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Eighteenth Century Highland Landlords and the Poverty Problem

DURING the latter part of the eighteenth century the inhabitants of many parts of the Highlands and Hebrides were living permanently in a state that bordered upon destitution. They were badly housed, they were poorly fed, and they had a continual struggle to pay their rents.¹

This state of poverty was not universal; in some areas and on some estates the tenants presented an appearance of comparative prosperity. Where it did exist it had certain limits, for its existence did not prevent a large increase in the population of the Highlands, and that increase was greatest where the poverty was most marked; apparently the food supply was not so short as to affect the birth rate. But, after making these reservations, the fact remains that in the districts in question the general standard of living was below what was regarded, even in the eighteenth century, as a decent level for subsistence. Highland farmers often enjoyed fewer of the comforts of life than the ordinary day labourers in the Lowlands, and the latter were not a class that could be accused of riotous living.

What was the cause of the low Highland standard?

No doubt, it was partly due to custom. There is no evidence that the standard of living amongst the Highland peasantry had ever been anything but low. Ministers of long residence in the

¹ See the *Old Statistical Account* and the *General Views of Agriculture* for the Highland Counties, 1794-18.

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Highlands, even when critical of the conditions that prevailed about 1795, made no attempt to represent the past as a golden age. When they made definite comparisons as a result of their own experience, these were almost invariably in favour of the present.¹ They appear to have had no illusions about the old order.

The second factor in the situation was the rapid increase of population. The figures given in the *Old Statistical Account*² are significant, and the increase continued to be equally remarkable for the twenty years following 1795. It is unnecessary to enlarge upon the subject since it has been already dealt with fully in a former article upon emigration.³ The increase was undoubted, and the only question that arose was how could the districts affected absorb these additions to their population? With their geographical conditions, and with their want of manufacturing towns, it seemed likely, that if things were simply left to take their natural course, the standard of living, low in 1755, would be still lower in 1795.

The conditions of the eighteenth century Highland poverty problem presented themselves thus.

Given a low standard of living to start with, given a rapid increase of population, given an area with no automatic method of providing employment for its increase, how was the standard of living to be raised, how, indeed, was it to be kept from falling? Obviously no merely negative policy on the part of the landowners would solve the problem. The proprietor who clung fondly to the methods of an allegedly paternal past did not avoid the distressing sight of poverty at his own gates. Highland unemployment and Highland distress could not be wiped out merely by rekindling the ashes of a dying feudalism. A positive policy was wanted.

As stated, the problem appears to have been mainly one of creating employment. That was true so far, and would have

¹ O.S.A. Fortingal (Perthshire), Lochgoilhead (Argyll), etc.

² Typical Parishes.	Pop. 1755	Pop. c. 1795
Applecross (Ross)	835	1734
Glenshiel (Ross)	509	721
Edderachylis (Sutherland)	869	1024
Rogart (Sutherland)	1761	2000
Abernyte (Perth)	258	345
Kilcamonnell	1925	2448
Kilberry (Argyll)		
Hebridean parishes	49,485	75,466

³ *Scottish Historical Review*, vol. xvii. p. 73.

been still truer but for the psychology of the Highlander. The latter had strong prejudices against certain kinds of work, notably day-labouring, and would often prefer to live in a state of semi-starvation rather than accept such employment in his own parish, though he was quite willing to do so in the Lowlands; very much as a middle class Englishman before 1914 would often do in Canada what he would have scorned to have been seen doing in England. This particular form of Highland pride was in process of decline, but it was still strong enough about 1800 to complicate the problem of finding work for all the Highland inhabitants in their own area.

For the moment, we propose to leave this consideration out of account. We are mainly concerned here with the steps which the landlords took, or might have taken, to raise the standard of living, and amongst the latter we do not include the working of psychological miracles upon their tenantry.

