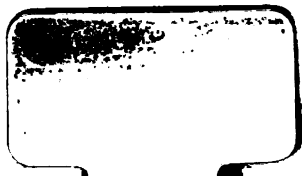


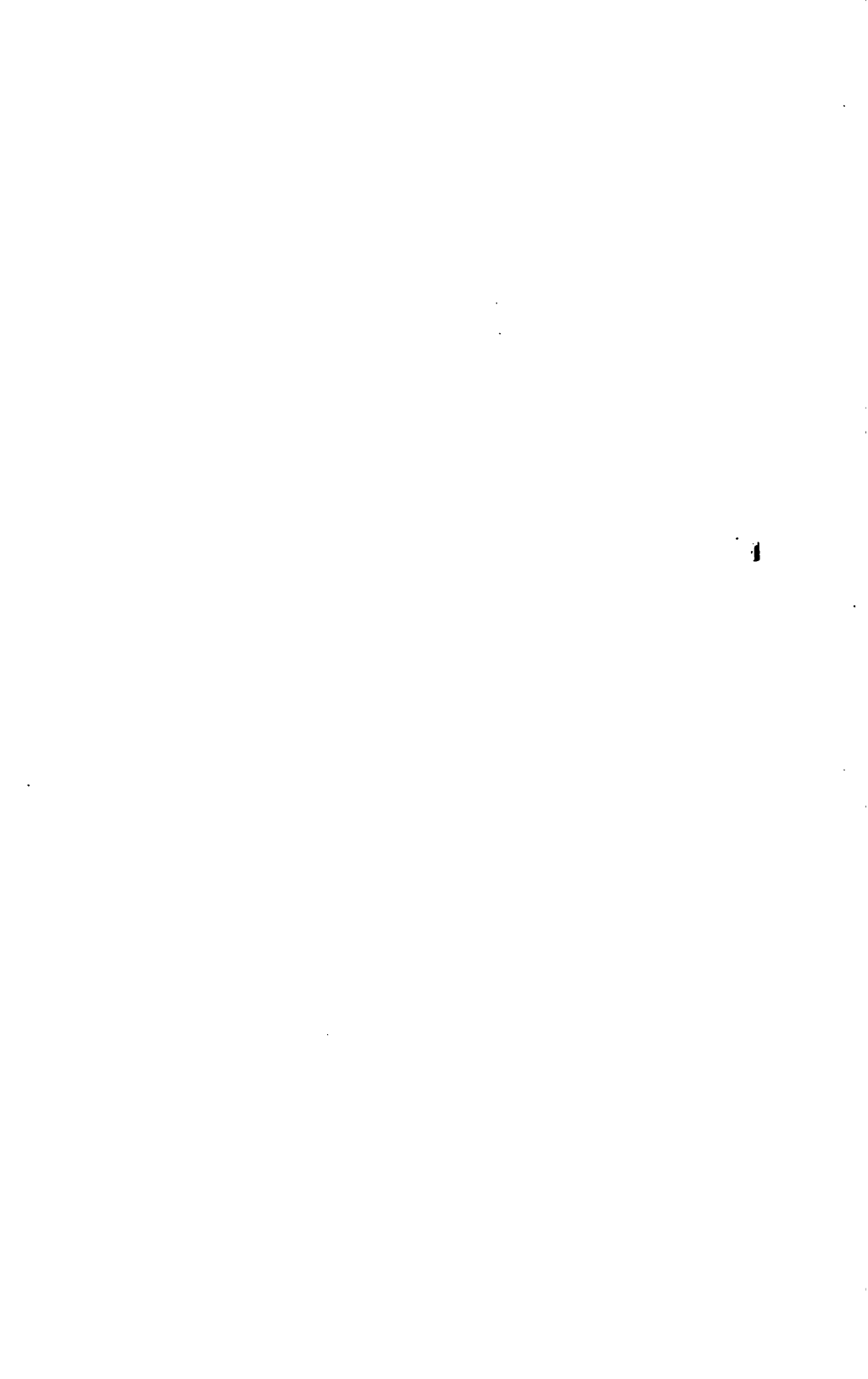




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# ANTIQUARIAN NOTES:

A SERIES OF PAPERS

REGARDING

FAMILIES AND PLACES IN THE HIGHLANDS.

BY

CHARLES FRASER-MACKINTOSH,

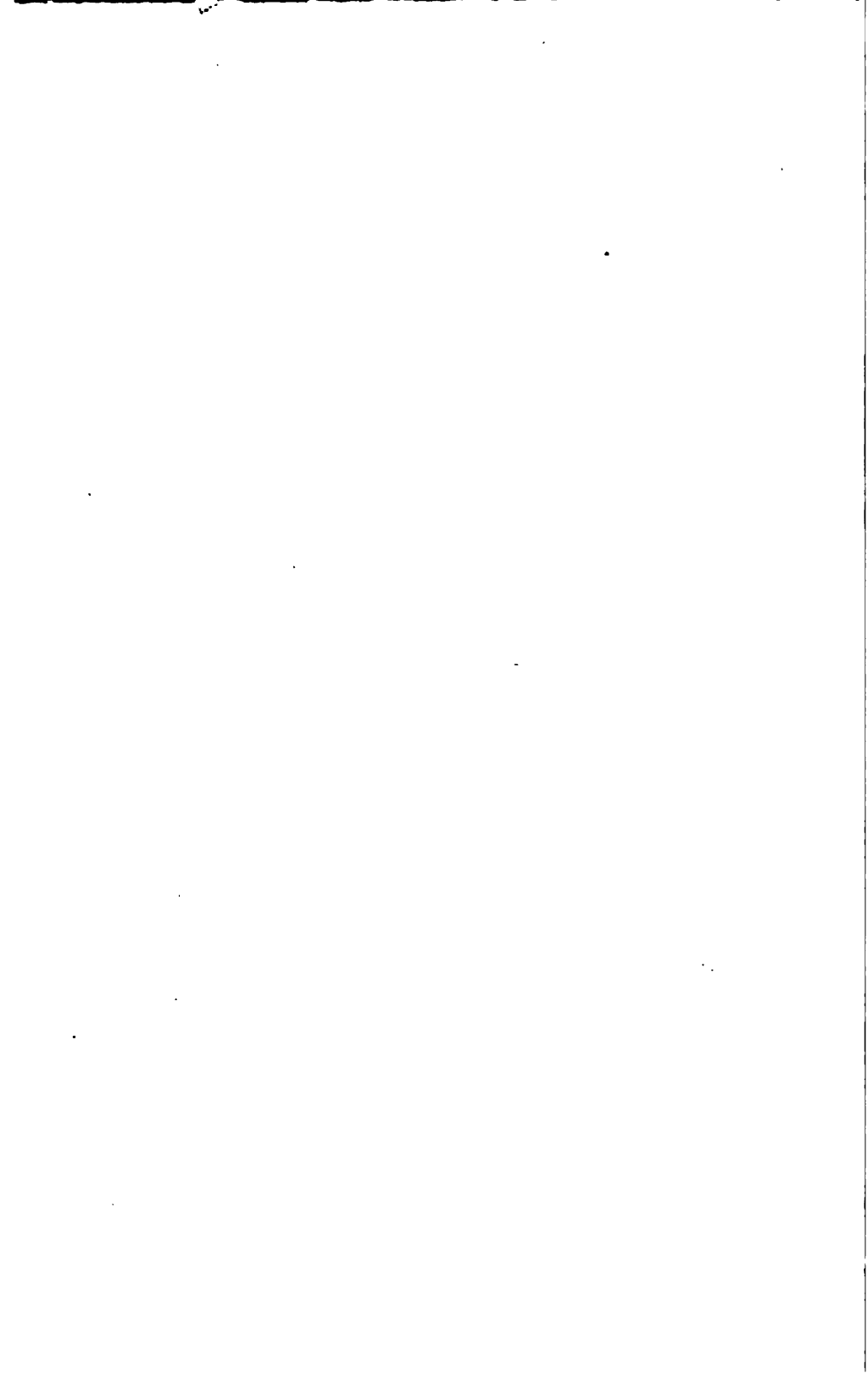
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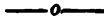
INVERNESS:

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## P R E F A C E.



HAVING put my name on the Title Page, I am in a measure constrained to write a Preface.

When the "NOTES" were projected, I had no conception of their extending to any length. That they did reach the hundred and first number is owing to the kindness of Mr EDWARD DUNBAR DUNBAR of Sea Park, who furnished the documents marked "D," on which no less than fifty-nine papers are founded, and I here tender Mr DUNBAR DUNBAR my best thanks for his courtesy. Some of the documents will be found in his "Social Life in Former Days," a goodly volume just published.

While this Volume has been passing through the press, Mr ROBERTSON of Inshes has given me access to his valuable papers. These are of such interest that I hope to have an opportunity of making use of them hereafter in a permanent form, befitting their importance.

The "NOTES" make no pretension of learning, but the documents are interesting and valuable, and care has been taken to authenticate facts as far as possible, though it cannot be doubted that there are errors. The opinions expressed may be accepted or not by the reader; but with the general sentiment pervading the "NOTES," I hope every Highlander will be contented. There is too much reason to complain of books about the Highlands: generally they are too eulogistic, hence absurd; or too learned, hence unreadable.

#### PREFACE.

I wish to draw the attention of readers to the importance of a Highland Club (See Notes 95.) Since that article was written, I am more than satisfied of the abundance and richness of material.

As no attempt was made to canvass publicly for names, it has been the subject of great satisfaction that so influential a list of subscribers was made up within a month or two. Having written to a true son of "Clachnacuddin," Mr PETER ANDERSON, of Calcutta, he procured the names of twenty-six Subscribers.

It only remains to be mentioned that the "NOTES" made their first appearance in the *Inverness Advertiser* and that they have been printed in their present shape by my good friend Mr FORSYTH, to whose establishment the book is very creditable as the largest ever issued in Inverness.

C. F. M.

INVERNESS, November 1865.



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# ANTIQUARIAN NOTES.

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## L.

### **SIMON LORD LOVAT AN IMPROVER OF LAND.**

The writer has often regretted that no qualified and unbiassed person has turned his attention to a biography of this celebrated man—representative of one of the best Scottish families. During his life contemporaries wrote harshly of him, and, taking the cue then given, succeeding writers have done little else than gather stories to his prejudice. That he had many and grievous faults is undeniable, but these have been so dwelt upon and exaggerated as to throw his extraordinary talents and abilities into the shade. Among minor blemishes must be added that of puffing! Mr R. Chambers, in his third volume of “ Domestic Annals of Scotland,” just published, shows from early files of the ‘ Courant ’ and ‘ Mercury ’ that his Lordship was in the habit of sending from Inverness and paying for the insertion of glowing accounts of feasts and rejoicings given by himself, or held in his honour.

The heir-apparent of the title and estates of Lovat bears the same name as his predecessor, and might well take some steps to vindicate his character from the aspersions of contemporary malice, with those of subsequent imperfect investigation.

In the present day, with Farmers’ Societies in every district of the country, anxiously disseminating sound and practical information, we do not think it strange to hear of enterprising proprietors giving encouragement to skilled tenants, and improving and bringing into cultivation whole

tracts of country. But such are of recent date. From the paper which is hereafter quoted, Simon Lord Lovat must be included in the category of improvers of land a century before it became common, and the writer gladly places this contribution as the first stone of a cairn in his honour. It is worthy of note that the land forming the subject of lease is situated on the high ridge of the Caiplich, and if even at present a cold, bare, exposed place, what must it have been in 1732? The terms of the lease are such as can be understood by any reader, and contrast favourably with those restrictions, obscurities, and repetitions so commonly to be met with in modern leases. The old spelling is not observed. The document is titled on the back, "Assedation, Lord Lovat to John M'Hucheon, &c.," and is as follows:—

At Beaufort, this                    day of June, seventeen hundred and thirty-two years, it is contracted, finally ended, and agreed upon, betwixt the parties following—viz., the Right Honourable Simon Lord Fraser of Lovat, proprietor of the lands and others aftermentioned, on the one part, and John M'Hucheon, in Clunes, Andrew M'Commish, vic Andrew there, and Roderick Barron, in Knockbain, on the other part, in manner and to the effect after following; that is to say, the said Simon Fraser Lord Lovat hereby sets, and in tack and assedation lets to the foresaid John M'Hucheon, Andrew M'Commish, and Roderick Barron, as much ground of that place commonly called Caiplich (lying in the parish of Kiltarlity and sheriffdom of Inverness) as they are able to take in and improve during the currency of this present tack, together with houses, biggings, yards, and other easements that they shall happen to make out of the same; and that for the space of seven years, and crops from and after their entry thereto, which is hereby declared to have been and begun at the term of Whitsunday last, notwithstanding of the date of these presents, to be peaceably bruiked, enjoyed, laboured, and manured by them, without break of tacks time and terms, during the space foresaid; and seeing the said place is nothing but a barren muir or hill without the least improvement, therefore the said Lord Lovat hereby obliges himself and his heirs to ask or demand no manner of duty or rent during the said seven years, and at the expiration thereof the said Lord Lovat obliges himself to prefer them as possessors, providing that they offer as much yearly rent as any other person for any term of years thereafter, and finding security therefor; and the said John M'Hucheon, Andrew M'Commish, and Roderick Barron bind and oblige themselves, their heirs, executors, and successors, to free and relieve the said Simon Fraser of Lovat and his heirs and successors of all public burdens imposed or to be imposed, spiritual or temporal, and to maintain and support the biggings during the space foresaid, and to leave the said possession void and redd at the expiration of this tack, without any process or sentence of declarator, to the effect that the said Lord Lovat may, or others in his name, enter thereto and enjoy the same. And both parties oblige themselves to perform the premises to others, under the failure of two hundred merks Scots money, to be paid by the party failing to the party performing or willing to perform beyond attour performance of the premises, consenting to the registration hereof in the books of Council and Session or other Judges competent, to have the strength of ane decret interponed thereto, that letters of horning on six days and all execution necessary pass thereon as effairs and thereto constitute our Prors. In witness whereof these presents (written by Charles Lyon,

servant to the said noble Lord, upon this and the preceding page of stamped paper), are subscribed by both parties, place, day, month, and year of God respective, above set down before these witnesses, John Fraser, servant and factor to the said noble Lord, the said Charles Lyon, and Paul Macpherson, lieutenant in the Lord Lovat's company.

