

## THE SUTHERLAND EVICTIONS OF 1814.\*

ON June 13, 1814, a considerable clearance was made of a large tract on the Naver River, in the north of Sutherland. The policy of substituting coast holdings for the crofts of the upland tenants, who had lapsed into great misery, had for some time been pursued by the Marquess of Stafford. On this particular occasion a farm of very considerable extent in the parishes of Farr and Kildonan had been taken by Mr. Patrick Sellar, factor for the landlords, in accordance with the wishes and instructions of his employers. About half the tenants had their holdings prolonged for four years; the other half had received six months' notice to quit, holdings being provided for all but one of them elsewhere. That one was a tinker or caird named Chisholm, who had a bad character. The removals were superintended in part by Mr. Sellar himself; and, the man Chisholm proving obstinate, his house (the inmates and furniture having been removed, and compensation, according to the custom of the country, having been paid to him for that part of the materials which was not the property of the landlord) was set on fire. Shortly afterwards the Sheriff-substitute of the county, Mr. Robert McKid, who had been complained of by the officials of the estate for poaching, and had expressed his wish to do Mr. Sellar a mischief, instituted an inquiry into the circumstances of the evictions, which resulted after a considerable interval in the trial of Mr. Sellar at Inverness for "culpable homicide" (a charge based on the supposed death of Chisholm's mother-in-law and others in consequence of removal), "real injury," and "oppression." The case was fully heard, and a large number of witnesses examined on either side, the result being that Mr. Sellar was acquitted, not as he might have been by a majority, but unanimously and with the full approval of the judge. It was proved on the trial that the charges of harshness in removal were false, and while no illegal act whatever was established against Mr. Sellar, the sole act contrary to established practice and custom which was shown to have been committed was that each tenant had had but a single barn left him for the crops still to be reaped, whereas it had been customary to leave

\* *The Sutherland Evictions of 1814.* By Thomas Sellar. London: Longmans & Co. 1883.

all the barns until the crops had been got in. But no evidence of damage arising from this curtailment of an extra legal privilege seems to have been produced. Nor did the proceedings terminate with the acquittal; for, on Mr. Sellar threatening action against McKid for his conduct in the matter, McKid resigned his office of Sheriff-substitute, wrote and had legally registered an abject apology admitting that the statements to Mr. Sellar's prejudice were absolute falsehoods, and paid a large sum of money in reimbursement of Mr. Sellar's expenses. Here the legal and certain documents as to the affair cease; and, on examination of them, it may be deliberately said, without entering into particulars unsuitable to a brief review, that no impartial person can possibly bring, after such examination, charges of harshness or cruelty, much less of illegality, against Mr. Sellar. Such a person may object to evictions as evictions; he cannot, retaining his character as a judge of evidence, hold that these evictions were conducted (save in the technical particular above mentioned) with anything more than necessary and usual severity.

There had, however, even before the trial, been rumours prejudicial to Mr. Sellar and to the Sutherland clearances generally; and these rumours, after being at first confined to newspaper paragraphs, took form for the first time in the work of a responsible writer in the *Sketches of the Highlands*, by Major-General Stewart, of Garth. Three years afterwards, in a third edition, General Stewart withdrew his strictures on Mr. Sellar, unasked by him. Meanwhile, another Celtophile, Dr. Browne, had also given the McKid view of Mr. Sellar's conduct. He was appealed to, the evidence was laid before him, and he also withdrew his charges. Mr. Sellar, however, thought it well to draw up and print in 1825 a statement of his part in the matter. For many years nothing more was heard of it; but in 1840 a certain Donald McLeod, of whom hardly anything seems to be known, wrote a series of letters in an obscure Edinburgh newspaper, giving, as he alleged, from personal remembrance a most heart-rending account of the Sutherland evictions, and especially of the Strathnaver incident. These, though they were not widely circulated, came into the hands of Hugh Miller, who based on them a tract which all readers of his works know, and which may be said to be the foundation of the modern prejudice on the matter. It was not, however, till last year, when the grievances of the Scotch crofters began to excite the excitable, that attacks on Mr. Sellar's memory became frequent. An Inverness newspaper editor republished McLeod's letters; Mr. A. R. Wallace dwelt on the matter in his "Land Nationalization," and Professor Blackie in his *Altavona*. After correspondence with each of these writers, Mr. Thomas Sellar, son of the incriminated person, has published the history of the case in the book which forms the text of this article. The summary we have given dispenses us from entering, as indeed it would be impossible to enter, more fully into the details of the case, which, however, may be summed up thus. On the one hand, there is a contemporary report of the trial in full, drawn up by one of Mr. Sellar's counsel, afterwards a Lord of Session, published at the time, and not impugned by any one, though, as has been said, there had been considerable feeling on the subject, based, as some contemporary feeling is, on the well-deserved and generous sympathy of old soldiers with the Highlanders, who had furnished so many admirable recruits in the great war. No champion of the Highlanders, let it be repeated, impugned this report in the very least point, and, as it is strictly formal, it may be taken to represent what would be in modern times the shorthand writer's notes. Further, there is Mr. Sellar's statement of 1825, the testimony of the Sutherland Commissioner, Mr. Loch, in 1828, and the negative but important point that two partisans of the Celts—General Stewart and Dr. Browne—on the facts being brought forward withdrew the charges they had made. On the other hand, besides the evidence against Mr. Sellar recorded in the trial itself, there is absolutely nothing but the letters of McLeod. These letters are, by their own showing, reminiscences of more than a quarter of a century after date. They and their author are absolutely unguaranteed. There does not even seem to be any positive evidence that McLeod was present at the scenes he describes. The letters are of an incredible violence, and frequently contain absolutely impossible details, such as of persons escaping "by boat" from the central Highlands of Sutherland. Further, when the particulars are looked into, and compared with the dry legal report of the trial, they have the (to a trained literary critic unmistakable) characteristic of being embroidered on this latter. Mr. Sellar has not commented on this embroidery; perhaps he did not see it. But when we find in the indictment the word meal-chest mentioned as among the destroyed property of Barbara McKay in Ravigill, when in the evidence nothing appears on either side about meal-chests at all, and when twenty or thirty years later, if not forty (for this seems to have been an after-thought of McLeod's), we find that author vividly describing the fiendish party "carrying meal to the precipice, and despatching it down with shrieks and yells," the process of manufacture becomes perfectly clear. McLeod, if he really wrote these documents, or whoever was behind him if he did not, obviously dealt with the dull matter-of-fact publication of 1814 exactly as some clever journalists to-day are wont to deal with a telegram or a short legal report. Corroboration they have none; for, as has been said, Hugh Miller simply worked them up, and General Stewart and Dr. Browne even in their uncorrected editions fail altogether to bear them out, while in themselves they are utterly improbable. "Abu Rafe was an eye-witness, but who will be witness for Abu Rafe?" says Gibbon somewhere. In the present instance we have