On the much discussed question of bettering Highland conditions, contemporary opinion was divided into several different groups. According to one of these groups, the only adequate policy was a lavish expenditure on public works, and the encouragement of local manufactures. The manufactures were to occupy the bulk of the inhabitants, and the owners would then be left free to run their estates upon the best Lowland models, no longer hampered, as they had been in the past by the necessity of using uneconomic methods for the sake of providing work for the surplus population. This was the view put forward by many persons intimately acquainted with Highland conditions, such as Sir John Sinclair, James Anderson the agricultural writer, and others. Sinclair, indeed, thought that nothing else offered any real hope for the future, not even the development of the fisheries upon which Knox built great expectations. The essential thing to keep in mind about the group is, that however the individuals in it differed in their details, they were all agreed that the solution of the Highland problem could only be found in the creation of employments other than agrarian, and *not* in changes in farming methods or estate management, though they thought that such changes were desirable. We do not propose in this article to enter into the detailed projects of this group, since these do not directly affect the landowners. It is true that many proprietors did take an extremely active part in promoting fisheries and manufactures, but such activities are not part of the business of the landlord as

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such, and he could hardly be blamed for not trying them, or for trying them and doing them badly. On the other hand the management of his estate was the landlord's business, and most eighteenth century writers took it for granted that he was under a social obligation to do it in a satisfactory way.

The method of coping with the situation advocated by the second group came within the sphere of the landowners, and appealed very strongly to those with a bent for agrarian improvements. Its essential feature was the consolidation of the existing small Highland farms into units of a more profitable size. In many cases the consolidation was accompanied by the introduction of sheep, but in others it was done to make easy the carrying through of general farming improvements.

There is not space here to enter fully into the prolonged controversy over the relative merits of small and large farms. At this particular stage, there were ranged on the side of the large farms most of the experienced improvers of the Lowlands; most of the writers of agricultural reports, Highland as well as Lowland; and a very large number of writers in the *Old Statistical Account*. It is safe to say, that the general consensus of opinion was, that the Highland farms had been so subdivided that it was impossible for the farmers to hope to live on them with any decent comfort.

Notice that this is not intended to apply to land in process of being reclaimed from the waste, when a small unit was often regarded as an advantage, but to the ordinary Highland grazing farm which, for geographical reasons, seemed likely to remain the normal type, whether the stock kept was sheep or black cattle. The writer who made the most elaborate defence of the small Highland farm was Brown.¹ He gave figures to show that a small tenant farmer might live comfortably, and yet, in many cases pay a higher rent per acre than the big farmer. But Brown partly destroyed his own case when he explained how this was to be done. The small farmer was to have some subsidiary means of support in the shape of fishing or kelp making, and it was from his profit from them that he was to pay his high rent. This could hardly be regarded as a satisfactory defence of the small farm, for it not only implied a most unfair relationship between owner and tenant, but it could only apply

¹ *Strictures and Remarks on the Earl of Selkirk's Observations on the Present State of the Highlands of Scotland.* Sheriff-Substitute Brown of Inverness-shire. 1806.

to the very limited areas which had the natural facilities for fisheries or kelp works.

We need not go further into this controversy at the moment. It is sufficient to say, that there was a fair amount of evidence to justify a number of landlords in coming to the conclusion, that they could only improve their estates and raise the level of their tenantry by following the Lowland practice of uniting farms.

Where the policy was adopted it certainly did raise the standard of living. Not only did the tenant of the good sized sheep or cattle farm live prosperously, but his servants enjoyed a degree of comfort far beyond what they had done as small independent holders.¹ Garnett² who disliked the development of sheep farming intensely, admitted that the shepherds were much better off than the very small cattle farmers had ever been. The ministers of Kilmalie, Fortingal, and other parishes give evidence of the same sort from direct observation.

But the policy, while so far successful, had one obvious drawback: its immediate effect was to diminish, not increase, the available amount of work. True, this difficulty could sometimes be got over in districts where some subsidiary occupation existed or could be developed, or where there was waste land to be brought into cultivation, but these conditions were not always present. If the policy was to be universally applied throughout the Highlands and Hebrides, it must inevitably lead to a rise in the general standard of living, but also to a considerable amount of emigration, or migration. Most of its advocates were willing to admit this, but argued like the Earl of Selkirk, that the transfer of part of a population was better than allowing the whole population to continue in a state of semi-destitution.

This argument was in its own way unanswerable. At the same time a policy which got rid of unemployment by the simple method of getting rid of the unemployed obviously left something to be desired. It was in the nature of a last resort.

Such was the feeling of many proprietors. Some of them had voluntarily abstained from introducing sheep farming because they feared the effects would be disastrous to the small tenants, and they had been disheartened by finding that the sacrifice of their own profits left the tenantry in the same stage of wretched poverty as before. A policy of consolidating farms would not help such landlords, for if they could not provide for

¹ *General View of the Agriculture of Perthshire.* Robertson. 1799.

² *Observations on a Tour through the Highlands.* Garnett. 1800.

