine of the 1840s, seen as against landowning interests – a recipe for poverty, destitution, a burden on the Poor rates. On the Sutherland estate, the rental roll was dominated by large tenants – sheep farmers, shooting lets – who were never in arrear; only 16% of the total estate rental was contributed by the mass of crofting tenants, and in the 1880s, roughly 50% of this was in arrear. The position was clear to the factors, then; but less so to the crofters who felt that their poverty had been created by estate policy in the first place and that estate managements (or the government) would have to take responsibility for that. The widespread belief that it had been the clearances that had created Highland poverty became an orthodoxy in the 1880s, and rhetoric about ‘reversing the clearances’ and re-populating the glens became standard fare, and indeed, has coloured the land reform movement ever since, for better or worse. The factors would, of course, disagree, but by the 1880s, changes were occurring which ignored their preferences. One of the most important of these was the extension of the franchise in 1883-4, a move which gave many Highland crofters the vote for the first time. This affected the national political picture for Sutherland – in 1886, Angus Sutherland, son of a Sutherland crofter, was elected to parliament, ending the reign of Lord Stafford, the future 4th duke, who had sat since 1874. It also had a local impact, as the factors, used to taking seats on the local School and Poor Boards as an automatic privilege, found themselves challenged, as McIver reported: ‘There was a very striking proof of the efforts of agitation among the crofters. There was never any interest taken by the electors in Assynt in the constitution of the Parochial Board since 1845, when the Poor Law was introduced. There are four elected members and on Wednesday a crowd of men and women appeared and for the first time there was

voting for various people all connected with the Established Church to be thrown out and four members of the Free Church were appointed. In a like manner since 1872 there has been no contest for election of members of the School Board. There are now eleven candidates for seven seats and I was told a strenuous effort is to be made to have no one connected with the Established Church on the School Board.’⁸

The work of urban Highlanders and campaigners, as well as the example of active agitation in other parts of the Highlands, such as Skye and Lewis, also had a part to play in changing the expectations of the Sutherland crofters, but most interestingly, it was the legacy of the clearances that galvanised a sense of grievance – a sense that was specifically directed at the Sutherland estate management. It was a still-raw grievance, that could be easily tapped into an exploited, and no where more effectively than in Sutherland, where the rigour of both the ideological justification of the clearances and their actual physical extent were unmatched elsewhere across the region. Additionally, no other landowning family was as sensitive to public criticism over the clearance policy than the Sutherlands; this was not a feeling shared by their factors on the whole, but one they had nevertheless to deal with.

One example will suffice here. The crofters were not the only ones who had to live with the clearances; in much of the evidence given to the Napier Commission, the name of Patrick Sellar was raised.⁹ To the crofters he was a historic enemy, and they habitually blamed him, not the ducal family, for the crueller aspects of the clearances.¹⁰ Interestingly, he was often called a ‘factor’ by the crofting community, although he never was – he was an agent and then tenant of the estate, creating the massively controversial link between agent and beneficiary of clearance, but never a factor. Despite Sellar’s terrible reputation, two men tried to defend his name in the 1880s; his sons Thomas and Patrick.¹¹ Thomas went before the Commission in Edinburgh to give a verbal defence

⁸ NLS, Acc. 10225, Policy Papers, 215, McIver to Kemball, 24 Apr. 1885; MacColl, *Land, Faith and the Crofting Community*, 108, 113.

⁹ E. Richards, *Patrick Sellar and the Highland Clearances: Homicide, Eviction and the Price of Progress* (Edinburgh, 1999), 365-7; MacPhail, ‘The Napier Commission,’ 455.

¹⁰ *Napier Commission Evidence*, 1618, Angus MacKay.

