

Queen Victoria Rd,  
Scotstounhill  
Glasgow

Tuesday

Dear Angus,

Enclosed Bernera, I have been unable to find a background piece but it has already been said anyway. I'm tidying up the intro, which you'll have in a few days (for sure) and a short end piece mentioning the raiders and other Island raids.

I was asked to do the research work by the BBC television and radio for programmes on the disruption and that has held me back greatly.

Regards  
Joni

"As Chamberlain he could evict any man from his holding; as Procurator Fiscal he could prosecute any man opposing his authority; as Chief Magistrate and Justice of the Peace he could punish all minor offences in town or country. We know of no other place in the country where the powers of Prosecutor and Judge have been delegated to one man".

Oban Times, September 19th, 1874.

"Had Mr Munro, instead of being Chamberlain of Lewis, been an agent in either Connaught or Munster, he would have long ago licked the dust he has for years made the poor men of this Island swallow"

Charles Innes, at the trial of the Bernera Rioters, Stornoway 1874.

In April 1874, 150 crofters from the Island of Bernera and other villages in the Parish of Uig marched to Stornoway, to take their bitter grievances to the door of the proprietor, Sir James Matheson of Achnay. Fifty-six families had been served with eviction notices. Two young Bernera men had been arrested. The people, pushed to the edge of their remarkable tolerance, were seeking redress from a proprietor who sought to present himself to the outside world of a benign patrician.

Their brave action in the face of terrible adversity gained little from the proprietor, but the trial that followed led to the downfall of one of the most hated characters in the history of Lewis - Donald Munro, Factor to Sir James Matheson from 1853 to 1874 - and cancelled the threats of eviction hanging over the tenants. These are the events that have passed into history as the Bernera Riot - undoubtedly a turning point in the whole saga of Highland landlordism and the responses to it.

The Highland economy was relatively stable during the two decades of Munro's rule, and conditions were such that the crofting population in many areas could improve their lot. However, the crofters of Lewis were never given that opportunity. In 1874 the Oban Times reported that the Lewis crofters existed 'in a state of virtual slavery.. in conditions which in other lands would foster seeds of revolution'.

The power of the estate over the crofters' lives was absolute. Munro the factor was also the Procurator Fiscal and the Chief Magistrate. He was chairman of the Parochial and School Boards, a director of the gas company, the water company, the road trust and the harbour trust. He was the town's Solicitor, Notary Public, Baron Baillie, a Justice of the Peace and the Commissioner of Supply.

A pamphlet on the Bernera case published soon after its conclusion in July 1874, described the manner in which Munro exerted his authority: "The poor people complain of their thralldom and the petty tyrannies to which they are subjected. To give examples - though they will appear almost incredible - if a small tenant enters the official room of the Chamberlain with his head covered, his hands in his pockets, or with an apparently unwashed face, he is by that functionary fined; and if offence is given him - though it would appear to be more frequently taken than intended - or if his behests are not at once obeyed with becoming meekness, the poor crofters are invariably threatened with eviction from their lands. Everyone acquainted with the character of the Highlander and Islander knows the terrifying effect of such a threat that the Chamberlain has (or had, for it is to be hoped that it has been withdrawn by this time) the power of carrying his threat into execution, is proved by the proceedings which of late directed public attention to the district".

Donald Munro had the final say in every aspect of people's lives. He evicted them, fined them and treated them with open and utter contempt. He ruled the people of Lewis with a rod of iron for over 20 years, until he was finally brought to account by the crofters of Bernera, aided by the incisive legal mind of Charles Innes, the Inverness solicitor who represented the Bernera men in court.

There had been a long and painful building up to the event, which became known as the Bernera Riot. By most standards that title suggests a state of insurrection somewhat in excess of the actions, which actually transpired. But there is no doubt that, riot or not, the effective resistance shown by the people of Bernera was a landmark in the history of the Highlands and Islands, a challenge to the power of landlordism which encouraged and inspired others to follow.

From time immemorial the Island of Bernera used grazing land on the mainland; the moorland at Beannamh a Chuailein reaching from the west Uig track road to the shores of Loch Langabhat and Loch Coirigarod on the Uig mainland. In 1872 the estate served notice that these grazings were to be added to the Scaliscro Deer Forest for the purposes of sport, and the crofters were offered alternative grazings at Earshader. A seven mile dyke would have to be built by the crofters to separate the new grazings from the deer shooting, and to avoid the heavy fines imposed on crofters should their animals stray into the forest.

The Bernera crofters did not give up the Chuailein grazings lightly. Discussions went on between them and James Macrae, the ground officer in Uig, through the winter and into spring. In an unprecedented move they insisted on a lease for the new grazings, before they would start the monumental task of building the dyke. The crofters were still at that time tenants-at-will, without any security of tenure. But they told the estate that they would continue to use their traditional grazing land until a written document formalising the change, and providing them with security, was presented to them. Macrae, who later presented himself as sympathetic to the crofters' case, advised them to send a delegation to meet the factor, Munro, in Stornoway.