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tenants to be displaced by sheep, neither could they provide alternative occupations for those displaced by the enlargement of cattle or other farms. What was wanted was a policy which would be within the scope of the landlords and which would raise the general level of life, without causing any serious removal of the inhabitants.

It was the opinion of several contemporary writers, that such a policy could be found without much difficulty, if only the owners would take sufficient trouble. Some of these writers insisted that the greed and indifference of the landlords were the chief, if not the only, causes of the deplorable condition of the tenants; others, like Macdonald,¹ paid a high tribute to the kindness of the proprietors, but thought that their outlook was too limited; all were agreed, that whether the cause was to be found in the greed or the negligence, the conservatism or the stupidity of the owner, the average Highland estate was not well managed, and that it was quite possible by changes to raise the general standard of living, and at the same time to supply enough work for all those inhabitants who were at present practically unemployed.

What we propose to consider now is :

(a) What were these proposed changes from which so much was hoped ?

(b) How far was it possible for the owners to adopt them ?

(c) To what extent did their complete adoption meet all the requirements of the situation ?

If we collect the various suggestions made by different contemporaries on the subject of estate management, the following is a summary of the programme mapped out for the proprietor :

1. He should try, by residence, to make himself thoroughly acquainted with the needs and circumstances of his own estate.

2. He should take measures to provide his tenants with houses suitable for human habitation.

3. He should refrain from rack renting.

4. He should give his tenants proper security of tenure.

5. He should take measures to introduce as far as possible all the improved farming methods that had been found to work well in the Lowlands, *e.g.*

the division of runrigged lands into independent holdings,
the abolition of out-field and in-field,

¹ *General View of the Agriculture of the Hebrides.* Macdonald. 1811.

the creation of proper fences, drains and enclosures,
the insistence on proper attention to breeding,
the introduction of green crops,
the introduction of better implements, etc.

6. He should also proceed to reclaim whatever waste land on his estate was capable of it.

Before discussing these suggestions in detail, it is essential to recall one of the characteristic features of old Highland estate management. It must not be forgotten that the Highland proprietor was not always in direct relations with all the persons holding farms on his estate. Where estates were still being run on the old system, there remained the normal division of farmers into tacksmen and subtenants. With the subtenants, who would form the major part of the tenantry on such an estate, the landlord had practically no direct contact.

It is true, that as the century advanced the middlemen were gradually being eliminated, but the process was very far from complete by the end of the eighteenth century. As late as 1808, 40,000 persons in the Hebrides,—practically half the population,—still held their farms as subtenants, and in Sutherland the indirect tenure was still the normal. The tacksmen, it will be remembered, held leases, often of great length, and they could only be got rid of when their leases expired, or in special cases, when sums, borrowed by the proprietor from the wadsetter tacksmen on the security of a farm, were repaid. Resumption of his direct control over all his tenants might therefore at any particular time be either legally or practically impossible for a Highland owner. The importance of this fact will become apparent later.

Absenteeism. The first and most immediate improvement which the landlord could make was to reside and take an interest in his estate. According to Macdonald, three-fifths of the Hebridean proprietors were non-resident, and the proportion on the mainland was probably similar. The drawbacks to this absentee habit were obvious.

The presence of the owners was urgently needed to give a lead to improvements of all sorts, a point which we shall touch upon again. In their failure to do this, the absentee landlord was not the only offender; not infrequently the tacksman also was an absentee and rent lifter,¹ and the unfortunate subtenant was left without guidance of any kind.

¹ *Forfeited Estate Papers* (Lovat Papers). Scottish Historical Society.

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Residence of the proprietors would also have prevented their making serious mistakes from pure ignorance, when they came to fix terms of rent and leases.

More important still, it would probably have prevented a considerable amount of oppression by the factors, examples of which were given by many authorities. Pennant mentioned a bad case in Cannay on Clanronald's estates; Knox gave one in Harris; Sir George Mackenzie stated that most of Ross-shire was managed by factors who often made more profits than the owners, and deliberately multiplied the number of small tenants for the sake of the gain from their services. Sir John Sinclair, writing of Sutherland in 1795, indicated what were probably the main abuses when he suggested that all large estates should be split up amongst several factors to avoid giving one man too much power, or too much work to do properly, and that no factor should be allowed to accept services or presents from the tenants.