Paul Macpherson, Witness.

Charles Lyon, Witness.

(Signed)

LOVAT.

A.F.

I.F.

---

## II.

### DEPRESSED STATE OF EPISCOPACY IN INVERNESS AFTER THE BATTLE OF CULLODEN, 1746.

It has been said, and with some truth, that Scotland suffered more from Episcopacy than from Popery. Looking back at the state of the kingdom at different periods, it will be found that whichever party was dominant showed no mercy to the other. Episcopacy had its day up to the revolution of 1688, and Presbytery afterwards. What a state Inverness must have been in after Culloden! The English troops committed excesses unusual even in a foreign country, and Provost Hossack going to remonstrate is, by tradition, said to have been kicked down stairs by Cumberland's orders. Hundreds were confined in the parish church, and many taken out to the churchyard and shot. The stone behind which they knelt, as also that on which the soldiers rested their muskets and took aim at their victims, are still seen. Many were shipped off to the plantations, and never heard of, among whom were several of the Laird of Grant's men in Urquhart, who had joined Prince Charles, serving under Colonel J. Roy Stuart, and, to the disgrace of Sir James Grant (who died in 1747), though he had influence with the Government, he not only did not interfere in their behalf, but was active in their apprehension.\*

It will be seen by the papers after quoted, nine or more Episcopalians could not meet without Government cognisance. They are numerous now in Inverness, comprising

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\* See No. 96, as to Grant of Sheuglle.

most of the landed gentry ; but there are very few landowning families now existing, some members of whom did not at one time or other conform to Presbyterian rule. Indeed, we only know two, Mackintosh and Dunmaglass, the latter as extinct in the person of the late John Lachlan Macgillivray. The Duffis also were, but not at all times, staunch Episcopalians. The paper after quoted is titled on the back, "Criminal Lybelled Summons ; The Pror. Fiscal agt Mr James Hay, Episcopal Minister, 1746," and is as follows :—

The Right Hon. James, Earl of Moray, Sheriff Principal of the shire of Inverness, to

Our officers jointly and severally specially constituted greeting, forasmuch as it is humbly meant and complained to us by Alexander Baillie, Esq., Procurator-Fiscal of the said Sheriff Court, upon Mr James Hay, Episcopal minister in Inverness, that albeit by the 29th Act of Parliament, past in the fifth year of His Majesty King George I., entituled "An Act for making more effectual the law appointing the oath for the security of the Government to be taken by ministers and preachers in churches and meeting-houses in Scotland," it is, for the preventing the sowing of the seeds of disaffection to His Majesty, and to the settlement of the Crown in the Protestant line, enacted "that no person shall take upon him to preach or read prayers, or perform any part of divine service in any Episcopal meeting-house or congregation where the number of nine or more persons shall be present over and besides those of the same household in Scotland, or to supply the place of any pastor or pastors, minister or ministers, in any such Episcopal congregation or meeting-house but such as shall pray in express words for His Most Excellent Majesty King George, their Royal Highnesses the Prince and Princess of Wales, and their issue ; and who shall have taken the oath of abjuration," as recited at large in the said Act, in one or other of the Courts of Session, Justiciary, or Exchequer in Scotland, or before the Justices of Peace at their Quarter Sessions, or sheriff or steward of any shire or stewardry in open court, within which any such person is a resident, or meeting-house, when he shall take upon him to preach or perform any part of divine service ; and, further, that if any person or persons shall presume to preach or perform any part of divine service in any Episcopal meeting-house in Scotland without praying in words express for His Most Excellent Majesty King George, their Royal Highnesses the Prince and Princess of Wales, and their issue, or without having taken the aforesaid oath in manner above directed, any meeting-house where such offence shall be committed shall be shut up for six months. Yet true it is, and of verity, that the said Mr James Hay has kept a meeting-house in Inverness for years past, and has within those few months past presumed to preach in his said meeting-house, or there to perform some part of divine service without praying in words express for His Most Excellent Majesty King George, their Royal Highnesses the Prince and Princess of Wales, and their issue, or without first having taken the foresaid oath in manner directed by the act. Therefore the said meeting-house ought to be shut up for six months, and the complainer prays that warrant be granted accordingly. Therefore, our will is that ye lawfully summon, warn, and charge the said Mr James Hay personally, or at his meeting-house, to compare before us or our deputies, one or more, within the Tolbooth of Inverness, in a Sheriff Court there to be holden the                    day of                    in the hour of cause, to answer at the instance of the said complainer in manner and to the effect before-mentioned, here holden as repeated, or else to allege a reasonable cause in the contrary with certification as effeirs. The which to do, &c., Given under the hand of the Clerk of Court at Inverness, the eleventh day of July, seventeen hundred and forty-six years.

(Signed)

ALEXANDER MONRO.

Upon the twelfth day of July, Lachlan Mackintosh, one of the Sheriff officers of Inverness, executed the summons by giving him a copy "personally apprehended." The following proceedings took place:—Inverness, 31st July 1746, George Cuthbert of Castlehill, Sheriff-Depute, by adjournment to this day from the Tolbooth to John Baillie's house.

The Procurator-Fiscal produced the libelled summons and execution thereof, bearing the defender to be personally cited to this diet, and also produced Act of Parliament libelled on; and represented that, as the meeting-house, whereunto the defender preached and performed divine service for some years past, was entirely broke down and demolished latter end of April last by the king's troops under the command of the Duke when in this place, and that the very timber of this meeting-house was carried away and disposed of by the troops as is notoriously known in town and country—therefore, on that account, finds it needless to insist on the conclusion of the libel in regard of the said meeting-house being destroyed as aforesaid. But meantime craved a protestation might be granted him to insist on the other conclusions in the Act of Parliament with regard to the six months' imprisonment, in the event the defender shall presume and take upon him after this date to preach and perform divine service in any house or place within this county, without he be qualified in terms of the said Act of Parliament.

(Signed)

ALEXANDER BAILLIE, Pro.-Fis.

The Sheriff-Depute having considered the libel, Act of Parliament libelled on, and the Fiscal's representation of facts above-mentioned, and the defender being oft times called, and failing to compare by himself or Procurator in his name, the Sheriff-Depute admits the protestation craved by the Fiscal, it being noutour that the defender's meeting-house has been demolished, as is above represented, and ordains the protestation craved, and this interlocutor to be intimated to the defender by the Clerk of Court with certification.

(Signed)

GEO. CUTHBERT.

Mr Hay is frequently referred to in Bishop Forbes's Memoirs, and his call to Inverness in the year 1734 is now printed (Appendix No. 1.) It is interesting as showing who composed the Episcopal congregation in Inverness at that period, and has been furnished by Eneas Mackintosh, Esq. of Daviot, from Mackintosh's papers. William Mackintosh, who signs, was the chief.

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### III.

#### A MERCANTILE TRANSACTION OF KEPPOCH'S, SON OF "COLL OF THE COWES."

The town of Inverness, during its chequered history, was never in such danger as in the month of April 1689. The old feud 'twixt the families of Mackintosh and Keppoch had recently broken out afresh, and Mackintosh, who had been

assisted by the town, was defeated by Keppoch, who is described by a contemporary as "a gentleman of good understanding," and who laid siege to Inverness with 900 men. According to Mr Chambers—"The northern capital, a little oasis of civilisation and hearty Protestantism in the midst of, or at least close juxtaposition to the Highlands, was in the greatest excitement and terror lest Keppoch should rush in and plunder it. There were preachings at the Cross to animate the inhabitants in their resolutions of defence, and a collision seemed imminent." Lord Dundee coming north to raise the Highlanders, and wishful to secure the friendship of the citizens of Inverness, interfered, and granted his own bond on behalf of the town, whereby he obliged himself to see Keppoch paid the sum of two thousand dollars as a compensation for the losses and injuries he alleged he had sustained at the hands of the Mackintoshes. This matter took years before it was settled; for we find that on the 7th June 1695, the town presented a petition to Parliament, craving that Keppoch and his accomplices "refund the soume of four thousand merks extorted from them in a hostile manner." Lord Dundee appears to have given him the name of "Coll of the Cowes," as appears from the deposition of Lieutenant James Colt, of Captain John Erskine's company in Colonel Ramsay's regiment, at Edinburgh, on the 12th (not 14th, as erroneously stated by Macaulay\*) May 1690, before the Lord High Commissioner and the Estates of Parliament, in the process of treason—the King's Advocate against the Viscount of Dundee and others. Colt, who had been taken prisoner at Perth, and carried about with the Royalists, says "that he saw Macdonald of Keppoch with one of his brothers, who both, with about 120 men in arms, followed the Viscount of Dundee from Lochaber to Badenoch, and joined with him there, and continued with him till he returned to

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\* Macaulay, of Scandinavian descent—who had nothing in him of the Scot or Highlander, and has been shown by Aytoun, Dixon, Paget, and others, to have been frequently wrong in names, dates, quotations, facts—is most unsparing in his remarks on others. For example—History, vol. 3, note p. 331, he says—"I have seldom made use of the Memoirs of Dundee printed in 1714, and never without some misgiving. The writer was certainly not, as he pretends, one of Dundee's officers, but a stupid and ignorant Grub Street garretier." Again, same volume, note page 363—"Macpherson printed a letter from Dundee to James, dated the day after the battle. I need not say that it is as impudent a forgery as Fingal."

Lochaber ;” and adds “ that the Viscount used to call him ‘ Coll of the Cowes,’ because he found them out when they were driven to the hills out of the way.”

Coll Macdonell, son of this Keppoch, was a counterpart of his father. Letters of fire and sword were issued against him at the instance of Lachlan Mackintosh of that Ilk in February 1689, but the commission became effectual without proceeding to extremities. This Coll Macdonell is spoken of in a poem written in 1737, as one who had fought at Killiecrankie, Cromdale, and Dunblane, who “ from thefts and robberies scarce did ever cease,” and who, notwithstanding many fluctuations of fortune, rather improved in his circumstances, and died in peace in 1733. He was, says the poet, “ a man of low stature, but full of craft and enterprise. His life, if printed, would make an entertaining piece, whether we consider the depth of his genius, the boldness of his adventures, or the various turns of adverse fortune, which he bore with uncommon steadiness, and had the art to surmount.” Coll was an extensive dealer in cattle and horses, like his father. His transactions were not, probably, all legitimate trading, but the one after-quoted may be held as correct. The obligation is written by himself, and we have often been struck with the facility which gentlemen a century and two centuries ago wrote and attested legal documents, doubting much whether landholders in the present day could do so. The bond is titled on the back, “ Obligatione Keappoch and his Caur ; To Ranald Macdonald in Cuillachy, 1705.” The old spelling is not observed. Keppoch writes himself “ M’Donald” in the body of the document, but signs “ Macdonell.” The paper is now much defaced, but the writing is excellent :—

Be it kenned to all men by these presents, me, Coll Macdonald of Keppoch, that forasmuch as Ranald Macallister Mhor, alias Macdonald, in Cuillachy, in Abertarff, has sold and disposed to me all and hail the number of twelve mares with six foals, eight-year-olds, and one stallion at the rate of one thousand merks Scots money, the full price of the said number of mares and foals and others overhead, of the quilk number of horses foresaid, I grant the receipt, renouncing all exceptions and objections of the law proponable in the contrar ; witt ye me therefore, the said Coll Macdonald as principal, John Macdonald of Inveroy, and Alexander Macdonald, younger of Choinatte, as cautioners, sureties, and full debtors with and for me, to be bound and obliged, likeas by the tenor hereof, we bind and oblige us jointly and severally, our

heirs, executors, and successors to us in our lands, rents, heritages, and all the intrmitters with our goods and gear whatsoever, to content and pay to the said Ranald Macallister Mhor, alias Macdonald, his heirs or assigneys (excluding executors), the said sum of one thousand merks money foresaid, at and against the feast and term of Martinmas one thousand seven hundred and six years, together with the sum of two hundred merks money foresaid of liquidate penalty in case of failure, together with the due and ordinar annual rent of the said principal sum yearly, termly, quarterly, and continually during the notpayment thereof, after the term of payment above specified. And I, the said principal, bind and oblige me and my foresaids to free, relieve, akaithless and harmless keep, my said cautioners and their foresaids of all cost, akaith, and damage they shall happen to sustain in any sort on the account of their said cautionary. Consenting to the registration hereof in the books of counsel and session or any other competent register within this kingdom, there to have the strength of ane decret of any of the Lords or Judges thereof, interponed thereto, that letters of horning and all other executorrialls needful may be directed hereupon in form as effeirs, on the charge of fifteen days only, and to that effect constitutes

Prors. in witness whereof we have subscribed these presents, written by me, the said Coll Macdonald, at Leagroy, the ninth day of August seventeen hundred and five years, before these witnesses, Ranald Macdonald of Gallowie, and Archibald Macdonald of Tullochchromie.

(Signed)

ALEX. MACDONALD, Caur.  
J. MACDONALD, Caur.  
COLL MACDONELL.