There, the conditions were agreed to. Macrae recounted, "We came in and saw him. I got the paper I am speaking about from the office of the factor. It was a requisition or petition, or some such document, and was sent to me so that I might get the crofters to sign it. It contained the arrangement under which they agreed to give up the Chuailein hill grazings, and take those of Earshader in exchange. I read it to them, and gave it to some of them to read. They signed it and gave it back to me, and I returned it to the factor's office. There was a good deal of talking between us during the winter and spring of 1871-72 before they signed it...". But while the crofters believed that such a document gave them some security, Munro made clear that as far as he was concerned their claim to the grazings was to be on the same basis as the one on which they held their crofts - devoid of any security. On this ambiguous basis the crofters signed and took over the Earshader grazings at Whitsunday 1872. Munro would soon deny the existence, far less the significance of any such document.

In November 1873 MacRae was instructed to remove the crofters from the new grazings, this time to land on Great Bernera, the farm of Hacklete. The issue simmered over the winter, but Munro was obliged to return to it in March 1874, by which time the crofters, men and women, had completed the dyke which would separate the Earshader grazings from the deer forest. They had delayed the start of the fishing season just to finish that essential job, in order to get the estate off their backs. However, Munro's whim had changed, and the word came that they were to be removed from Earshader. Macrae said, "There was nothing about the dyke in the (estate's) paper, and no word of compensation being paid for it. It was entirely built at the crofters' expense... Some of the people were very indignant at the change proposed... I sympathised with them myself when I remembered the understanding come to with them before they went into Earshader."

The people's indignation was the least of Munro's worries. He told them to remove the cattle from Earshader or he would bring in the army. "The volunteers would settle with them", he declared at a meeting on Earshader. Needless to say, Munro had been Commanding Officer of the 1st Company of Ross-shire Artillery Volunteers for many years. At the subsequent trial, Charles Innes commented on the fact he must be the only law agent in Scotland 'to include such an office in the law list'. The message was clear - Munro regarded his military connection as a relevant back up to his unparalleled legal authority.

However unhappy they were about the latest edict from Munro, it is likely that the crofters would eventually have acceded to it. Indeed they were willing to negotiate and may have accepted the move if the deserted village of Strome had been included in the new deal. However, Munro was impatient. He went ahead with hiring a Sheriff Officer to serve summonses on the 56 crofters involved. Crucially, the summonses did not just refer to the grazings and the crofters' sheilings on Earshader. They also covered the houses and crofts of the 56 on Bernera. Each householder was to be evicted from "... houses situated in the severa 1 parts of

Benera, together with his share, held in common, of the moor grazings... and his share of the summer grazings or sheiling ground on the farm of Earshader in the Parish of Uig"

Subsequently, in court, Munro would deny that he ever intended to evict the 56 families from their houses and crofts, on Bernera. Under cross-examination by Charles Innes, he explained, "I thought it right in point of form to include in the summonses the crofts and houses in Bernera. Innes remained sceptical; pointing out that there was nothing in the documents to suggest that the inclusion of the crofts and houses was an insignificant 'point of form'. Certainly, the people of Bernera - long familiar with Munro's ruthlessness - did not see it that way.

Munro confirmed to the court, "I obtained a decree on the summonses of removing, and if I so wished it, I could have removed all the tenants from their crofts and houses in Bernera, as well as from their summer grazings in Lewis, because the decrees gave me to do so". In other words he could do as he pleased, secure in the knowledge that the supposedly liberal proprietor had never questioned his factorial tactics or abuses. On this occasion, he had not told the proprietor what he was doing on the grounds that "I am not in the habit of consulting Sir James about every little detail connected with the management of the estate".

Innes asked him: "Oh! Then you considered the removing of 56 crofters and their families too small a matter to trouble Sir James about?" Munro answered simply, "I did". He did not at this juncture in his evidence deny that there had been an intention to remove the 56 families from anything more than their sheilings and grazings. Certainly, the people who watched the Sheriff Officer arriving in Bernera on March 24th 1874 had no reason to feel confident that the full terms of the summonses would not be implemented.

Munro had hired Colin MacLennan, previously a Sheriff Officer in Stornoway but then living in Lochalsh, to deliver the summonses. James Macrae and Peter Bain, excise man, accompanied him. Around noon, the three men landed opposite the village of Kirkibost. They served the first summonses at Breacleite then went on to Croir and Bosta. In these villages the summonses were accepted in shocked silence.