The presence of the landowner was particularly necessary where the farmer had small holdings and no leases, since that type of farmer was peculiarly at the factor's mercy. It was equally necessary on estates where the farming methods remained of a very backward type, and were not likely to be altered except by the personal encouragement and example of the landlord.

At the same time it is possible to lay too much stress on the value of constant residence. The owner of great and widely scattered estates could not be always in residence on them all, but it was not these great estates which were worst managed. Macdonald, though a very severe critic of the absentee, admitted that 'the best managed estates are of considerable size, some of them indeed the very largest of all.' The Argyll estates might be taken as a fair example of this.

What was wanted was a landowning class, that kept in close touch with what happened on its estates, but was not so isolated as to lose touch completely with the general current of ideas on the subject of improvements.

Housing. The condition of housing in the Highlands was due partly to the fact that it was the traditional, and even at the end of the eighteenth century still the normal, practice for tenants to build their own houses. The part of the landlord was generally limited to supplying a certain amount of timber and other materials. Houses so built did not last long enough to give rise to any questions of compensation when a tenant left.

In some areas they were built of earth, and every five or seven years were destroyed and added to the dunghill.¹

The housing of the smaller Highland tenants was frankly deplorable. We quote the following passage from Macdonald which referred particularly to the Hebrides, but which was equally applicable to conditions on the mainland, wherever the problem had not been specially tackled by improving owners: 'Three fourths of the forty-thousand cottagers of these Isles live in hovels which would disgrace any Indian tribe; and many of them are found on islands of the first rank in point of population and extent. At least seven thousand of the natives of Lewis (for instance) know nothing of a chimney, gable, glass-window, house flooring, or even hearth-stone by their own experience at home.'²

By the end of the eighteenth century the districts which had made most advance in housing, were those where the system of big farms and day labourers or cottagers had replaced the old system of small tenant farmers. This is not surprising. No serious improvement could be made in housing until the landlords took over the responsibility of building. If the landlord, however, put up solid structures, it would involve considerable expense, and he would expect to get back the interest on his outlay in the form of increased rents. But the small tenants could not, as things were, pay any such increase, and it is certain that given a choice they would have preferred to continue in their hovels rather than accept such an alternative.

In spite of these difficulties some landlords had faced the problem with very fair success. On the Argyll and Breadalbane estates something had been done before the end of the century, and in the Hebrides, Campbell of Shawfield and the smaller proprietors in Gigha and Colonsay had set a comparatively decent standard. In justice to the proprietors, it is only fair to mention that the expense of putting up solid buildings in the Highlands, particularly in the Hebrides, was considerably greater than in the Lowlands. Materials had often to be brought from a great distance, the difficulties of transport were enormous, and skilled artisan labour was often not to be had. Macdonald calculated, that in the Hebrides, a house that could be erected for £100 in the Lowlands, would cost £150, and that it would only last fifteen years instead of twenty, under the

¹ O.S.A. Kiltearn, Ross-shire.

² *General View of the Agriculture of the Hebrides*, Macdonald, 1811.

greater stress of the weather conditions. Housing was certainly not a simple problem in the Highlands, but judging from the examples of the better estates, it was not insoluble, and many landlords might have done a great deal more to solve it than they did. At the same time the housing question must be considered in relation to the main Highland problem. There was nothing to be gained by putting up substantial houses on an estate, if the inhabitants could find no means of making a living there.

Rents. How far was the poverty of the Highlanders due to exorbitant rents? Some writers thought it was the main cause, but the more constructive critics were not amongst them. Still we must note in passing, that the minister of Kilcalmonnell and Kilberry felt so strongly on the subject that he proposed that there should be a statute passed regulating them.

Rents had certainly risen in the Highlands, though in very different proportions in different areas. In 1795 they had risen in North Uist by 33 per cent., and in Glenorchy parish by 200 to 300 per cent. Rents moreover continued to rise; Macdonald reckoned in 1811 that rents in the Hebrides had been multiplied by five since the process started, while from other sources it would appear that the rentals of the Forfeited Estates had been multiplied by six before 1806.

In connection with these facts certain things have to be remembered.

During the same period the rise of rents in the Lowlands averaged about 300 per cent., and the rise was accompanied not only by great advances in agriculture, but also by a general improvement in the standards of life.

Secondly, the rise of Highland rents was occasionally due to quite abnormal circumstances such as the suitability of a particular farm for kelp manufacture. A kelp farm in the Hebrides would sometimes yield five times as great a return for the capital expended, as the corresponding arable farm.