Ranald Macdonald, Witness.  
Ar. Macdonald, Witness.

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#### IV.

#### KEPPOCH, 1683. (D.)

The preceding chapter, relating to Keppoch, having attracted the notice of that zealous antiquary, Mr Dunbar Dunbar, of Seapark, he has kindly sent two papers relating to events in the early life of "Coll of the Cowes." One of these, being "Coppie Act of Counsel in favour of Coll M'Donald, 1683," is subjoined, and an abstract given of the other. The circumstances are not only interesting in themselves, but more particularly in their marked resemblance to the position of the Master of Ravenswood and the Lord Keeper in the early part of "The Bride of Lammermoor." There is the ancient feud between the families—the death of the head of one—the meeting of his friends and relatives—the vows of vengeance at his



funeral—the challenge by the young man (for it is obvious what the meaning of Keppoch's "accommodation" was)—the putting of the law in force against the weaker party. These two last would have occurred in the novel were it not for the meeting of Edgar Ravenswood and Lucy Ashton, when the latter was saved from a violent death. Unfortunately the resemblance ceases in the love passages, whose beauty, pathos, and sadness have moved thousands to tears, whether read in our immortal countryman's own pages, or seen and heard with the brilliant accessories of the stage. Here there was nothing but war to the knife; on the one hand, Mackintosh getting letters of fire and sword against Keppoch; the latter in the year 1689 burning the Castle of Dunachton,\* the ancient stronghold of the Mackintoshes, a ruin to this day:—

At Edinburgh, the 1st day of February 1683 years, anent a petition presented by Coll M'Donald, son to the deceased Archibald M'Donald of Keppoch, showing that where the petitioner, being these two years bygone at the University of St Andrews, and in December last being informed that his father was dead, he went north in order to his interment, with intention to return to his studies; and having gone the length of Inverness, did send some of his friends to the Laird of Mackintosh (with whom the petitioner's father had former differences), and offered an accommodation, and his full resolution to submit himself and his interest to a legal decision or amicable determination. The Laird of Mackintosh, in return to this message and humble desire, by his own clandestine warrant, caused summarily apprehend the petitioner, and commit him prisoner within the Tolbooth of Inverness, without the least probation of his guilt or breach of the peace. The petitioner did thereupon conceive himself extremely wronged, and that his imprisonment was illegal and unwarrantable, Mackintosh being both judge and party, and having seized upon the petitioner under night without any cause; but yet the petitioner, to avoid any farther trouble, caused offer caution for his appearance when he should be called, and required Mackintosh to cause put him to trial if he had anything to lay to his charge, which was refused, as by instruments taken thereupon is apparent; and the petitioner, being thus unwarrantably seized upon, and a minor, and not able to do for himself, he is necessitated to make application to the Lords of Privy Council, who, under His Majesty, are entrusted as well with the protection of the innocent as the prosecution of the guilty; and the petitioner being resolved on to submit himself to His Majesty's laws, and to live peaceably under the Government. Humbly therefore supplicating, that the Council would take the petitioners condition into their consideration, and ordain the Magistrates of Inverness, within whose Tolbooth he is prisoner, to set him at liberty, in respect of his unwarrantable imprisonment, as said is, and that he is content to find caution to appear before the Council, at such a diet as shall be appointed upon a lawful citation, to answer to anything that can be laid to his charge. The Lords of His Majesty's Privy Council having heard and considered the foresaid petition, do hereby give order and warrant to the Magistrates of Inverness to set the petitioner at liberty on

\* The fine Barony of Dunachton was acquired in 1602 by the marriage of William, 12th of Mackintosh, with the heiress of Macnaughton of that ilk. The site of the Castle is charming, well worthy of being rebuilt upon.

finding sufficient caution acted in the books of Council to present himself at the Council bar the fifteenth day of March next for giving such security as the Council shall think fit to appoint, and that under the penalty of one thousand pounds money, which caution he hath found accordingly. Extracted by me (Signed) Will. Paterson, Cl. The principal of the above-written act of Council was intimated by me, Notary Public subscribing, to Alexander Dunbar, Provost of Inverness, John Cuthbert, Hugh Robertson, and James Stewart, Bailies, whereof all personally apprehended—betwixt the hours of eleven and twelve in the forenoon, the 9th day of February 1683 years, in presence of William Mackintosh of Borlum; Mr Wm. Robertson of Inshes; Thomas Penny, servitor to the said Alexander Dunbar, Provost, and William Dunbar, servitor to the Laird of Coull, witnesses to the said intimation.

(Signed)

W. CUMING, Notarius Publicus.

The other document is obligation “Lachlan Mackintosh of Kinrara to the Magistrates of Inverness, 1683,” and detracts somewhat from the truth of Keppoch’s tale to the Council. It is an obligation to relieve the Magistrates of all cost, skaith, and damage, in consequence of their releasing of Keppoch in virtue of the order of Council before quoted from their Tolbooth, where he had been incarcerated at the instance of certain of the Commissioners of the Assessment of the shire of Inverness until he, as “son and successor to umquhile Archibald M’Donald of Keppoch, should pay the cess and other public dues resting by his said umquhile father for the lands of Keppoch and others since His Majesty’s restoration,” &c.

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V.

**ALLAN MUIDARTACH, CAPTAIN OF CLANRANALD,  
1696.**

The death of Donald Dhu Macdonald in Ireland, during the Regency of Mary of Guise, and consequent extinction of the direct lineal descendants of the Lords of the Isles, while it made it impossible that any one descendant of Somerled should again rule supreme in the Isles, had the further effect of bringing up claims to the representation, by various branches of the Macdonalds. Four branches frequently appeared in the field under their respective leaders with

great credit—viz., Clanranald, Sleat, Glengarry, and Kepoch. Whatever their claims may be, we are not inclined, as regards Clanranald, to accept the views of Mr Skene, and only here notice that, in the account of the Highland clans in Scotland laid before Louis XIV. by the Scottish Jacobites, Clanranald is placed first of the Macdonalds. From the time of Charles the First to Culloden, there can be no question that the Clanranalds took a leading position among the clans. Of the various leaders of the family, none were more distinguished than Allan Muidartach, a transaction of whose in 1696 we subjoin. In the year 1689, when only fourteen, he showed his zeal for the Stuarts by accompanying his clan to the field, being treated by Dundee with the highest consideration. He was present at the battle of Killiecrankie, with Ranald Macdonald of Benbecula, his guardian, in command. The bond after quoted shows him to have been in London in 1696, perhaps taking part in the energetic movements made that year for the restoration of James, by the Duke of Berwick. The Master of Beaufort, as we know, was in London with his cousin Hugh, 11th Lord Lovat. It was on his return from this journey—undertaken in reference to the command of a regiment—that Lord Lovat was taken ill, and died at Perth—his death without male issue, being the cause of the great contest which took place between Lovat and the Murrays and Mackenzies, which lasted for thirty years.

Allan of Moydart, as related by all contemporaries, upheld his feudal rank in a princely manner, and, by the urbanity of his disposition, acquired great influence in the Highlands. He, along with his brother Ranald, were among the first to take the field with the Earl of Mar in 1715. The position of Clanranald, Glengarry, and Sleat at Sheriffmuir was in the centre of the first line; General Gordon, who had been in the Muscovite service, having command of the ten battalions composing the centre. At the very first advance, Allan Muidartach, then in the full vigour of manhood, fell mortally wounded, with his last words encouraging the clan to stand to their posts. They were roused from their dejec-

tion and momentary paralysation by Alexander Macdonell of Glengarry, who, throwing his bonnet in the air, cried aloud, "Revenge! revenge! revenge to-day, and mourning to-morrow!" and moving forward, the Highlanders rushed in on Argyle's left, and a route ensued. Had the Scottish cavalry been in any way fairly matched with the Hanoverian, Sheriffmuir would have been as complete a defeat as Prestonpans; but, as is so well known, the battle was quite ineffective.

Allan was married to Penelope Mackenzie, of the family of Killichrist, but left no issue, and his brother Ranald was attainted for his accession in the rising. Lady Clanranald was a person of great prudence, and contributed greatly to the retention of the estates at a highly critical period. The honours of the family were more than revived in 1745 in the person of Ranald, younger of Clanranald, Allan's grand nephew, regarding whom we shall have something to say in our next "Notes." Simon Fraser kept the bond after quoted carefully for nearly twenty-one years, making no use of it until some time after his restoration in 1716 from his long exile in France. The paper is marked on the back "Bond—Allan Macdonald of Moydart to Mr Simon Fraser of Beaufort," and is as follows, viz. :—

"I, Allan Macdonald of Moydart, do hereby grant and acknowledge that I have instantly borrowed and received in numerat money from Mr Simon Fraser of Beaufort the full and entire sum of twenty pounds sterling, whereof I grant the receipt (renouncing the exception of not numerat money, and all other exceptions and objections of the law to the contrary), which sum of twenty pounds money foresaid, with the due and ordinary annual rent thereof conform to the Act of Parliament, from the date thereof to the term of payment underwritten, I do hereby bind and oblige me, my heirs, executors, and infromittars, with my lands, rents, goods, and gear whatsoever, thankfully to content, pay, and deliver again to the said Mr Simon Fraser, his heirs, executors, or assignees, and that either within the kingdom of Scotland, or within the kingdom of England, at the option of the said Mr Simon Fraser, betwixt this date hereof and the tenth day of September next to come, without longer delay, together with the sum of five pounds money foresaid of liquidate expensos in case of failure, together also with the due and ordinary annual rent thereof so long as the same shall happen to remain unpaid after the said day of payment, without prejudice to the execution hereof thereafter, without any premonition, notwithstanding of the said condition of annual rent paying, and for the more security we are content and consent that thos presents be insert and registered in the books of council and session, or any other ordinary register within the kingdom of Scotland; that letters of horning on six days and other executionalls necessary may pass hereupon in the usual form, and to that purpose constitute

My prors, &c.,  
promising to stand firm and stable. In witness wherof (this obligation is

written by John Spens of Blair) I have subscribed these presents with my hand, and sealed the same with my seal at London, the twenty-fourth day of June, in the eight year of the reign of King William the Third, and in the year of our Lord one thousand six hundred and nintie-six, before these witnesses, Mr Robert Bruce, gentleman, and Kenneth Mackenzie, my servant.

(Signed)

ALL MACDONALD.

ROBERT BRUCE, witness.

KENNETH M'KENZIE, witness."

## VI.

### YOUNG CLANRANALD, 1745.

The resolution of Charles Edward to invade Britain with French assistance was well known in the Highlands, and preparations had been made by many of the Highland chiefs in the early part of 1745. The landing of the Prince with only seven followers was a sad discouragement, and it is universally admitted that had Lochiel not acceded to Charles' urgent representations, he must have returned. Ranald Macdonald, younger of Clanranald, then in his 22d year, with his ardent attachment to the Stuarts, and chivalrous character, was one of those who had been preparing for Charles' arrival. The bond after quoted was for money raised to bring the clan into the field; and although his uncle Boisdale, whom the Prince saw in Uist, had declined giving any countenance to his projects, no hesitation was expressed by Clanranald—the account given by Home that he and Kinlochmoidart had at first positively refused, being contradicted by Maxwell of Kirkconnell and other reliable writers.

From the first raising of the standard at Glenfinnon down to Cullodeu, none stood more firmly by Prince Charles than young Clanranald. His services at Gladsmuir (Prestonpans), placed in the right wing of the first line, were the themes of the Jacobite poets.\* At Falkirk the clan were in the same position; and though it is impossible to say what the result

\* "But now small space the different hosts divide;  
The scheme is laid on brave Macdonald's side.  
Night draws her curtains ere the battle joins,  
The rebel army fires their outmost lines.  
Not so the clans, but in soft slumbers laid,  
They wait the morning in their tartan plaid."

might have otherwise been, there can be no doubt that the unfortunate disposition of the army by Lord George Murray, in raising a question of precedence between the Macdonalds and Camerons, had the most fatal effect at Culloden. Looking at the question in an unbiassed light, it seems that the Macdonalds had the right, and that Lord George committed a great error. Notwithstanding the after dislike of the Prince, Lord George's undoubted military talents, and the eminent success and devotion of his previous services, must for ever acquit him of anything more than the committal of an error in judgment; and it may be further said that the Camerons, by their behaviour at Culloden, proved themselves entitled to any precedence which could be given them, which did not infringe on the rights of others.

Young Clanranald was attainted in 1746, but escaped the consequences in an extraordinary manner. By the bond after quoted, written with his own hand, he distinctly calls himself "Ranald," but in numerous writings he is described "Ronald."

It so happened that in the act of attainder he was inadvertently called Donald instead of Ronald. The matter came some time afterwards before the courts, and it was decided that the misnomer Donald for Ronald was fatal to the attainder.\* Clanranald's escape from the fearful consequences of an attainder was thus contingent on a single letter. The Honourable Flora Macdonald, late one of the Maids of Honour to Her Majesty, is Clanranald's great grand-daughter. The bond is written in a good legible hand, and is titled on the back, "Bond—Ranald Macdonald, younger of Clanranald, to John Macdonald in Canna, 25 April 1745," and is as follows:—

"Be it known to all men by these present letters, me, Ranald Macdonald of Clanranald, junior, by the tenor hereof to have borrowed and instantly received from John Macdonald at Tarbart, in Canna, the sum of four thousand merks Scots money, renouncing hereby the exception of not numerat money and all other exceptions and objections of the law that may or can be proposed or alleged in the contrary for now and ever; which sum of four thousand merks Scots money foresaid, I, the said Ranald Macdonald, binds and obliges me, my heirs, executors, successors, and intromitters in my goods and gear whatsoever, lands and rents, to content, satisfy, pay, and redeliver to the foresaid John

\* Morrison's Law Dictionary of Decisions.