not even the slight consolation of knowing on good authority, or on any authority, that Abu Rafe really was an eye-witness.

It is almost unnecessary to say that, if the honour of a single person or a single family, however respectable, were at stake by itself, we should not have taken the trouble to refer to this matter on a former occasion and to rehandle it at length now. But the matter is one of great public importance, both as to the clearances themselves, and almost more as to the policy of their opponents to-day. On the first point we need not say much, for Lord Stafford is abundantly justified of his works. If Donegal and Kerry, Mayo and Clare, had been treated as Sutherland was, with the result of being as Sutherland is, happy were it for the empire, and happier (if possible) for Donegal and Clare, Mayo and Kerry. But what manner of man it is who strives to turn the three kingdoms upside down with land nationalization and the like has never been so clearly shown as in the correspondence with Messrs. Mackenzie, Wallace, and Blackie which is printed in the appendix to this book. Messrs. Wallace and Blackie are persons of some position in this world, and as for Mr. Mackenzie, if there is nothing antecedent to his credit that we know of, there is certainly nothing that we know of to his detriment. To all these three persons Mr. Sellar, after getting together his facts, communicated them, with a request for redress to his father's memory. This, as far as personal reference went, was partly granted; but the writers took care to display the well-known impiousness to argument of the crotcheteer. Mr. Mackenzie says, "Your father was acquitted of the specific charges brought against him in court; but the object of my book is to make it impossible that a law should remain on the Statute Book which still permits the same cruelties to be legally carried out." Now any one who, without Mr. Mackenzie's spectacles, reads Mr. Sellar's documents must see that what they prove is that no cruelties, legal or illegal, were carried out. Mr. Wallace, after attacking the report of the trial as *ex parte* (which, as has been shown, is in the invidious sense an untenable charge), cannot see that the "balance of evidence," which he admits to be in Mr. Sellar's favour, "in any way invalidates the general statements" of McLeod. Now, as has been said, not merely the balance of evidence, but all the evidence, *con* as well as *pro*, fails to validate McLeod's evidence. Further, he calls the narrative of McLeod "additional evidence of the facts," whereas it has been shown that, as far as evidence is concerned, McLeod has no title to that word at all. But the climax is reached with Professor Blackie, who, as Mr. Sellar very wickedly reminds us, once, by his own account, wept over the scene of Mr. Sellar's barbarities, by a most unlucky accident, on the wrong side of the *river* Naver. Here also the facts are laid before the accuser, and here also the accuser persists in believing his own inner consciousness rather than the facts. He also talks of McLeod's "evidence"; and he also says that it is not the person, but the proceeding, which he objects to. Now it has been pointed out, we fear *ad nauseam*, that the very same evidence which acquits the person proves the proceeding, as far as cruelty or illegality goes, to have no existence. In other words, all these persons, without a shadow of evidence, admit McLeod's ravings, twenty years after date, without question; all of them neglect the evidence no less than the verdict at the trial; all of them blink the remarkable history, and still more remarkable confession, of McKid; and all of them, while amiably admitting that Mr. Sellar was honourably acquitted of cruelty and illegality, maintain that acts which are by common consent committed by Mr. Sellar's authority were cruel and illegal. *Sic volo* is the single note of all three. "I am sure that evictions are wicked and cruel, and therefore I will believe every wickedness and cruelty I hear about evictions, though it be gossip twenty-five years after, and disbelieve everything to the contrary, though it be legal evidence freely given [for no one can read the trial without seeing that the witnesses against Mr. Sellar had complete *rappropria*] at the time, subject to correction, and absolutely uncorrected." We are rather inclined to think that Messrs. Mackenzie, Wallace, and Blackie understand the hour and the men they have to deal with.