Thirdly, it must be remembered that where the middleman system was still in vogue, the increase in rents was not necessarily due to the proprietor, nor did he necessarily reap any share in the proceeds. Macdonald admitted that there were many tacksmen farmers in the Hebrides holding huge farms of several thousand acres at almost nominal rents; yet the subtenants of these did not apparently enjoy similar privileges. Sheriff Substitute Brown mentioned a case in Harris, where the pro-

prietor, after removing the tacksmen, was able to raise the rent he got personally from £895 to £3500, and the old subtenants were better off than they had been before.

Fourthly, the districts where the rents had risen comparatively little, were not those which showed the greatest signs of prosperity. Marshall¹ gave as his verdict, that as the small tenants farmed in the Central Highlands, they would still be wretchedly poor even if they paid no rents whatever, and his view is corroborated by several of the *Old Statistical Account* writers

High rents did not necessarily produce poverty in the Highlands any more than low rents necessarily produced prosperity. Most of the misconceptions surrounding the subject arose from not distinguishing clearly between the people who were asked to pay the rents. It might be said that there were three varieties of 'high rents' in the Highlands.

There were rents so high that they could hardly be paid under any system of farm management known at the time. Such rents might be the result of pure greed on the part of the owner or tacksmen; they might be due to a foolish miscalculation of the value of the land; they might be due to an idea, not uncommon at the time, that the value of the land could best be fixed by putting it up to open auction, a method which in the existing state of land famine could hardly fail to force up rents to an impossible pitch. But rackrenting of this sort was not common. Macdonald stated that it was most unusual in the Hebrides, and that bidding for farms whether by public auction or private bargain was very rare. Occasional cases of the sort could hardly account therefore for all the poverty of the Hebrides.

There were high rents which could not possibly be paid by the small cattle farmer, but which could be paid without any difficulty by the big sheep farmer. The minister of the parish of Glenorchy where rents had tripled spoke in glowing terms of the increased comfort enjoyed by people of all classes.

There were high rents, which could be paid by the tenants of well managed cattle or arable farms, but which could certainly not be paid, while the latter remained in their aboriginal condition. The tenants on the improved estates of Islay paid as high rents as any in the Hebrides, yet they presented an appearance in every way superior to lower rented farmers on other islands.

¹ *General View of the Agriculture of the Central Highlands*, Marshall, 1794.

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The saner critics of Highland estate management, while viewing some rents as excessive, did not greatly stress the point, though it was observed by them that in the Highlands, the general rise in rents was more in the nature of unearned increment than the corresponding increase in the Lowlands; where the increases were much more often spent on solid improvements beneficial to the tenants. Still, with this reservation, the critics seemed agreed that if the owners managed their estates well, there was nothing to prevent them getting high rents without oppressing their people. They found the real grievance, not in the amount the tenant had to pay, but in the uncertainty regarding it. The uncertainty might arise, either from the tenant being still liable to irregular demands for personal services, or from the possibility of a fresh rise in rent at any moment, in other words from the want of leases.

Services. According to Knox,¹ it was possible for tenants to be required to give forty-two days of service in the year, and these days might be chosen at the very season when a man would be naturally busy on his own farm. Knox did not say that these services were normally exacted, in fact he admitted that the custom of servitude was dying out rapidly in the Western Highlands, and that in this respect they were considerably in advance of Caithness, and most of the North Country Lowlands.

For exact information about services the *Old Statistical Account* is the best source of information.

On the mainland of Argyllshire and in Perthshire the custom had evidently ceased to be of much importance. Where it existed, as in Lismore and Appin, it was less burdensome than Knox suggested. In that parish the services amounted to six or seven days yearly, on general work, and two or three days on road work, and usually some allowance was made for the work done; even in this parish the whole system was rapidly becoming obsolete.

As usual in the eighteenth century it was in Sutherland and in the Hebrides that the most sensational conditions prevailed. In the Hebrides² the services exacted sometimes came to five days work a week; in Reay (Sutherland) they varied from twenty to one hundred and twenty days a year; in Loth and Edderachylis (Sutherland) in 1795 the rents were still sometimes paid entirely in services which were quite unlimited in amount.

¹ *View of the British Empire*, Knox, 1785.

² *Travels*, Buchanan, 1793.

In cases like the last mentioned the services probably covered all sorts of agricultural operations. In general the common sort of services demanded were : the cutting, stacking, and housing of peats ; sowing and harvesting ; carting and thatching ; road making ; more rarely the spinning of a certain quantity of wool or flax ; and in some of the kelp islands in the Hebrides, the making of kelp.