¹¹ They had taken similar action in the 1850s when their father’s reputation had been attacked in the press; Richards, *Patrick Sellar*, 349, 362.

and published a book on the same subject.¹² Patrick had taken over the tenancy of his fathers' farms in Sutherland after his death and he asked the estate for help in forming this defence.¹³ Sellar believed that his family and the estate should work together, as their aims were both the same; curbing the crofters' agitation or, as he put it, 'cleaning up some communistic ideas.'¹⁴ But Peacock, the Dunrobin factor, refused to help.¹⁵ He thought that the issue should be laid to rest, firstly because he believed it to be in the irrelevant past and secondly, because continuing debate on the clearances shone an unfavourable light on the family name and estate. He wrote: 'You are aware that I have no personal knowledge of the operations you refer to in 1812 and 1819 ... The fact cannot be questioned that the tenants were removed from certain districts to make way for the introduction of Sheep Farming, by order of the proprietor. Do you think it can be of any great importance to lay before the Royal Commission the date of each particular transaction and the names of the respective sheep farmers put in possession of the land? ... to attempt to do more, will, I respectfully submit, only invite further discussion about matters in detail.'¹⁶ Peacock took a practical view of the clearances, neither denying them nor discussing them. This was the general position of all the estate management on the clearances in the 1880s.¹⁷

The expectations of the crofting community towards the factors were radically changing in the 1880s, therefore; but the next question we need to ask is: had the factors realised this?

The reaction of the Sutherland factors

We can look at how the Sutherland factors dealt with this avalanche of criticism by examining their appearances before the Napier Commission, in particular, by comparing two factors, Evander McIver for Scourie, and John Crawford for Tongue.

¹² *Napier Commission Evidence*, 3177, Thomas Sellar; T. Sellar, *The Sutherland Evictions of 1814* (London, 1883); Richards, *Patrick Sellar*, 366.

¹³ NLS, Acc. 10225, Factor's Correspondence, 787, Sellar to Peacock, 2 Oct. 1883; Richards, *Patrick Sellar*, 247.

¹⁴ NLS, Acc. 10225, Factor's Correspondence, 787, Sellar to Peacock, 1 Oct. 1883.

¹⁵ Sellar, *Sutherland Evictions*, preface.

¹⁶ NLS, Acc. 10225, Factor's Correspondence, 353, Peacock to Sellar, 1 Oct. 1883.

¹⁷ This was in direct contrast with the more emotional approach of Angus Sutherland, who was asked by Lord Napier to tone down his evidence; Newby, *Ireland, Radicalism and the Scottish Highlands*, 90.

The first factor to meet the Commission was Evander McIver, seventy-three year old veteran of the famine and the clearances of the 1840s and 1850s, given the bitter sobriquet ‘the King of Scourie’. Authoritarian by temper, he put his faith in crofter discipline, believing crofting itself to be a burden on the proprietor, as his evidence shows. He started by listing estate expenditure lavished on feckless crofters, pointing out that the crofters regularly broke estate rules by subdividing their crofts, failed to improve their position by taking the step of separating crofting from fishing and suggested that half of the population of the Scourie management emigrate to ensure the prosperity of the remainder.¹⁸ He also claimed that dissatisfaction on the part of poor people was inevitable: ‘under every proprietor and factor, let them be kind and good and liberal as they may, there will be some dissatisfied spirits.’¹⁹ He also argued that the large sheep farmers were of more benefit to the proprietor than crofters because: ‘it is always desirable for the landlord and the county that the tenantry should be thriving and prosperous. There is nothing more trying than a poor tenantry to the proprietor.’²⁰

McIver was later recalled before the Commission to answer more specific charges made against him in later evidence concerning severity towards widows, a classic example of factorial tyranny.²¹ There is a sense of resignation in his second batch of evidence, ‘they [the crofters] have so many misunderstandings I am not at all surprised at it; they have so many misunderstandings as to what is done by the landlord’s agent.’²² McIver refused to be drawn on the question of the clearances; he eventually conceded that they were not intentionally cruel, but tried to avoid the question altogether, ‘that is going back to a time before you or I was born, and it is a subject on which I have no knowledge whatever.’²³ Overall, McIver’s evidence presented an interesting paradox displayed by many of the landlord lobby at this time: he criticised the principles of crofting as an economic system and felt that prosperity was impossible in any area

¹⁸ McIver, in an echo of the Malthusian ideas popular in the 1840s and like many Highland factors, believed that a reduction of population would improve welfare levels: McIver, *Memoirs of a Highland Gentleman*, 213.

¹⁹ *Napier Commission Evidence*, 1707, McIver.

²⁰ *Napier Commission Evidence*, 1710, McIver; McIver means a financial burden, but strongly implies an emotional one too.

²¹ See Chapter Six for allegations concerning Clashmore; the author could find no evidence to corroborate the other claims of ‘factorial tyranny.’

²² *Napier Commission Evidence*, 1763, McIver.