Macdonald, his heirs, executors, or assignees, at the term of Whitsunday next to come, or else to continue him and his above-mentioned in the agreeable possession of the fifteen penny lands of Tarbart and the three penny lands of Garistill, lying within the Isle of Canna and sheriffdom of Argyll; ay, and while the said principal sum of four thousand merks be not completely satisfied and paid to the said John Macdonald, or his foresaids, but longer delay, with the sum of eight hundred merks of liquidate penalty and expenses in case of failure, together with the due and ordinary annual rents of the foresaid principal sum, yearly, termly, monthly, and quarterly during the not-payment thereof, after the foresaid term of payment above specified, which annual rent is to be deduced yearly from the three hundred and sixty merks Scots payable by him per annum of rents out of the foresaid lands of Tarbart and Garistill, and the hail pertinents thereunto belonging; and for the further security I am content, and consents these presents be inserted and registered in the books of council and session, or any other judicatory books competent within North Britain, therein to remain for preservation, and that all other needful execution may pass thereupon conform to law, and to that effect constitute

my prors. In witness whereof, (written by me, the foresaid Ranald Macdonald of Clanranald, junior), I have subscribed these presents on stamped paper, consisting of this and the preceding page, at Tarbart, in Canna, the twenty-fifth day of April, seventeen hundred and forty-five years, before these witnesses, John Macdonald, brother-German to Alexander Macdonald of Glenaladale, and Allan Marishall, servitor to the foresaid Ranald Macdonald of Clanranald, junior.

(Signed)

”  
”

RANALD MACDONALD.  
JOHN MACDONALD, witness.  
ALLAN MARISHALL, witness.

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## VII.

### PRISONS OF INVERNESS. (D.)

Macaulay, in his graphic but exaggerated language, thus speaks of Inverness in 1689, on the authority of Burt—  
“ Though the buildings covered but a small part of the space over which they now extend; though the arrival of a brig in the port was a rare event; though the Exchange was the middle of a miry street in which stood a market cross much resembling a broken mile-stone; though the sittings of the municipal Council were held in a filthy den with a rough-cast wall; though the best houses were such as would now be called hovels; though the best roofs were of thatch; though the best ceilings were of bare rafters; though the best windows were in bad weather closed with shutters for want of glass; though the humbler dwellings were mere heaps of turf, in which barrels with the bottoms knocked out

served the purpose of chimneys—yet to the mountaineer of the Grampians this city was as Babylon or as Tyre. Nowhere else had he seen four or five hundred houses, two churches, twelve maltkilns, crowded together; nowhere else had he been dazzled by the splendour of rows of booths where knives, horn spoons, tin kettles, and gaudy ribands were exposed to sale.”

Though the difference betwixt the town then and now is vast, the difference between the prisons is still more so. There are still, alas, some hovels, almost as wretched as those described by Macaulay, but the prison in external appearance and internal arrangements is all that could be wished. Of the early prisons of the town, we know little or nothing. But we do know that in the construction of the old stone bridge in 1685, a vault 12 feet square was constructed between the second and third arches, with an entry by a hatch from the road-way, in which prisoners were confined. Inverness readers will remember the grated opening looking to the west, and their horror when first they heard in childhood of the unfortunate maniac confined in it who was half devoured by rats.\*

Our notes particularly refer to the prison in Bridge Street, which was demolished about 1790. The court-house attached is described as “very antient;” what the prison was, is shown by entries in the burgh records at different periods from 1700 downwards, and also the memorial, of which a copy is subjoined. The sum voted by the magistrates of the day was very handsome, but the cost, including the present elegant spire, exceeded the estimate by more than double.

Great as was the improvement on the former prison, still the new jail was soon found to be inconvenient. The accommodation for prisoners and their proper separation was quite insufficient, and the guard-house, popularly known as “the black hole”—wherein many a roysterer had a night’s

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\* In Mr R. Munro’s “Recollections of Inverness,” published in 1863, he says, “It was often told the writer by some of the old Invernessians, now deceased, that a man was imprisoned in the vault about the year 1715, and that he was at last eaten up by the rats, with the exception of his bones, and in the winter season, the place being so cold, the prisoner used to bawl out from the grated window in Gaelic, ‘Cosan Fuar,’ ‘Cosan Fuar,’ meaning that his feet were very cold.”



involuntary quarters—a dreadful place. The accommodation also for the courts was miserable, and for many years before the splendid buildings on the Castle Hill were erected, the Lords of Justiciary were in the habit of using severe language to the authorities on the subject, very different from the courtly phrases now generally heard. This was no wonder, for none who recollect the old burgh court-house, the scene of so many noisy meetings after the passing of the Reform Act, and during the protracted Parliamentary and municipal struggles that ensued, but must have painful remembrances of closeness, dinginess, and filth. Were it not for the want of stone, Inverness would have made much more architectural progress than it has done. Of late years, however, its progress in this respect has been satisfactory.\*

The memorial after quoted is addressed on the back, “ Sir Alex. Dunbar of Thunderton, Foress, in Murray,” and is as follows:—

Memorial

For the Provost, Magistrates, and Town Council of Inverness, for themselves and the community,

To

The Heritors and Commissioners of Supply and Magistrates of Burghs in the Counties of Inverness, Ross, Moray, Sutherland, Caithness, Nairn, Cromarty, Orkney, and Zetland,  
Sheweth,

That the Circuit Court of Justiciary for the northern district, comprehending the above-mentioned counties, has been invariably held at Inverness.

That the present court-house, which is very antient, having been built only for the town and county, is very inadequate to the proper accommodation of the Lords of Justiciary and other members of the court, the sheriffs, and the number of gentlemen who are called upon to attend as assizers.

That the jail, which is adjoining to the court-house, consists only of two small cells for criminals, and one miserable room for civil debtors, and is often so crowded with prisoners from the different counties as to render their situation truly deplorable; to give some idea of which it is only necessary to mention that there are at present and generally, about thirty persons confined in these holes, none of which is above thirteen feet square.

That the court-house and jail are now so much decayed as to render it necessary immediately to repair or rebuild them.

That the memorialists have long anxiously wished to rebuild them on an enlarged plan, so as to afford ample accommodation for the Circuit Court, and to soften the rigour of confinement to unfortunate prisoners by removing the necessity of having them so crowded together as they are at present.

That with this view they have lately purchased, at a considerable expense, a piece of ground adjoining to the present jail, fully equal to the purpose, and have procured a proper plan and estimates to be made.

That the sum necessary for carrying their plan into execution will be about fifteen hundred pounds sterling, which they are utterly unable to advance from the funds of the community over which they preside, and must, of course,

\* This was written in 1861, long before Union Street was projected.

abandon the idea unless liberally assisted by the different counties and burghs connected with the Northern Circuit, and who are so very materially interested in promoting this necessary work.

The memorialists, therefore, relying on the public spirit, generosity, and humanity of the gentlemen of the northern counties and burghs, do now call upon them for liberal aid towards erecting a Court-house, in which their accommodation as assizers will be a principal object, and providing for such criminals as they may send for trial; a prison decent and secure will be particularly attended to.

The memorialists, while soliciting the assistance of others, think it incumbent on them to declare the extent to which they will go for carrying this useful work into execution, and they have resolved on *five hundred pounds sterling*, being a sum equal to the utmost stretch of their ability as a community. If, then, contrary to their hopes, the present application should fail of success, they claim that the want of accommodation in their Court-house or smallness of their jail may never be charged against them in future.

Signed by appointment of the Magistrates and Council,

WILLIAM MACKINTOSH, Provost.

Inverness, 17th March 1786.

SIR,—By appointment of the Magistrates and Council of this town, I have the honour to hand you annexed to this copy of a memorial respecting the state of our Court-house and jail, which has been transmitted to the Sheriff of your county, to be laid before the first meeting of the heritors and Commissioners of Supply.

I take the liberty to request your support on this occasion, and have the honour to be,

Sir, your most obedient servant,

(Signed) WILLIAM MACKINTOSH, Provost.

## VIII.

### OLD TACK OF THE CITADEL GROUNDS, 1693. (D.)

Seeing the importance of Inverness as a military position, Cromwell resolved to erect a fortification to keep the clans in subjection. The fort was begun in the year 1652, took five years in building, and is said to have cost the large sum of £80,000. A great part of the mason work was composed of the stones of the entirely destroyed Grey Friars' and St Mary's Chapel of Inverness, and of the partially destroyed monasteries of Kinloss and Beaully, and Episcopal buildings of Chanonry. It was demolished as a fortification in 1662, after the restoration of Charles II., by request of the Highland chiefs, but the effects of the brief stay of the English soldiers had, according to tradition and other-

wise, a permanent effect on the language of the inhabitants of Inverness.

Although demolished as a fort, still a great number of buildings remained, as is seen by a rare engraving of the town, dated about the close of the seventeenth century. Burt thus describes it in 1726 :—

“ The figure of the outwork is a pentagon of two hundred yards to a side, surrounded to landward with a fosse, now almost filled up with rubbish. The rampart is not unpleasant for a walk in a summer's evening, and among the grass grows carways that have often regaled my palate, and of which the seeds are supposed to have been scattered by accident in time out of mind. Oliver had one thousand two hundred men in and near this citadel, under the command of one Colonel Fitz,\* who had been a tailor, as I have been informed by a very ancient laird, who said he remembered every remarkable passage which happened at that time, and most especially Oliver's colours, which were so strongly impressed on his memory that he thought he then saw them spread out by the wind, with the word “ Emmanuel” (God with us) upon them, in very large golden characters.”

The town of Inverness in the early part of the eighteenth century received a feu of the citadel, &c., from the Earl of Moray, the superior, for payment of four pounds sterling, or thereby, and it is so held to the present day. We have no doubt that the worthy Bailie James Dunbar, who by the tack after quoted got right to “ the rubbish,” made a good thing out of it, as the stones of the citadel were to be found in all the old houses of Inverness. The curious little clock tower still standing, with its clock, are said to be as old as the time of Cromwell. The tack after quoted is titled on the back, “ Registrat Tack, my Lord Doune, to Bailie Dunbar, 1694,” and is as follows :—

At Inverness, the third day of April sixteen hundred and ninety-four years, in presence of William Baillie, Commissary of Inverness, compeared John Taylor, writer therein, as procurator for James Lord Doune on the one part, and also compeared John Munro, writer in the said burgh, as procurator for James Dunbar, after designed, on the oyr part, and gave in the tack under-written subscribed with their hands, desiring the same to be inserted and registered in the commissary court books of Inverness, that all execution necessary may pass thereupon in manner therein contained, which desire the said judge finding reasonable has granted in manner, and to the effect above written and mentioned in the said tack and asseadation, whereof the tenor follows :— We, James Lord Doune, by these presents, sets and in tack and asseadation lets to James Dunbar of Dalcross, present bailie in Inverness, the hail ground and grass of the Sconce or Citadel of Inverness, with all the pertinents thereto belonging, as well within as without the walls, and walls and tops thereof, and the lands called Wormwood Field near and adjacent thereto, and that for all the years and space of five years immediately following the term of Whitsunday sixteen hundred and ninety-four years, which is hereby declared to be his entry

\* His name was Fitch. See Notes 78.

thereto by virtue of this present tack, which tack we hereby sett to him, his heirs, executors, or assignees, with power to him or them to remove and carry away out of the said Citadel all the rubbish and foundations of the old walls for the better improvement of the said ground, and for his behoof and profit, and which tack we bind and oblige us our heirs, executors, and successors to warrant to the said James Dunbar and his foresaids to the effect foresaid at all hands whatsoever, and the said James Dunbar, by his acceptance hereof, binds and obliges him and his foresaids to pay to us, our heirs, executors, or assignees, the sum of thirty-six pounds Scots money yearly as tack duty therefor at each Whitsunday, beginning the first term's payment at the term of Whitsunday, sixteen hundred and ninety-four years, and so yearly during the continuance of this tack, which tack both parties oblige themselves to stand to and keep in all points, and they consent to the registration hereof in the books of council and session, or any other competent within this kingdom, that if need be all execution necessary may pass hereupon in form as effeirs, and thereto constitute the said John Taylor and John Munro their procurators; (written by Alexander Falconar our servitor)—They have subscribed these presents at Castle Stuart, the nineteenth day of October, sixteen hundred and ninety-three years, before these witnesses—Alex. Turnbull, our servitor, and the said Alex. Falconar (*sic subr.*), Doune; Ja. Dunbar; Alexander Falconar, witness; Alexander Turnbull, witness. Extracted by me.

(Signed) H. FALCONAR.

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## IX.

### **A HIGHLAND CHIEF'S DEATH, LYING IN STATE, AND FUNERAL. LACHLAN MACKINTOSH OF THAT ILK, 1731.**

It is well known in the north that the funeral of Lachlan Mackintosh, in the early part of last century, was attended with such expense that the estate was for many years impoverished. The late Mr John Anderson, in his Prize Essay, says—"Lachlan Mackintosh of Mackintosh died in 1704 (should be 1731.) The funeral feasts and entertainments were kept up for an entire month. Cooks and confectioners were brought from Edinburgh at great expense, and on the day of interment the procession extended from Dalcross Castle to the churchyard of Petty, a distance of four miles! It has been said that the expense incurred on this occasion proved the source of pecuniary embarrassments of the Mackintosh family to a recent period."