The drawbacks of the servitude system are too obvious to call for much comment. It kept the tenant in a disheartening state of insecurity ; it caused his own holding to be badly neglected ; and it gave to the person receiving the services an extremely inefficient supply of labour. Undoubtedly where the services remained, they contributed to the miserable condition of the Highland tenantry.

On the other hand two facts must be remembered. Services were retained in some districts solely because it was impossible to persuade the people to work as day-labourers. There is abundant evidence that the small tenant often preferred to keep his family quite idle rather than have them act in that capacity. In the face of this psychological phenomenon, a big farmer with work to be done would be tempted to hold on to any services that he had it in his power to exact. The remedy for this was in the hands of the small tenants themselves.

The second thing to notice was, who got the benefit of the services ? Here there seems hardly any doubt at all that it was the middlemen and not the proprietors. The districts where the services first became obsolete were those in which the owners first took over direct dealings with the subtenants ; the districts where they lingered longest were those in which the middlemen survived. Apart from that, Buchanan and Sheriff-Substitute Brown, and the Old Statistical writers for Reay, Edderachylis and other Highland parishes, all deliberately made the contrast between the attitude of the proprietors and the attitude of the tacksmen towards services ; the former easy in his demands, the latter insisting on his utmost rights ; the former ready when approached to commute his claims into a reasonable money payment, the latter generally quite inexorable. The only definite case which Knox himself mentioned of oppressive services proved to be that of a tacksmen in Harris.

The attitude of the tacksmen was of course partly comprehensible, since he had to get labour in some way, and the Highland temperament made it difficult for him to get it by ordinary

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methods. A landowner who was not actually farming land had no similar problem to face. At the same time the middleman's use of his powers was often most unnecessarily harsh, and the whole system worked out badly for both parties and was best abolished. What we wish to emphasise is, that the comparative slowness of its disappearance in some areas was not due to the attitude of the owners who were abolishing it as fast as the terms of the tacksmen's leases would permit.

Leases. The insecurity of the small Highland tenants lay less in the uncertain demands for services than in the general absence of leases. The average small farmer either held a short lease of under seven years, or more commonly was simply a tenant at will. The absence or shortness of leases was commented on adversely by practically every writer who sincerely desired the improvement of the Highlands or a higher standard of living for their inhabitants; Macdonald went so far as to say—'The want of them is the most fruitful source of emigration and distress.'¹

Where leases did exist they were far from perfect. Macdonald thought that they were generally too complex, and urged that the stipulations in them should be made simpler, fewer, and more adapted to Highland farming conditions. As examples of absurd clauses, he mentioned some contained in certain Hebridean leases which insisted on kelp farmers raising turnips, which would have to be sown in June at the time when they were most occupied with kelp-making—and others which insisted on the destructive and futile practice of enclosing sand banks. Knox also complained of the custom still existing in some parts of charging a fine called a *grassum* for the renewal of a lease. But he admitted the custom was not general, and not specially peculiar to the Highland districts.

The general advantages of a system of long leases seemed indisputable. Eighteenth century writers had also immediately before them the example of Lowland Scotland, where a succession of improving farmers, encouraged by favourable leases, had in the course of two generations brought the land from extreme barrenness into a high state of cultivation—their own standard of life advancing with the improvement made.

¹ It is worth noting that Sheriff-Substitute Brown alleged that the emigrations from Clanronald's estates were of tenants who held beneficial leases, and it was by selling the reversion of these that the emigrants got enough money to pay their passage to America.

In some Highland districts the burden of making any capital improvements was still left, according to the old custom, to be borne by the tenants. In practice this usually meant that no such improvements were made, a state of things that might be attributed in part to the want of leases. A farmer was not likely to embark on any expensive improvements if he thought that the immediate result would be to raise the valuation of his farm and increase his rent, before he had had any time to repay himself for his own outlay and trouble. The obvious way to encourage him seemed to be to grant him a lease of respectable length, and the slowness of the landlords to adopt this policy laid them open to the charge of neglecting both the interests of their tenants and the interests of the country.

It would be unfair to the landlords to suppose that no estates had adopted the policy of leases for all tenants.