"The people were very quiet. When they got them I could see they were vexed", said Peter Bain in a masterpiece of understatement. By early evening the trio reached Tobson, but news their grim message had reached the village before them. Peter Bain later reported, "The people there were more angry than the others".

The villagers were required by the Sheriff Officer's party to gather in the one place. The names of those to be dispossessed were read out, and the notices handed to them. "He called the villagers to wait on him, like vassals attending their liege, reported the Oban Times. The crofters were incandescent with anger, feeling abused, insulted and ashamed of their own powerlessness. Peter Bain said, "I was not surprised at the men getting angry, considering the way in which the ground officer spoke to them. His language and manner were calculated to provoke their anger". In MacLennan's own evidence to the subsequent court case he complained that on leaving the village, one of the crowd said: "You should be dragged through the mud and made examples of".

Amidst this escalating hostility, the trio of summons-servers and a constable left Tobson and proceeded across the moor to Vallasay. After a while they were pelted from behind with clods of earth, having been followed by a group of angry villagers, mostly young girls and boys. It was a fairly minor incident but it angered the Sheriff Officer who was heard to declare, "If I had my rifle I would make some of the Bernera women lament the loss of their sons". MacLennan and his companions abandoned the attempt to serve the three remaining summonses that night and headed for accommodation to a 'safe house' in Hacklet.

After completing their task the next morning, MacLennan and his assistants headed for Loch Riosaidh where they had moored the boat, but they were stopped en route by a band of angry young men, who had heard MacLennan's threat and decided to send him packing. The Sheriff Officer subsequently told the court that Angus Macdonald raised the shooting threat with him. "I asked him to let me alone, as I was on my duty, and I also said I was sent by the proprietor. He swore and said what right had I to come from the proprietor or chamberlain and that they were proprietors of their own land. They then took my waterproof and topcoat and tore them. They jostled and pushed me about and threatened to strip me. They tried to make me swear I would never go back to Bernera to serve summonses, and I promised not to return. I was glad to get away; I was put into a state of fear and alarm by their violent conduct and any person would be the same".

That evening at the Garynahine Inn the Sheriff Officer vowed to get his revenge for these affronts to his authority. MacLennan and Munro between them got up criminal charges of assaulting and injuring an officer of the law against three of the Bernera men - Angus Macdonald, Norman Macaulay and John Macleod. All

three were fishermen. Instead of being summoned to court, in the usual manner Angus Macdonald was arrested in Stornoway before receiving any notice of the charges against him.

The fisherman was in Stornoway April 8th, going about his business when without warning he was 'pounced upon' by two over-zealous police constables. The arrest was "more easily resolved upon than done; the policemen found it almost impossible to apprehend the man, and the onlookers declined to render any assistance", reported *The Highlander*.

"The Fiscal was sent for, and the Sheriff-Clerk, and the Sheriff himself; and the Riot Act was read; and altogether the terrible man from Bernera was lodged in jail!" added the paper. The large crowd was dispersed, and Angus Macdonald's companions hurried back to Bernera to report his predicament.

In Bernera the news sparked off a spontaneous show of resistance among a beleaguered people. One hundred and fifty men gathered from the various villages and marched to Stornoway. At Garynahine they were joined by a contingent from the villages of West Uig, *The Highlander* reported, "The sound of the bagpipes heralded from a distance the approach of a band of Bernera men, perhaps 160 strong, marching steadily, four abreast, to enforce their own claims.

When the Stornoway legal establishment realised what was happening they hastily released Angus Macdonald, in an effort to dissuade the marchers from entering the town. But the march continued, as the crofters were determined to put their case to the proprietor. They mustered at Manor Park where the Sheriff, the Sherriff-Clerk and the Fiscal tried to pacify them. However the rioters proceeded to Lews Castle where Sir James met them outside, and promised to make the necessary inquiries. He was to send valuers to inspect the land and to report to him on the Bernera case. In a particularly patronising gesture, Lady Matheson appeared on the lawn with tea. The men went on their way reasonably assured that something would be done.

A few weeks later Angus Macdonald, Norman Macaulay and John Macleod were summoned to appear in court and trial was set for July 17th. Quite contrary to the assurances given on the lawns of Lews Castle, there was no communication between Sir James Matheson and his Bernera tenants before or after the trial, but it was the trial, and in particular the superb advocacy of Charles Innes, which exposed the remarkable powers Matheson had vested in his factor, and Munro's tyranny in dealing with the Lewis crofters. Innes' summing-up at the end of the trial was a masterpiece, which encapsulated not only the specific circumstances which gave rise to the charges but also the wider picture of life in Lewis under Matheson and Munro. By the time of the trial, Munro had been removed by the Sheriff from his position as Fiscal and it may be that his successor in that role, William Ross, was by no means displeased to see the factor in the witness-box and, morally, in the dock. Certainly, Mr Ross raised no objection to Innes' wide-ranging approach to the case. "I have thought it right" Innes told the jury, "to go into these matters in order that you might clearly understand the cause and origin of the disagreement which culminated in the occurrence which has necessitated our presence here today".