It had often occurred as questions worthy of solution—1st, how long the feasting lasted; and 2d, why did it last longer than usual? Some papers whose significance escaped

notice, until lately contrasted with others, have thrown light on the subject, and clearly establish that by reason of the absence of William Mackintosh of Daviot, the heir-male of the family, the funeral did not take place *for upwards of two months* after the death, and until William's return—a period of lying in state seldom witnessed. The first paper after quoted shows that Lachlan died on the 20th October 1731, and there is presumptive evidence that this occurred at Moy Hall, at least Lady Mackintosh was there two days afterwards. It is at the same time evident that the deceased was in constant use to reside at Dalcross, where he had papers of importance. The last paper after quoted shows that the meeting to open the repositories did not occur until 10th January 1732. There is distinct evidence that the funeral took place on Wednesday, the 22d December 1731 (two months and two days after the death), from a criminal information and complaint to the Sheriff of Inverness-shire, made on the 24th January 1732 by Shaw Mackintosh of Borlum, against Ewan Macpherson, son to William Macpherson in Noidmo:re, Andrew Macpherson, brother to the said Ewan, and James Macpherson, son to Andrew Macpherson, some time in Clunie—wherein Borlum says, “That upon Thursday, the 23d day of December last past, as your informer was riding in a quiet and peaceable manner from Petty to the house of Dalcross, without any arms or weapons about me, or so much as a servant in company with me at that time, in my return of waiting of several gentlemen that had *the day before* been at the late Laird of Mackintosh's funeral, the saids Ewan, Andrew, and James Macphersons complained upon, who, without any just cause, had been lurking and lying in wait to execute their wicked designs and purposes against me, did all three, armed with swords and pistolls, attack and assault,” &c. ; and in the answers for the Macphersons, they say that they “were then attending some gentlemen of the country that were at that time in the house of Dalcross after the late Laird of Mackintosh's interment.”

A satisfactory accounting for the great expense incurred

is thus given:—The body must have been lying in state at Dalcross for two months—open house in the widest acceptation of the term kept—and quantities of claret consumed, such as probably astonished even Bumper John, the jovial Laird of Culloden.

This Lachlan Mackintosh was married to Anne Duff, of the family of Drummair, and was the first who for a long period left no issue. After his discharge by Government for the affairs of 1715, he zealously devoted himself to the improvement and consolidation of the estates, and had several long outstanding disputes with the Duke of Gordon, Cluny, Rothiemurchus, and others settled, besides acquiring the Barony of Dalcross by purchase, and establishing the family's claims on Keppoch.\* The coffin of Lachlan is the oldest now to be seen in the vault at Petty, but the family had been in use to bury there for upwards of a century before, the first who was interred being "Lachlan Mhor," third of the name and sixteenth of Mackintosh, who died in the month of October 1606. Many of the early chiefs were buried in the Greyfriars' of Inverness. William, first of the name, and seventh of Mackintosh, who died in Petty in the year 1368, was by his own special request buried in the Isle in Loch Arkaig—part of the old disputed ground with the Camerons—and his tomb is said to have been visible in the beginning of the eighteenth century.

The papers after quoted are all written on one sheet of paper, and titled on the back, "Petition the Lady Dowager of Mackintosh to the Commissary of Inverness, 1731," and are as follows:—

Moyhall, 22d October 1731.

To the Honourable the Commissary of Inverness, or his Deputy: The Petition of Mrs Anne Duff, Lady Dowager of Mackintosh: SHEWETH,

That Lachlan Mackintosh of that Ilk, Captain of Clan Chattan, the petitioner's husband, having deceased on the 20th inst., and William Mackintosh of Daviot, the heir-male of the family, being out of the country, such of the repositories of the writings of the family as were lodged in this house were immediately, upon Mackintosh, his decease, sealed at the sight of such of the friends as were then present, and the key thereof delivered to Mr Lewis Grant, minister of the Gospel, till access could be had to have that and the repositories of the writs kept at Dalcross, sealed in the regular manner, for the behoof of the said William Mackintosh of Daviot, and others concerned.

That, as the petitioner is informed that the legal manner of sealing reposi-

\* The Duke of Gordon got Glen Spean, and Mackintosh Glenroy.

positories in cases of the like nature is by an application of this nature, she therefore desires you would cause seal the repositories in this house and house of Dalcross, and take the keys into your possession, therein to remain till these repositories be made open in the regular manner.

(Signed) ANNA DUFF.

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Moyhall, 22d October 1731.

Alex. Monro, Judge.

The Commissary, having considered the within petition, has agreed to the request thereof, and accordingly, in the presence of Shaw Mackintosh of Borlum, William Mackintosh of Aberarder, Lachlan Mackintosh of Kylochy, Farquhar Macgillivray of Dunmaglass, James MacQueen of Corrybrough, and several others, the friends and relations of the family of Mackintosh—he, with Alex. Baillie, Commissary Clerk, sealed with the said Commissary his seal, commonly used in the like cases, the door and lock hole of a closet in the west low room of the house, and a little trunk and drawer in the bottom thereof, where he was told by the said gentlemen and others of the family some of the writings which belonged to the said defunct were lodged; and resolves to proceed to-morrow morning with the above-named gentlemen, or such others as should be named, to the house of Dalcross, and there seal the repositories of the writings that are kept there.

(Signed) ALEXANDER MONRO.

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Dalcross, 23d October 1731.

Agreeable to the above resolution, the said Commissary having come to this place, in company with the said Lachlan Mackintosh of Kylochy and William Mackintosh of Aberarder, John Macpherson of Cruben, Mr John Shaw, merchant in Inverness, and Robert Mackintosh, son to the late Stroan, servant to the late defunct foresaid, the said Commissary, with the said Alex. Baillie, clerk, did, in presence of the said gentlemen as friends of the family, seal a trunk\* wherein the charters of the family lie, and a cabinet wherein other papers are, with the seal above-mentioned, and the keys of the said trunk or chest, and of the said cabinet, and of the little trunk sealed last night at Moyhall, were inclosed and sealed in a paper, and delivered to the said Alexander Baillie, to be by him kept for the behoof of all having interest.

(Signed) ALEXANDER MONRO.

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Dalcross, 10th January 1732.

Alexander Monro, Judge.

The said Alexander Monro, Commissary Depute, and Alexander Baillie, Commissary Clerk, having come hither in obedience to a letter from the Lady Dowager of Mackintosh, of the date the fourteenth day of January instant, in order to unseal the repositories of the writs of the family of Mackintosh, which were upon her application sealed in October last immediately after the demise of the late Laird of Mackintosh, and William Mackintosh now of that Ilk, the said Lady Dowager of Mackintosh, and Mrs Christian Mackintosh, relict of the deceased David Dunbar of Dunphail, being all present, the said Commissary enquired if they intended to have inventories made of the defunct's writings, or if they would agree to have the keys of the said repositories delivered up to whom they should be delivered? Whereupon the said Lady Dowager of Mackintosh and the said Lady Dunphail declared their consent and desire that the hall keys of the repositories of the writings which belonged to the deceased Lachlan Mackintosh of that Ilk should be delivered up to the said William Mackintosh now of that Ilk; and they were accordingly delivered to him at their sight and in presence of James Mackintosh of Stroan, James MacQueen of Corrybrough, and William Mackintosh in Tornagrain. And in tes-

\* This trunk still holds some of the old charters and papers, and bears marks of many a similar sealing.

tinomy of the said consent and request, and of the said delivery, the said Lady Dowager of Mackintosh, Lady Dunphail, and the said Laird of Mackintosh and others above-named, have signed this minute.

(Signed)	James Mackintosh.	Anna Duff
„	James MacQueen.	Christina Mackintosh.
„	William Mackintosh.	William Mackintosh.

ALEXANDER MONRO.  
ALEXANDER BAILLIE.

## X.

### CASTLE OF INVERNESS, 1532.

The office of keeper of the Castle of Inverness was of old much coveted, and the frequent source of envy and quarrel. The Mackintoshes were among the early keepers, as were also the Cummings, and Macleans, latterly of Dochgarroch. Nothing almost could resist the power of the family of Huntly, who early in the sixteenth century\* succeeded in getting the office, and which, notwithstanding temporary deprivations, they succeeded in ever after retaining. The Gordon Trustees did not absolutely sell the Castle-hill to the Castle Commissioners, but feued it at a nominal feu, retaining the superiority; and we believe the present Duke of Richmond is entitled to style himself Hereditary Keeper of the Castle of Inverness. The discharge by James V. to George Earl of Huntly “of the biggin of the Castell of Ennverness indurand the tyme of the Warde,” after-quoted, has been already privately printed, and is of some interest, as it relates to the very building which was afterwards closed against Queen Mary in 1562, by the Earl of Huntly’s orders. Many castles were erected and destroyed; the last in the year 1745, engravings of which are quite common. Land slips have often occurred by reason of the sandy nature of the hill—some in the recollection of people now living. Tradition has it that there was at one time a subterranean connection between the Castle and Bridge Street. Burt

\* The hold of the Gordons in the north was not of old date. The Mackintoshes were Governors of the Castle three hundred years before them, and have, with undiminished possessions, seen the Gordons—their inveterate foes and oppressors—virtually extinguished in Inverness-shire.



thus relates of a land slip which occurred in his time :—  
 “ Before I have done with the Castle, I must acquaint you with an odd accident that had like to have happened to it not many days after the above-mentioned discovery. And, first, I must tell you that one end of the building extends to the edge of a very deep descent to the river, and that the slope is composed of a very loose gravel. The workmen had ignorantly dug away some little part of the foot of the declivity to make a passage somewhat wider between that and the water. This was done in the evening, and pretty early in the night we were alarmed with a dreadful noise of running about, and calling upon a great number of names, insomuch that I concluded the town was on fire. This brought me suddenly to my window, and there I was informed that the gravel was running, and followed by continual successions, and that the Castle would be down before morning. However, it was prevented ; for the town masons and soldiers soon ran up a dry wall against the foot of the Hill, for stones are everywhere at hand in this country, which furnished them with the hasty means to prevent its fall.”

It is almost superfluous to say that the Castle originally stood on the Terrace, now “ The Crown” Lands.

Ane discharge of George Erll of Huntlies of the biggin of the Castell of Ennverness in durand the tyme of the Warde, 1532 :—

Rex. We, understanding that our cousin, George Earl of Huntly, nephew, heir, and successor to umquhile Alexander, Earl of Huntly, his Grantsair, has the office of Sheriffship of Inverness, and keeping of our Castle thereof, with the lands underwritten in his fee for keeping of our said Castle in heritage, that is to say the lands of Little Hiltoun, Porterfield, Meikle Hiltoun, Castleleathers, Cuiduthel, Knocknageal, Torbreak, Balrobert, Essich, Tordarroch, Bunachton, Duntelchaig, Bochrubin, Duneancroy, Duneanmor, Dochgarroch, Dochnalurg, Dochfour, Dochearn, Davochyerreck, with the fishing under the Castlehill of Inverness, and is obliged to build at his own expense upon the Castlehill of Inverness, one hall upon vaults of stone and lime of one hundred fouts in length, and xxx fouts in breadth, and xxx fouts of the height of the wall, theikit with slate and skailze, and ane kitchen in the said hall, with ane chappel of competent length beside the said hall, with a wall about the Castlehill foresaid, including the tower and houses foresaid therein, and has not as yet fulfilled the points of his charter anent the making of the said buildings, and having consideration that he is as yet of less age, in our ward, and pays and must pay to us, our dearest mother Queen, and others, great sums of money for this said ward and marriage, and as yet is not grown in substance to pay the same, nor make the said buildings ; for his good, true, thankful service done by him to us—wills and grants that the non-making of

the said buildings and non-fulfilling of the points of the said charter by him or his said Grantsir, or by him or his heirs for the space of five years next to come, after the day of the date hereof, in time coming shall be no hurt or prejudice to him or his heirs anent the heritage of the said lands, and by the tenour hereof gives and grants licence to him and his heirs to let the said houses be unbuilt during the said space, discharging the Lords of our Council and all others our officers, judges, and ministers of law whatsoever present and to come, and their deputies of all calling and proceeding against him or his heirs therefor, and also discharges our advocate, treasurer, comptroller, and all others of all following and pursuing of him or his heirs for the same, and of their offices in their part by their own letters for ever. Subscribed with our hand and under our signet at Edinburgh the xvi day of February and of our reign the xix year.

(Signed) JAMES R.

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## XI.