A great impetus in this direction had been given by the Commissioners of the Forfeited Estates. Their motives were political as well as economic, for they believed that by giving the small farmer an independent position they were minimising the danger of future Jacobite rebellions. An anonymous writer in 1750 who shared their view suggested 'that a law be enacted to Oblige all Landlords among the disaffected Clans to give long Written Leases to their Tenants none to be for a shorter Term than twenty Years, and that every man who lives by Husbandry or Grazing in those Countries have such a lease from the landlord or his Steward. . . . By this means the Tenants will Enjoy the Fruits of their own Industry and know the Sweets of Peace and Liberty; which will put it out of the Power of their Tyrant Chiefs to Induce them to Rebel against a Government to whom they will be indebted for everything they possess.'¹

No Act was passed binding the landlords, but the Commissioners themselves put the policy suggested into effect on the Forfeited Estates, and landowners became familiar with the spectacle of small tenants in possession of leases.

To do the owners justice, some of them had anticipated the policy of the Commissioners. As far back as 1737 Duncan Forbes was authorised to offer leases to the under tenants on the Argyll estates in Morven. The leases were for nineteen years, a fair length according to prevailing standards. Forbes, in referring to them, does not speak as if they were a novelty except in that particular area.

¹ MSS. 1750, edited Lang 1895.

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Later in the century the Marquis of Breadalbane, Lord Macdonald, Campbell of Islay, and a little later the Sutherland family, were distinguished by their willingness to grant leases of reasonable length.

In spite of these notable exceptions the end of the eighteenth century saw most Highland tenants still holding their farms from year to year, a state of things which many writers promptly put down at once either to the gross tyranny, or the hopeless stupidity, of the landowning class. But when we come to look into the matter of lease-granting the whole question was not quite so simple as appeared on the surface.

There were several kinds of landlords who were slow to grant long leases. Some were of the kindly paternal type, beloved by the romantic writers, and their slowness was part of their traditional conservatism which opposed alike improvements or evictions; some were frankly greedy and did not choose to give up the possibility of raising rents; some approved of the general policy of leases, but were held back by a variety of practical obstacles; while some quite thoughtful landlords were not convinced that leases were going to improve matters,—they were particularly doubtful of the value of leases to small tenants without capital, and they thought that the Lowland analogy had no useful bearing upon circumstances so entirely different.

If we consider first the practical obstacles it will be found that some were anything but imaginary. It was too often forgotten that while the majority of the small tenants might be holding from year to year, the whole estate so far as the proprietor was concerned might be let out on lease. The situation is exactly similar to that which arose in connection with personal services.

On old-fashioned estates where practically all the land was held on lease by the tacksmen the owner had no direct power of granting leases to the subtenants. As for the middlemen themselves, their attitude towards granting leases, like their attitude towards the abolition of services, was much more decidedly conservative than that of the landlords.

To introduce a general system of leases generally meant that proprietors must start by getting rid of the middlemen; that is, they must start by destroying the whole social order with which they were familiar, and an order often defended warmly by the same writers who blamed the owners for the want of leases.

It is true that the landlords stood to gain from the abolition

of the middleman system, and that most of them were willing to proceed with it, but obviously a change of such importance could not be made so easily as the ordinary signing of a lease. However willing the owner might be, the process took time, some of the tacksmen's leases being for long periods like ninety-nine years.

The legal right of a leaseholder to sublet part of his land was not seriously questioned until the case of *Roughhead v. Mudie* in 1686-7, when the Court of Session decided in favour of the leaseholder. Subsequent decisions are not entirely consistent on the point, but the case of *Simpson v. Gray* upheld the theory that the power of subletting was implied in a long lease.

It was obviously difficult, if not legally impossible, for proprietors to get rid of the middleman system without getting rid of the middlemen themselves, and that they could only do gradually as the tacks expired.

This was the most serious practical obstacle to the grant of leases to the small farmers.

A minor one lay in the fact that the typical Highland farm was generally held in common by from four to eight persons. Such a system obviously involved a good many administrative difficulties even when the tenants held from year to year. A lease which would cover all the contingencies that might arise in such a common holding—tenants dying—tenants failing to pay their share, etc.—obviously required to be somewhat complex, a fact that should be remembered in view of Macdonald's demand that leases should be made simpler and less clogged with burdensome conditions. This particular difficulty was eventually got rid of by the abolition of the common holding, but that also was obviously not a thing that could be done in a moment.

These practical difficulties prevented some owners from carrying out the recommendations about leases, but there were others whose inaction was deliberate.