²³ *Napier Commission Evidence*, 1708, McIver.

dominated by it. But, on the other hand, he, along with his colleagues, was completely opposed to any measure of land reform, whether government or estate-led.

The Tongue factor, John Crawford's evidence and his performance was quite different in tone and style to that given by his colleagues; indeed, he was nearly dismissed for his behaviour. Crawford was aggressive, sarcastic, dismissive, and made some disrespectful comments about a local Free Church minister.²⁴ There was a reckless lack of caution in his evidence, making accusations of official arrogance and tyranny easily believable. Crawford retired in 1885 under a cloud of displeasure generated by this performance; Kemball made it clear to him that the Duke would have dismissed him instantly, but for his own intervention.²⁵ Crawford, and his style of management, was no longer tenable; his style was arbitrary and his judgement questionable. He was let off with an honourable retirement, however, as mark of respect for the decades of service he had provided.

Conclusion

Clearly, then, from the examples I've given you, the factorial responses to accusations of tyranny and the demands made to change their ways, were either confused or downright hostile. In 1883, only a year after the outbreak of the Crofters War, it was really too soon to expect any major sea-change in the way factors saw their responsibilities, especially on the Sutherland estate, where the incumbent factors had been in post for a minimum of 23 years, and in McIver's case, for 38 years. The Sutherland factors had much in common with their contemporaries on other Highland estates. They differed with the ducal family and commissioners on many points of principle over the crofters: they were unhappy about agitation and rent arrears, for instance, believing the crofters should be pressed to pay up to maintain discipline.²⁶ The same can be said about the factors' response to the loss of their traditional political powers through the Poor and School Boards: their failure to retain these seats in the 1880s or get onto the new County Council after 1889 led them

²⁴ *Napier Commission Evidence*, 2556, Crawford. It is worth noting that by 1883, Crawford was almost completely deaf and may have found the tense public setting of the Commission very strenuous and difficult. I am indebted to Mr Geoffrey Baggott for this information.

²⁵ NLS, Acc. 10225, Policy Papers, 145, Kemball to Crawford, 5 Jan. 1885; he was replaced by John Box in mid-1885.

²⁶ *Napier Commission Evidence*, Evander McIver, 1707.

to make doom-laden statements about the future of landed estates. All of these issues point to something much more fundamental, however: an inability on the part of the older generation of estate staff to adapt to their new position in relation to the crofters. Accustomed to, and believing it to be absolutely necessary to have, complete dominance over the crofters to maintain order or discipline, older factors were repelled by the new-found confidence of the crofters after 1882. There was little they could do to retain their status and moved from being local 'kings' in the mid-nineteenth century to land managers by the turn of the twentieth.

The Sutherland estate management, far from being a smooth running, united machine, was in fact an often tortured, over-elaborate structure, ill equipped to deal with the challenges of the period. The sheer number of people it took to run the estate resulted in many competing and often opposing priorities, periodically bringing the management to a standstill. Like all Highland estates, the Sutherland estate management had to learn, reluctantly, how to adapt to the new world of crofters' rights after 1882, as well as the government bodies that administered them. As I have hopefully shown, the effort required to make this adjustment was often too much for the Sutherland factors and Crawford, McIver and even Peacock ended their careers disappointed men. When McIver looked back on the 1880s when writing his memoirs, this is what he had to say: 'The crofters on the Sutherland estates had been treated with kindness ... and for thirty years after I became factor, they were easily managed in the Scourie agency. They had confidence in my sense of fairness and justice as their factor, and rents were paid, as a rule, with regularity; in short, it was satisfactory as compared with most Highland estates with crofter tenants. But once the excitement and agitation sprung up, the Sutherland crofters became dissatisfied. The subject of the removals from Strathnaver in times long gone by was revived and rehearsed in exaggerated colours and open rebellion broke out ... Time will open the eyes of the crofters to the fact that their ideas and expectations as to the benefits and advantages they were to obtain, and which had been so grossly and extravagantly exaggerated by agitating land leaguers, are not to be realised.'²⁷

²⁷ McIver, *Memoirs*, 82.

McIver, along with his colleagues, never changed his views about the Sutherland crofters: after fifty years of complete domination over them, he could not accept their new political confidence and legislative rights, perhaps going some way to explain the belief in and later rejection of factorial tyranny in Sutherland.