### THE CATTLE TOCHER OF BRIDES, 1723.

Money was of old very scarce, not only in the Highlands but in Scotland generally, in so much that there were several Scottish statutes passed against the exporting of coin. A very old Scottish statute authorised the coining of money at Inverness, but we have not fallen in with any of the coinage. The Highlands, however, were rich in cattle, and it was one of the malicious sayings of the Lowlanders "that the Highland Lairds tell out their daughter's tochers by the light of the Michaelmas moon." This had reference to the very common practice of cattle-lifting, which gave rise to another complimentary saying among Englishmen regarding the Highlanders—viz., "Show me a Highlander, and I will show you a thief," to which there was the retort, "Show me a Southron, and I will show you a glutton." This practice of cattle-lifting generally occurred during the Michaelmas moon, when cattle were in condition fit for markets held on the borders of the Lowlands, and from the spoils of such incursions chiefs' daughters were portioned. Money they had not to give them, and a batch of cows was the substitute. A rich maiden had from ten to forty; two cows,

however, were considered a decent portion. We, as the great-grandson of the lady, take it upon us to say that the twelve cows of tocher referred to in the contract after quoted, were the honest property of the brother of the bride :—

At the Green of Muirtown,\* the twenty-sixth day of December, one thousand seven hundred and twenty-three years, it is agreed, concorded, and matrimonially contracted 'twixt William Mackintosh, eldest lawful son to Duncan Mackintosh, lawful son to the deceased William Mackintosh of Borlum, for himself and with the special advice and consent of his said father on the one part, and John Maclean for himself and as taking burden in and upon him for his sister-german, lawful daughter to umquhill John Maclean of Dochgarroch, and Janet Maclean, for herself, with consent of her said brother, and they both, with one consent and assent on the other part, in manner following :—That is to say, the saids William Mackintosh and Janet Maclean, with consent foresaid, future spouses, faithfully promise and bind and oblige them by the faith and truth of their bodies to accomplish, perform, and fulfil the honourable bond of marriage, *ànc inde*, with other in presence of Christ's kirk as God by his word doth allow betwixt the date hereof and the day, but longer delay. In contemplation of the which marriage, and for the better performance whereof, the said John Maclean, as burden-taker foresaid, binds and obliges him, his heirs, executors, and successors, to content, pay, and deliver to the said William Mackintosh, his heirs, executors, or assignees, in name of dote and tocher good, with the said Janet, his future spouse, all and hail the number of twelve cows, in manner and at the prescribed terms under-written, and according as tocher in the like cases is usually and customarily paid in several sponsals :—That is to say, to witt, whereof the one part and half at the term of Candlemas next to come, one thousand seven hundred and twenty-four years ; and the other half and part in complete payment of the said whole tocher good at the term of Candlemas, in the year of God, one thousand seven hundred and twenty-five years, which cows as tocher being payed and delivered, *ut supra*, at the prescribed terms above written, the said William Mackintosh, with consent foresaid of his said father, has accepted, and by these presents accepts in full contentation and satisfaction of all bairns part of gear or portion natural, which he or the said Janet, his apparent spouse, or any of them, may ask, crave, or acclaium by and through the decease of the said John Maclean, or his heirs and successors when the same should happen, except good-will allenarly—For the which causes, and upon the other part, the said William Mackintosh, with consent foresaid, binds and obliges himself, his heirs, executors, successors, and intromitters, with his goods and gear whatsoever, conjunctly and severally to content, pay, and deliver, and make furthcoming to the said Janet, his apparent spouse, immediately after his decease, in case she be the longest liver and survive him—all and hail the sum of one hundred merks Scots money as a free gift and perfect donation of the first best and readiest of his own proper goods and gear, and that without the burden or trouble of any debt, incumbrances whatever, before any division of his effects ; and, further, it is hereby specially provided and declared, that in case it shall happen there be children procreate betwixt them of the said marriage, then and in that case the said Janet is hereby provided to a terce, as also if it shall happen there be no children procreate, then the said William Mackintosh binds and obliges him and his foresaids to provide, secure, and make furthcoming to the said Janet and her foresaids, all and hail the just and equal half of all goods, gear, debts, sums of money, insight and outright plenshing of whatever nature or quality which shall happen to appertain and belong to them two at the time of his decease in case she be the survivor as said is (all debts being deducted before the said division), and both the said parties bind and oblige them and their foresaids to adhere to and per-

\* The Town House of the Dochgarrochs was here situated at this period.

form and fulfil the haill premises, *hinc inde* to other, as they stand obliged under the pain of one hundred pounds money foresaid, to be paid by the party failing to the party performing or willing to perform his part thereof, and that by and attour performance of the haill premises, and both parties consent to the registration hereof in the books of Council and Session or others competent, that all execution necessary may pass hereupon in form as effairs, and thereto constitute

Their pros., In witness whereof they have subscribed these presents, written by John Dunbar, writer in Inverness, upon stamped paper, date and place foresaid, before these witnesses, Alexander Maclean, brother-german to the said John Maclean of Dochgarroch, and the said John Dunbar, writer, foresaid.

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## XII.

### **BOND OF UNION AMONGST THE CLAN CHATTAN, 1609.**

According to some writers sixteen, and according to others eighteen, tribes or septs acknowledged the rule and followed the banners of Clan Chattan. Some particulars of these septs will be found in the Appendix (No. 2.) The vigorous character of the successive Captains and warlike disposition of their followers would have given the Clan a power and influence second to none in the north, were it not for the internal dissensions which arose among them, particularly on the part of the Macphersons. We could, if necessary, point out the exact period, and at whose instigation this unhappy controversy began, were it not foreign to our present purpose. At and prior to the beginning of the seventeenth century, the Clan were in a prosperous state. Lachlan Mhor Mackintosh, who was married in 1567 to Agnes Mackenzie, daughter of Kenneth Mackenzie of Kintail, died in 1606; his eldest son, Angus, married to Lady Jean Campbell, daughter of Archibald Earl of Argyle, having predeceased him, leaving by her a son, Lachlan, afterwards Sir Lachlan Mackintosh, who died at an early age in 1622. For the thirty years, from 1594 to 1624, the leading spirit of the Clan was William Mackintosh, second son of Lachlan Mhor, married to Bessie Innes of Invermarkie, who got from his father as a patrimony the lands of Benchar in Badenoch, given to the Mackintoshes in 1319 by Robert Bruce, as a reward for their services at Bannockburn. This

William Mackintosh of Benchar afterwards acquired the estate of Borlum, and is described by the family chroniclers as having never been unsuccessful in any of his enterprises, except on one occasion when surprised and defeated by a band of Gordons. To his influence and determination is justly due the execution of a bond of union by the "hail" Clan Chattan at Termet, on the 4th of April 1609, a copy of which very interesting paper is subjoined.

The royal gift of chiefship alluded to in the bond, was granted by Robert II. to Lachlan Mackintosh, about the year 1380; said Lachlan being grandson of Eva, the heiress of Clan Chattan.

Many of our readers will no doubt ask—Where is Termet, which in 1609 was the scene of this famous gathering of the Clan Chattan, along with the Provost of Inverness of the distinguished family of Castlehill—whose grandfather, George, fell at Pinkie in 1547—the "common clerk" of the burgh of Inverness, and the minister of the parish, to give due solemnity to the bond? Often as we had looked at the extensive, well laid out, and flourishing farm of Moraytown in Petty, it was not until very recently we were informed by a very old member of Clan Chattan that the upper portion of Mr Brown's lands consisted of two farms, once Meikle and Little Termet. The abolition of the old and substitution of the not euphonious modern name, we believe we are correct in ascribing to the same vandal factor, who destroyed the magnificent orchard of Castle Stuart, the admiration of the district. Follows the bond referred to:—

At Termett, the 4th day of April, the year of God 1609, it is appointed, bonded, contracted, concorded, finally ended, and agreed betwixt the honourable persons and parties as follows—viz., William Mackintosh of Benchar, as principal Captain of the hail kin of Clan Chattan, as having the full place thereof for the present, during the minority of Lachlan Mackintosh of Dunachton, his brother's son, for himself, and taking the full burden in and upon him of Malcolm Mackintosh of Urlust, and remanent his brethren, with their own consent under subscribing—Angus Mackintosh of Termett, for himself, and taking the burden in and upon him of Lachlan Mackintosh, his son, apparent thereof, with his own consent, and assent of his remanent sons, under subscribing—Lachlan Mackintosh of Gask, for himself, and taking the burden in and upon him of William Mackintosh of Rait, and remanent of that surname descended of that house, with their own consent, under subscribing—Andrew Macpherson of Cluny for himself, and taking the full burden in and upon him of Evan Macpherson in Brin, Johu Macpherson in Breakachy, with their own

consent, and remanent of that name descended of that house—Thomas Vic Allister, Vic Homae, in Pitmean, and taking full burden in and upon him of his kin and friends descended of that house—Donald vic Allister Roy in Phoinces, for himself, and taking full burden in and upon him of William vic Ian, vic William, in Invereahie, with his own consent and remanent his own kin of that race and house—Donald Macqueen of Corrybrough, for himself, and taking full burden in and upon him of John Macqueen in Little Corrybrough, Sween Macqueen in Raigbeg, with their own consent, and remanent his kin of that race—Angus Macphail in Kinchyle, for himself, and taking the full burden in and upon him of his kin and race of clan Vean—Alexander, vic Coil, vic Farquhar of Davochgarroch, for himself, and taking the full burden in and upon him of his kin and race of Clan Tearlach, with their own consents—Malcolm vic Bean in Dalcrombie, Ewen, vic Ewen, in Aberchaldier, and Duncan vic Farquhar in Dunmaglass, for themselves, and taking the full burden in and upon them of their hail kin and race of Clan Macgillivray, with their own consents—and Ay vic Bean, vic Robert of Tordarroch, for himself, and taking the full burden in and upon him of his race of Clan Ay, with their own consents, in manner, form, and effects as after follows ; that is to say that for as meikle as anent the controversies, questions, debates, and hosts, that has fallen furth betwixt the said hail kin of Clan Chattan, these times bygone ; thereupon there followed great inconveniences committed by them one against the other, without respect to their own weals coming thereof ; and for avoiding of these accidents, and that perpetual friendship, amity, and kindness may remain and abide betwixt them and their Chief in times coming, and amongst the said hail kin of Clan Chattan : Therefore, and for sundry other motives and occasions moving them, tending to the weals and quietness of them and their country, are hereby bound and obliged, and by the tenour hereof, the said hail kin of Clan Chattan above-mentioned by their names, in special, and taking full burden in and upon them of their kin and friends, heirs and part-takers *pro rata*, faithfully promise and bind and oblige them by the faith and truth in their bodies, for themselves with consent foresaid, their heirs male and successors, to the said William Mackintosh, their present Captain and Chief, ay and until the said Lachlan Mackintosh of Dunachton comes to manhood and perfect age (and then to him), to concur, assist, maintain, and defend against all and whatsoever persons that shall happen to invade him, and to be found loyal, upright, and true to him in all his honest and leisome affairs whatsoever, likeas they to that effect has united, incorporated, annexed, copulate, and insinuated themselves, in one bond and perpetual amity to stand amongst them, as it was of old according to the King of Scotland's gift of chieftainrie to the said Clan Chattan, granted thereupon—in the which they are and is astricted to serve Mackintosh as their Captain and Chief. Therefore the said hail persons of Chief and kin of Clan Chattan are bound and obliged, them, ilk ane of them to others, the said William, and the said kin of Clan Chattan, to concur, assist, maintain, and defend either others, or to take plain act and part with others against all and whatsoever persons, in all actions of arms, deeds, and occasions whatsoever that shall happen to be done in their contrair, or that shall happen to fall furth thereafter, the King's Grace, the Lord Marquis of Huntly, and the Earl of Moray (their masters), being excepted—providing that it be in their lords' and masters' default in case any deed or host fall out by these occasions ; and also the hail kin of Clan Chattan has discharged and quitclaimed, and by the tenour hereof quitclaims and exoners, and *simpliciter* discharges either others, and ilk one of them, of all actions of slaughter, burning, herabip, raid, and oppression, committed by them or any of them against others, preceeding the day and date hereof, discharging the same and all action that may result thereupon. And that all ranour and malice of heart may cease for ever, and also in case of any of the saids kin shall happen to offend any other in time coming, either by violence or avenge of gear, in that case the Chief shall nominate twelve persons of the saids principals to decide with him therein, and shall cause the party offender to satisfy the party offended and wronged, sick as they will decern and modify ; and to the hail premises the said Chief and remanent kin of Clan Chattan are sworn to stand at and

perform the points above-mentioned, and never to revoke or come in the contrair thereafter, but shall maintain and pass ilk one of them with others in all hostings and other leisome and necessary affairs as when occasions will serve (excepting as excepted); and for the more security the saids William Mackintosh and remanent his kin of Clan Chattan are content, and consent that these presents be insert in the books of Council and Session, Sheriff or Commissary, or Burgh Court books of Inverness, there to remain *ad futuram rei memoriam*, and to that effect constitutes and ordains procurators conjunctly and severally, and consents to the registration hereof *promitten de rato*. In witness whereof these presents, written by Alexander Duff, notary public and Common Clerk of Inverness, are subscribed by the said Chief and kin, day, year, and place foresaid, before these witnesses:—John Cuthbert of Auld Castlehill, Provost of Inverness; Mr John Ross, burgess there; Donald Macqueen, minister of Petty; Malcolm Ego, servitor to Agnes Mackensie, Lady Dunachton; and Alexander Duff, writer thereof.

The persons who subscribed this bond with their hands were—William Mackintosh of Benchar, Captain of Clan Chattan; Malcolm Mackintosh; John Mackintosh, of Dalsiel; Duncan Mackintosh; Lachlan Mackintosh, apparent of Termett; Lachlan Mackintosh, of Gask; William Mackintosh, of Rait; Andrew Macpherson, of Cluny; Eneas Macpherson, of Brin; John Macpherson, of Breakachy; Donald M'Queen, of Corrybrough; Ay Macbean, of Tordarroch; and Gillicallum, of Ovie.

The persons subscribing by nottars are—Angus Mackintosh, of Termett; Thomas vic Allister vic Homas, in Pitmain; Angus M'Phail, in Kinchyle; Alexander Mackintosh, of the Holm; Alexander Mackintosh (Hector's son), in Wester Largs; Donald vic Allister Roy, in Phoimes; John Mackintosh (Angus' son), in Moril; Alexander vic Coil vic Farquhar, of Davoohgarroch; Malcolm Macbean, in Dalcrombie; Sween M'Queen, in Ravochbeg; John vic Iandhu vic Coil vic Neil, in Strathmashie; Alexander vic Farquhar vic Homas; John Dow vic Coil, and numerous others.

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### XIII.