Some owners withheld leases from the small tenants because they considered their present situation was a purely temporary one. The point has already arisen in connection with sheep farming. Many Hebridean proprietors wished to turn part of their estates into sheep runs, but had refrained from doing so at a great financial sacrifice, because they could think of no suitable or happy way of providing for the tenants who would

have to be displaced. Still could such a way be found, sheep farming was their eventual object, and they naturally did not choose to make its introduction impossible by granting long leases to the existing farmers. The other considerations that weighed with the owners were more subtle.

It must be remembered that leases were still associated in the landlord's mind with the old middleman system, and an evil odour hung therefore about them. A landlord who had just seen with his own eyes the very positive evils resulting from allowing his estate to pass out of his personal control, naturally wanted a considerable amount of convincing before he was willing to make what might be the same blunder in a slightly different form.

Secondly, he was liable to be influenced by the fact that the small tenants were not always as eager for leases as the writers imagined. In 1737 Forbes of Culloden paid the visit already mentioned to certain parts of the Argyll estates and was instructed to offer leases of nineteen years to all classes of tenants. To his astonishment the small tenants refused to pay the same rents to the Duke as they had been willing to pay previously to their tacksmen masters when they held from year to year. Many of them rejected the leases altogether.

In the beginning of the nineteenth century two cases of a similar kind are mentioned by Brown. One was on the estate of Clanronald in 1802, the other on the estates of Lord Macdonald in 1803.

In the latter case leases were offered to the tenants of an area which contained a population of over four thousand persons, but only the tenants of two farms accepted them.

It is true that all these cases were somewhat exceptional. On the Argyll estates the refusal seemed due to an organised conspiracy of the tacksmen; in the instances cited by Brown the tenants wished to leave themselves free to emigrate at any moment. Still, whatever the reasons,¹ the fact remained that leases were not always welcomed with enthusiasm by the tenants themselves.

¹ Cf. following quotation from *General View of the Agriculture of Midlothian* :

‘In some of the moorland parts of the county the tenants still remain without any lease whatever; but this is not owing so much to their landlords, who are willing enough to grant it, as to themselves, who have an aversion at being bound by such an express engagement; rather preferring the greater freedom that results to them from a paction which endures only for a single year.’

There was also another consideration present to the mind of the owner. Enthusiastic writers were trying to persuade him that leases to everyone meant high farming and general prosperity, and they pointed to the Lowlands for proof. But the Highland proprietor sometimes preferred to consult his own experience. His tacksmen had held long leases on particularly easy and generous terms, and therefore according to the argument ought to have been advanced farmers, but the landlord knew that in actual fact they had been nothing of the sort. Eager advocates of leases like Macdonald admitted that the old tacksmen were the most fatal obstacle to improvements of any kind.

The tacksmen had had the absolute security of tenure which reformers demanded, and the only apparent result had been that for generations all advance of any kind had been stopped. If this was the effect of low rents and security upon the Highland temperament of the upper class, what proof had the proprietor that it would affect the lower class differently? Perhaps the first flush of pride in possession of a lease might produce an outburst of energy, but after the novelty was gone would not the subtenants just go the same way as their social superiors?

So many landlords argued, and if they were slow to accept all the rose-coloured pictures that the enthusiasts painted, and if they tended to make rather elaborate stipulations in the leases they granted, they were not entirely without some defence.

Even Macdonald admitted that there was something to be said for their point of view. He himself thought it inadvisable to grant the Highland farmers leases longer than twenty-five years. The rents also were not to be fixed too low and there should be some definite conditions attached. Macdonald drew up a list of stipulations which he thought should be inserted into every lease to safeguard the interests of both parties. On the one hand the owner was to give compensation for improvements made, on the other, the tenant was to bind himself not to sublet his farm even to his own family without the landlord's consent, and was to bind himself to adopt a proper rotation of crops and a proper method of cultivation. Macdonald was obviously not too certain of the capabilities of the small farmers, and many landlords shared his doubts.

It is probable that attention to all the points raised above—more constant residence by proprietors, better housing of the tenants, moderate rents for the small cattle farmers, abolition of services, and a general system of leases—would have done

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something to improve the conditions of a section of the Highland population. None of them, however, touch on the extremely difficult problem of creating a sufficiency of work for the many wholly or partly unemployed inhabitants. It remains to be seen in a subsequent article how far that problem was likely to be solved by the landlords putting into effect the various suggestions made about estate improvements and reclamations.

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