He went over the forced move to Earshader, the building of the dyke and then the notice to move once again without offer of compensation. "The new lands were less in extent than the old, necessitating a reduction of stock, notwithstanding which it was hinted, a rise of rent was to take place. In point of fact, the Promised Land was not a land of promise. Negotiations were again entered upon, and the poor crofters were cajoled and threatened in turn, and, for a change, coaxed and bullied". The effect of the summonses if implemented would have been "the turning out of house and home of several hundreds of human beings". Innes invited the jury to judge whether or not he is to be believed when "he says that his including the houses and crofts was a mere matter of form". He continued; "From the way in which these poor people have been treated, one would be naturally led to suppose that they were undesirable tenants. But though repeatedly asked by me, the chamberlain who was also for many years the Procurator Fiscal - an office from which the Sheriff has now very properly removed him - could not give one single instance in which any one from Bernera was accused during the last twenty years of having committed any crime".

Innes, having painted a glowing picture of the Bernera people, then turned to the regime under which they lived; "Such a system of management as seems to prevail here is calculated to call forth cries as to tenant-right and fixity of tenure, which if once raised will spread over the mainland and, as was found in Ireland, will not easily be allayed. It used to be said that the slave who breathed the air of Britain immediately became free; but from what one hears, and from what has come out in evidence in this case, I fear very much that that could not be said of this Island at the present moment, for it appears to me that there are many poor but deserving men here who can hardly call their souls their own".

Innes had turned the entire case around. No longer were the men in the dock on trial, but the system, which

persecuted them and their fellows. He then started to take the character of Munro to pieces, using the deadliest of weapons - ridicule. "In this court looking to the nature of his multifarious offices, I can almost fancy it is possible for him to appear at one and the same time in the capacity of prosecutor, judge and jury. It is, in point of fact, a matter of great difficulty, if not impossibility to think in the singular of such a great pluralist".

Warming to his theme, Innes declared, "Had this Island never been united to the neighbouring Islands of Great Britain and Ireland, and had Munro been King de jure, he really would not be the great man he is, occupying, as he does, the position merely de facto. Then he would have Houses of Parliament and Cabinet Ministers to control him, but now there is no man to say nay; his power seems to be absolute his word seems to be law; the people seem to quake and tremble at his approach, his very nod conveys a meaning neither you nor I could convey in a sentence".

Having characterised Munro as 'the oppressor of Bernera', and reflected on the factor's good fortune not to be operating in Ireland, Innes declared, "I trust the effect of this trial will be that oppression will cease. Whether it does or not, I have no doubt the people of these Islands will continue to be what they are and always have been - a law-abiding people". Having delivered this massive indictment of the system, Innes turned his attention to the particulars of the case. But it was these general remarks, which surely finished Munro and ensured that the Bernera case would become such a landmark in crofting history.

Innes went on to ridicule the scale of the incident, which had occurred as the Sheriff Officer and his little party had left Tobson. "He talked today of the crowd by which they were pursued and the consequent terror felt by him; but the excise man told us that the crowd consisted of five or six people, some of whom were children. The whole occurrence, no doubt, arose from a desire on the part of some of the high-spirited youth of Tobson to resent Macrae's offensive manner. None of the officer's party was injured, but MacLennan seems to have felt that his dignity was offended. He seems to be a hot-headed, impudent person and he told his companions if he had his rifle he would have made some the women of Bernera resent the loss of their sons".

By the next day, Innes recounted, MacLennan was still uttering the same threat in the hearing of the three people he still had eviction notices to serve upon. The young men of Bernera, preparing to go out to the fishing, decided to confront him over the threats. They included the three accused. MacLennan had been "forced to admit in cross-examination that they had not laid a hand upon any part of his person and that he was in no way injured. He was alarmed, of course, just as cowards always are, but he did not say anything on that occasion about using his rifle - he was wise for once". Innes told the jury, "You have now before you a true and full account of what has come to be known as the Great Bernera Riot". He appealed to them only to rely upon their "own good conscience" without reference to what "may be pleasing or not pleasing the powers-that-be and rule in this Island.

After Sheriff Spittal had summed up, the packed courtroom awaited the verdict of the jury who were unable to gain access to the jury room because of the crowded scenes. They conferred briefly in the box before the foreman, a Mr Macpherson, rose to say, "My Lord, the jury unanimously finds the panels not guilty".

Munro's rule over Lewis was broken. Sir James Matheson's stewardship of the Island had been laid bare for history to judge. A turning point had been reached in the history of the Highlands and Islands.