#### CASTLE OF URQUHART, 1719.

To the thousands who yearly pass by the Caledonian Canal route, the picturesque remains of the Castle of Urquhart are ever an object of interest. The Castle was one of the most extensive in the North, and the office of Governor one of dignity and emolument. It was an office sometimes held in conjunction with the Castle of Inverness, for in 1450 Thomas de Ogilvy was "*Capitaneus Castrorum de Inuernys et Vrchard.*" The portion of the principal tower remaining is a good specimen of the Norman style, of which there are few remains in the Highlands. Important as was the early history of the Castle, when Lauders, Ogilvies, Macleans, Chisholms, and others were its governors, all

mention of it for upwards of three hundred years has ceased in history or chronicle. Some short time since, in looking over old papers, we discovered to our surprise that as late as the beginning of last century, part at least of the Castle was then, or shortly before had been roofed, and chambers were entire. The papers after-quoted refer to a complaint at the instance of Brigadier-General Alexander Grant of Grant, against certain parties in Urquhart for stealing of lead and timber; but it would appear that the complaint could not be established. There seems to have been a determination to give as little evidence as possible. The objection stated to one of the witnesses that he could not repeat "the Lord's Prayer, Creed, and Ten Commandments," is amusing. It is questionable, notwithstanding the spread of education and the schoolmaster being undoubtedly abroad, whether many of the witnesses now examined at the courts at Inverness would, if tested, prove so well up in the "Creed" as Ferquhar Urquhart, referred to.

What old castle has not its traditions and haunted memories? The Castle of Urquhart, known in Gaelic as "Strone" Castle, from its position, is not singular in this respect, for it is said to contain a vault or chamber filled with gold. And why, it may be asked, has this chamber not been searched for and discovered? Alas! there is another chamber, in which a pestilence, virulent as the Black Death of mediæval history, is confined; and lest that in the search this chamber may first be opened, and the country depopulated—the treasure-seeker being the first victim—the golden chamber of Urquhart is unlooked for, and remains unsought.

Follows the proceedings referred to:—

William Lord Strathnaver, Sheriff-Principal of the shire of Inverness, to our officers in that parts conjunctly and severally constituting, greeting, this precept seen, you pass and lawfully summon, warn, and charge  
to compear before us or our deputes, one or more, within  
the Tolbooth of Inverness, in ane Sheriff Court thir to be holden the  
and            days,            in the hour of cause for first and second diets, to  
answer, at the instance of Brigadier-General Alexander Grant of Grant, in the  
matter underwritten, that is to say, that whereupon the            day of  
seventeen hundred and eight years, or ane or another of the days of the month of  
that year, there was away taken out of one of the vaults of the Castle of Ur-



quhart, belonging to the said pursuer, ten ton cake lead at two thousand pound weight each ton, which ten ton lead was a part of the lead with which the said Castle of Urquhart, belonging also to the pursuer, was covered; as also, about the time before mentioned, there was away taken furth of the said Castle, some deals or parts of the partitions of the chambers in the said Castle, which lead and deals being for some time amissing, and diligent search made for the same, there was found of the said ten tons of lead and quantity of timber or deals, in the said defenders their houses and barns in Buntait, or in their possession, upon the day of seventeen hundred and seventeen years, a lump, piece, or cake of lead, or two or three pieces of a cake of lead, which was taken out of the said vaults, as also one or other of the said defenders used all the said deals or partitions, at least a part of them, for making chests, girnels, or some other household or necessary materials, by which it is averred that the said defenders, or either of them, were the way takers of the said whole lead and partitions, and therefor ought to make payment of the same; Albeit it is of verity that the said pursuer, and others in his name, have frequently desired the said defenders to make restitution of the said ten tons of lead and two hundred deals as part of the said partitions; nevertheless they refused, &c., and therefore the said defenders, to hear and see themselves, decerned *in solidum* to make payment to the said pursuer of one shilling Scots per pound for every pound of the said ten tons lead, computing two thousand pounds weight to each ton, extending in all to one thousand pounds Scots money, as also six shillings Scots for each deal of the said two hundred deals being partitions, extending to sixty pounds Scots money foressaid, after the form and tenor of the laws of Scotland as in like cases, or else to allege a reasonable cause to the contrair; and sicklike that ye fence, cross, and arrest all and sundry the said defenders, their readiest corns, cattle, horses, milt, sheep, insight plenishing, debts, sums of money, and all other goods and gear whatsoever, wherever or in whose hands the same may or can be apprehended within the bounds of our office and jurisdiction, to remain under sure arrestment unloosed at the said pursuer's instance, ay and while sufficient caution be found, acted in the Sheriff Court books of Inverness that the same shall be made furthooming to him as law will with certification as effairs according to justice, &c. Given under the hand of the Clerk of Court at Davochfour the twenty-ninth day of October 1718 years.

(Signed) JOHN JACKSON.

On the third day of November 1718, Alex. Mac-Uisdean Glass, in Buntait, and Elspet nin Uisdean-Mhic-Fereichar, there, his mother, are cited as defendants.

Inverness, 18th January 1719.—Mr Alexander Clark, Sheriff-Depute, Actor Alex. Munro, John and Alex. Baillie. George Forbes, for the defenders, denies the libel. The pursuer offered to prove the libel, and craves a day may be assigned for citing witnesses, and a warrant for that effect.

The judge admits the libel to the pursuer's probation, and grants diligence for that effect against the day of next.

(Signed) ALEX. CLARK.

Inverness, 24th February 1719.—Mr Alexander Clark, Sheriff-Depute, in the proof Brigadier Grant against M'Hutcheon Glass in Buntait.

The witnesses following being charged by virtue of letters of diligence, are admitted in the terms of the last interlocutor, viz., William vic Allaster, vic William, vic Vurrich, in Buntait, a man unmarried, aged twenty-six years or thereby, purged of partial counsel, duly sworn and interrogat—What he knows of the defenders or either of them their away taking of the lead and timber libelled, and what quantities of either he saw or knows to be in the defender's or either of their possession and custody, whether in house, barn, or any other place. Depones negative as to the lead and timber, which is the truth, as he shall answer to God, and depones he cannot write.

(Signed) ALEX. CLARK.

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John Miller, a married man, aged thirty years or thereby, purged of partial counsel, was cast, because he owned he had malice and ill-will against the defender.

(Signed) ALEX. CLARK.

Ferquhar Urquhart, aged forty years or thereby, and married, objected against, that he cannot repeat the Lord's Prayer, Creed, and Ten Commandments, which he did. Depones—That at the time libelled, he made a chest to the defender M'Hutcheon Glass, which the said defender himself told the deponent the timber was of the deals of the Castle of Urquhart, and depones the chest would hold a boll of meal or thereby. Depones he knows nothing of the lead, *causa scientiæ patet*; and further depones, the deals used to the chest were formerly made up of either in lofting or a partition, and this is the truth, as he shall answer to God, and depones he cannot write.

(Signed) ALEX. CLARK.

William M'Hector, an unmarried man, aged twenty-two years or thereby, purged of partial counsel, duly sworn and interrogat, *ut supra*. Depones that in the beginning of last summer, he saw in the widow's house, one of the defenders, the bigness of a shoe sole of lead, and in that form, of a thin lump, but does not know from where it came, *causa scientiæ patet*. Depones he knows nothing of the deals, which is truth as he shall answer to God, and cannot write.

(Signed) ALEX. CLARK.

Donald Noble, aged twenty years or thereby, purged of partial counsel, duly sworn and interrogat. Depones that about a year ago he saw in a byre belonging to M'Hutcheon Glassich, two pounds of lead, in the form of a slate, and in the form thereof, and about the thickness thereof, or of a cow's hide. Depones he knows not from whence it came, and knows nothing of the deals, *causa scientiæ patet*: and this is the truth, as he shall answer to God. Depones he cannot write.

(Signed) ALEX. CLARK.

The pursuer's procurator craved a further diet for adducing the other witnesses, and a warrant for apprehending their persons, and if that be not granted, that they be not straitened in the dyet, so as they may have letters of diligence and supplement from the Lords of Session.

At this stage the proceedings drop.

#### XIV.

#### DISARMING ORDER TO THE MACKINTOSHES, 1725.

We are indebted to the courtesy of the Depute Keeper of the Local Records for the perusal of a document in the year 1725, in the handwriting of Edmund Burt, author of the well-known letters from the north. Captain Burt was for some years one of the principal military officers stationed in Inverness, his chief occupation being in connection with the military roads in the Highlands projected and carried out by Wade. An interesting description of these important works are to be found in the letters. He states that he was not on good terms with the authorities of Inverness, which may in some degree account for the jaundiced view presented

of everything Highland. Captain Burt's position, indeed, could hardly have been otherwise, as, for the first half of the eighteenth century, the magistrates of Inverness were closely connected with the leading northern Jacobites, and warmly espoused their views.

Disarming acts and orders seldom had the desired effect. They were generally obeyed by those clans whose chiefs were friendly to the Hanoverian interest. It is a curious but significant fact that the odious business of publishing the order after quoted at the various church doors, was performed by the company of Colonel GRANT, most of the soldiers being of that name. In the case of clans attached to the Stuarts, while a show of obedience was always made by the deposit of rusty and unserviceable weapons, such weapons as were of real use were carefully concealed from the search of the Government soldiers, being generally buried in convenient places.

We recollect on one occasion reading the list of arms given up by the Mackintoshes in answer to this very order, a most beggarly return ; and twenty-six years later, at Culloden, when the Clan Chattan appeared as a clan for the last time in the field, they showed that they were as accustomed to the use of arms as at any period from Bannockburn downwards—"that they had arms, and knew how to use them."

Follows the disarming order referred to :—

To all of the name of Mackintosh, and their tribes and followers, in the parishes of Dunleckity, Doors, Moy, Dallaricie, Croy, and Petty, and to all others of them inhabiting the four parishes of Badenoch—viz., Inch, Alvy, Kinghuizie, and Laggan, in the shire of Inverness, and to those in the parish of Calder, in the shire of Nairn : By George Wade, Esq., Major-General and Commander-in-Chief of all His Majesty's forces, castles, forts, and barracks, in North Britain, &c. : In His Majesty's name, and in pursuance of the power and authority to me given by His Majesty under his royal sign manual, by virtue of an Act of Parliament, intituled an Act for more effectual disarming the Highlands in that part of Great Britain called Scotland, and for better securing the peace and quiet of that part of the kingdom, I do hereby strictly require and command you and every of you on (or before) Saturday, the 18th day of this instant September, to bring or send to Inverness all your broadswords, targets, poyrnards, whinzars or durks, side pistol or side pistols, guns, or any other warlike weapons, and then and there to deliver up to me, or the Governor of the said town, as is above mentioned, all and singular your arms and warlike weapons for the use of His Majesty, his heirs and successors, and to be disposed of in such manner as His Majesty, his heirs and successors,

shall appoint ; and by so doing you will avoid the pains and penalties by the said Act directed to be inflicted on all such person or persons who shall presume to refuse or neglect to pay a due obedience to the same.

Given under my hand and seal at Inverness this 6th day of September 1725.

	(Signed)	GEORGE WADE.
Executed by	(Signed)	EDMUND BURT.

Inverness-shire.—Francis Swartuager, sergeant in Captain Rudyard's Company, in Colonel Kirk's Regiment, maketh oath that he did affix the foregoing summons on the Market Cross of Inverness, the head borough of the shire of Inverness, and there did leave the same on the 8th of September 1725.

Peter Grant, in Colonel Grant's Company, maketh oath that he did actually affix the foregoing summons, on the 9th of September 1725, on the Market Cross of Nairn, head borough of the shire of Nairn, and there did leave the same.

The following persons do likewise make oath that they did actually affix the foregoing summons on the churches of the several parishes set against their names hereunder written, on Sunday, the 12th day of September 1725, between the hours of ten in the forenoon and two in the afternoon, and there did leave the same, viz. :—

Kinghuizie in Inverness-shire—James Grant, soldier in Colonel Grant's Company ; Alvy, in do.—Robert Grant, do. ; Laggan, in do.—Duncan Grant, do. ; Inch, in do.—James Grant, do. ; Dallaricie, in do.—Patrick Grant, do. ; Croy, in do.—Alexander Macqueen, do. ; Dunlechitie, in do.—Peter Stewart, do. ; Moy, in do.—James Grant, do. ; Doors, in do.—John Grant, do. ; Daviot, in do.—Alexander Grant, do. ; Petty, in do.—James Grant, do. ; Calder, in Nairn—James Falkner, do.

Sworn before me, the 18th September 1725.

(Signed)	EDMUND BURT.
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## XV.

### RENTAL OF THE FORFEITED ESTATE OF CLUNY, 1748.

The extraordinary rise in the rental and value of Highland estates has frequently been the subject of comment. We lately fell upon a certified copy of the rent-roll of Ewen Macpherson of Cluny, who was attainted for his accession to the rising in 1745. This rental is annexed. Considering that the lands lie in such an inland part of the Highlands, there is perhaps no estate in the county of Inverness which has shown such a rise. It is understood that the shooting-rent paid by one tenant is more than ten times the entire rental a century ago. Ewen Macpherson of Cluny referred to was grandfather of the present Cluny, and married to Janet, daughter of Simon Lord Lovat.\* He took a

\* As all the descendants of the body of Simon Lord Lovat are extinct, except those of his daughter Janet, it follows that the present Cluny is Lord Lovat's heir of line.

prominent part in favour of Prince Charles, particularly distinguished himself in the retreat from England, and is complimented by Sir Walter Scott. The Macphersons were not present at Culloden, though on their march to join the Prince; and had Charles not lost heart, the Macphersons would have been among the first at the proposed rendezvous at Ruthven.

Cluny made an attempt to get out of the attainder, as he was designed Evan instead of Ewen. The Courts, less favourable than in young Clanranald's case (Notes No. VI.), held the names to be identical; and gave a like decision in the case of Lochiel, who objected that in the attainder he was titled "of Lochiel," though his father was alive; as also in the case of Lord Pitsligo, attainted as such, though the patent was to Lord Forbes of Pitsligo.

The estates were restored to Cluny's son, Colonel Duncan Macpherson, an officer in the service of the British Government.

The estates of most of those attainted in 1745 were restored; but in 1715 unparalleled hardships were endured by the supporters of the Stuarts. Mr Chambers, referring to the proceedings of the Commissioners on Forfeited Estates, who closed their proceedings in 1725, showed that they had sold estates to the value of £411,082 sterling, from which fell to be deducted of debts and Government grants £330,115. There remained a balance of about £84,043, but the expenses of the Commissioners, &c., amounted to £82,936, so that there remained of a clear surplus to Government £1107, and this insignificant amount was obtained by the destruction of about fifty of the good old families of Scotland.

Besides those mentioned by Mr Chambers, many of the smaller gentry contributed indirectly large sums, from the effects of which they afterwards sunk.

The copy-rental referred to :—

Duplicate rent-roll of the estate of Clunie, which sometime belonged to Evan Macpherson of Clunie, lying within the parishes of Laggan and Kingussie, and sheriffdom of Inverness, taken by Mr Francis Grant, one of the Surveyors of Forfeited Estates in Scotland :—

Tenants' names and possessions.	Sterling money.		
	£	s.	d.
1. Donald Macpherson of Breakachie, for Catlag ... ..	7	3	4
2. Paul Macpherson in Kylarchill ... ..	1	2	2½
3. John Catanach there ... ..	1	2	2½
4. Peter Macpherson in Mains of Clunie ... ..	4	18	4
5. William Macpherson there ... ..	3	4	6½
6. Lady Clunie, for the Miln of Clunie, and half of the Mains	24	16	2½
7. Malcolm Macpherson in Milltown of Clunie ... ..	3	4	6½
8. Duncan Macgilligine there ... ..	1	12	9½
9. John Mackay in Clunie ... ..	1	12	9½
10. Samuel Macpherson, smith, there ... ..	2	7	9½
11. Benjamin Macgillivray there ... ..	1	10	0
12. Lauchlan Macpherson there ... ..	1	10	0
13. Donald Macgillivray there ... ..	1	10	0
14. Katharine Mackintosh there ... ..	1	10	0
15. Murdoch Macpherson in the Aird of Clunie ... ..	3	0	0
16. Thomas Robertson in Clunie ... ..	0	18	7½
17. James Leslie there ... ..	0	15	0
18. Peter Leslie there ... ..	0	15	0
19. Duncan Bain Robertson there ... ..	1	3	7½
20. Angus Robertson there ... ..	1	3	7½
21. Donald Macpherson in Balidbeg ... ..	3	13	4
22. The Heirs of John Macpherson in Balidbeg ... ..	2	13	5
23. Murdoch Macpherson there ... ..	3	0	0
24. John Macpherson in Balidmore ... ..	3	0	0
25. John Macpherson in Catlag ... ..	3	0	0
26. John Macpherson in Tyanrick ... ..	1	17	6
27. James Macpherson there ... ..	1	2	6
28. Katharine Macpherson of Gaskinloan ... ..	0	16	4½
29. John Macdonald in Drum-Gaskinloan ... ..	1	2	6
30. Lauchlan Macpherson there ... ..	1	10	0
31. John Macpherson, weaver, there ... ..	1	2	6
32. Duncan Macdonald in Midtown of Gaskinloan ... ..	1	12	9½
33. Angus Macdonald there ... ..	1	12	9½
34. Thomas Macpherson in Drum-Gaskinloan ... ..	2	5	0
35. Andrew Clark in Midtown of Drum-Gaskinloan ... ..	0	16	4½
36. John Macdonald there ... ..	0	16	4½
37. James Macpherson there ... ..	0	16	4½
38. Evan Macpherson of Laggan ... ..	15	12	4½
41. Donald Macpherson in Drumnaninach ... ..	1	19	7
42. Donald Kennedy there ... ..	1	19	7
43. Alexander Guthrie in Noidbeg ... ..	2	2	11½
44. William Macpherson there ... ..	2	2	11½
45. Janet Rattray there ... ..	1	13	4
46. John Macpherson in Milehouse ... ..	6	2	2½
47. Hill of Noidbeg, presently life-rented by the said Janet Rattray	3	6	8
48. A half Auchtan, part of Noidbeg, now waste ... ..	1	13	4
Sum of the rent-roll ... ..	£133	11	4½
Deduce publick burdens ... ..	19	12	2½
Sum of free rent ... ..	£113	19	2

Extd. by D. MONCRIFFE, Secretary.

## XVI.

**THE MAGISTRATES OF INVERNESS THREATENED  
BY ONE MACKILLICAN, 1676. (D.)**

In a former paper we referred to the anxiety and danger of the magistrates and inhabitants of Inverness in 1689, consequent on the proceedings of Macdonell of Keppoch. It would appear that a few years before the Magistrates and Council were so much annoyed and threatened by one Andrew Mackillican, described as "in Haugh of Inverness," that they were obliged to apply to the Court of Session for letters of lawburrows. No account can be given from the letters of the circumstances, which, however, must have been flagrant, as it seems rather curious that a whole body should have to resort to such a step at a period when the authority of magistrates was so much assented to and recognised. Formerly this step was resorted to by such of the gentry as declined satisfaction by the sword. Now "swearing a lawburrows," considered a dreadful threat among the vulgar, is almost confined to this class, arising out of personal disputations between quarrelsome neighbours, not unfrequently of the gentler sex—the Judges generally getting the actions laughed out of court.

The letters after quoted are from the papers of Mr Dunbar Dunbar,\* are titled on the back, "Lawborrowes, Provost and Baillies of Inverness, against Andrew Mackillican, 1676," and run as follows:—

Charles, by the grace of God, King of Great Britain, France, and Ireland, Defender of the Faith, to our lovites—Messengers, our Sheriffs in that part, conjunctly and severally specially constituted greeting. For as meikle as it is humbly meant and complained to us by our Lovites Alexander Dunbar, Provost of Inverness, John Cuthbert, Robert Barbour, Alexander Ross, and William Duff, bailies there, Findlay Fraser, Dean of Guild, and George Cumming, treasurer of the said burgh, for themselves, and in name and behalf of the hail remanent Council, community, and incorporation of the said burgh, and as representing them;—upon Andrew Mackillican, Haugh of Inverness, that where he having conceived ane great and deadly hatred, malice, rancour, and envy against the said complainers, for what cause they know not, by him-

\* The Papers marked "D" have been exhibited by Mr Dunbar Dunbar, to whom our warmest acknowledgments are justly due.

self, his wife, bairns, men tenants, servants, and others in his name, of his causing, sending, hounding out, command, reset, assistance, and "rathabitione" daily and continually battles and molests the said complainers, their wives, bairns, men tenants, servants, sub-tenants, and cottars, in the peaceable possession, brooking, and joycing of their lands, tenements, heritages, annual rents, goods, and gear—eats and destroys the corn and grass growing there-upon with his cattle, bestial, and goods; makes common highway roads and passages there-through on horse and foot, where there were none wont to be of before; casts down their dykes, destroys their enclosures with the plantings and policies thereof, casts and wins peats, turfs, feal, and divot upon the bounds and lands belonging to the said complainers and to the said burgh in property and communitie, tills, manures, and crops, the samen, and appropriates the samen unto his own use, without license, liberty, or tolerance from the saids complainers. And not content therewith, daily, by himself and his foresaids, boasts, swears, and meanaces the saids complainers and their foresaids for their bodily harm, avowing to put violent hands on their persons, and to bereave them of their lives; and for performing of his wicked and ungodly intentions by himself and his foresaids, lyes in wait on the saids complainers in their highways and passages, where-through they may not safely venture to kirk, mercat, and other public places within this our realm, without great hazard of their lives, and giving thereby evil example to others to do and commit the like in time coming, for high and proud contempt of us, our actes, and laws, without remeid be provide. Our will is, therefore, and we charge you straitly, and command that incontinent this our letters seen, ye pass and take the saids complainers their oaths that they dread the persons above complained upon, their bodily harm and oppression by way and in manner foresaid; and the same being taken, command the said Andrew Mackillican personally if he can be apprehended, and failing thereof at his dwelling-place, and by open proclamation at the market-cross of the head burgh of the Sheriffdom where he dwells, to come and find sufficient caution, surety, and lawburrows acted in the books of our Council and Session, that the said complainers, their wives, bairns, men tenants, servants, sub-tenants, and cottars, shall be harmless and skaitless of the said Andrew Mackillican, his wife, bairns, men tenants, servants, in the peaceable possession, brooking, and joycing of the lands, heritages, tenants, annual rents, tacks, steadings, rooms, possessions, goods and gear, and on noways shall be troubled or molested by them therein-till; nor by no others of their causing, sending, hounding out, command, reset, assistance, and rathabition whom he may stop or let directly or indirectly from the day of the charge to be given for finding of the said guarantee otherways than by order of law and justice, under the pain of four hundred merks money of this our realm, within fifteen days next after he be charged by you thereto, under the pain of rebellion, and putting of him to the horn, wherein if he fall, the said fifteen days being bypassed, that incontinent thereafter ye denounce the disobeyer our rebel, and put him to the horn and escheat, and pointing his hail moveable goods and gear to our use for his contempt; and immediately after your said denunciation that you use the hail remanent orders prescribed by our Act of Parliament made thereanent according to justice as you will answer to us thereupon; the which to do, we commit to you conjunctly and severally our full power by these our letters, delivering them to you duly execute, and endorsed again to the bearer. Given under our signet at Edinburgh the thirteenth day of July, and of our reign the twenty-eighth year 1676.

*Ex deliberatione dominorum concilii.*

(Signed)

ARCH. THOMSON.

Written by Mr James Martin, my servitor.

17th July 1676.



## XVII.

**POVERTY OF THE BURGH OF FORTROSE, 1704. (D.)**

The poverty of some of the northern burghs is well known. Most of our readers are familiar with the report of Bailie Alves of Inverness, on the state of Dingwall in the year 1733—viz., that there was no trade, but that one or two were willing to carry on business.

The expense of sending a commissioner to the Scottish Parliament was found very heavy on the smaller burghs; and the proportion of cess laid on, though of an amount which would now be deemed insignificant, was frequently more than burghs were able to pay; hence the disagreeable result of having soldiers quartered upon them.

The petition after quoted gives a sad picture of the burgh of Fortrose in the year 1704. From being the seat of the Bishops of Ross, the place is of historic interest, but as a burgh was never of much importance. In early times the Bishop and Chapter had extensive possessions, almost the whole of which were gradually alienated, and during the seventeenth century, up to the abolition of Episcopacy, the Bishops and Chapter were very poor. The burgh of Rosemarkie had, from an early period, certain lands and privileges; but the burgh of Chanonrie, afterwards Fortrose, consisted merely of a stripe of land along the shores of the Frith to the west of the present town, and extending towards the pier, known even yet as the Fisher Town. The Seaforth family possessed a great deal of the land near Fortrose, and, amongst others of the nobility, the Earls of Caithness, Orkney, Bute, and Cromarty, also possessed lands within the bounds of the territory of Chanonrie.

Chanonrie suffered much from Cromwell, who destroyed the Cathedral buildings, making use of part of the materials in the erection of the Citadel of Inverness, the red

stones of which are yet to be found in some of the old houses of Inverness. We believe it is also correct that during his usurpation were cut down some magnificent trees which surrounded the Cathedral kirkyard.

The restrictions which formerly surrounded commerce, to a certain extent beneficial, and at least meant well, were very great. Applications for privileges from Parliament by a burgh were jealously watched by its neighbours; and never did Fortrose procure a "Ratification in favour of the Burgh of Fortrose" without a "Protest against the same by the Burgh of Inverness" following immediately upon it. Notwithstanding their connection in the matter of a joint representation in Parliament, we question whether, there being little community of interest, there was ever much cordiality between the burghs.

Judging from the annual printed statements of the burgh, its funds would seem to be in a satisfactory state; but we do not understand how, in the face of its own statement in the year 1704—"As for the common good, the said burgh of Fortrose, *alias* Chanonrie of Ross, has not one foot-breadth of ground pertaining to them in common, but the town is built upon the ground belonging to the Bishop and other dignitaries of the diocese of Ross"—the burgh, some twenty years ago, were able to make good their claim to a considerable extent of hill and low grounds. Almost all the lands near Fortrose have changed hands within the last century.

The paper after quoted, which we give as an illustration of the poverty of northern Scottish burghs, is from an authentic copy made at the time, of the original in the records of Parliament, is titled on the back "Petition for the Burgh of Fortros, 1704," and is as follows:—

To the Right Honourable the Lords and others of the Commission of Parliament appointed for taking and stating the Public Accounts.

The Petition of the Magistrates of the Burgh of Fortrose,

Humbly sheweth,

That we, being informed that John Drummond and James Dunlop, late general receivers, are making application to your Lordships for a warrant to quarter upon for payment of our old pretended cess of six hundred and thirty odd pounds Scots, alleged resting by the said burgh to the general receivers

preceding Candlemas 1691, we do humbly represent that no such warrant ought or can be granted, for the reasons following :—*Primo*, The said old pretended cess, if any such was due, and all action therefor, is now prescribed by law, because not sought within three years after the same fell due, as is appointed by law, and the same was not sought for seven years after it is pretended it fell due, and also that had it been resting, yet we are now not holden to produce discharges thereof after the said three years, unless diligence had been done within that time by denunciation, which will not be pretended to ; and upon these and several other grounds and reasons we presented ane bill of suspension to the Exchequer in October 1699, of ane ordering of quartering that was then issued out against us, whereupon there was a gift of execution granted till December thereafter, and then another new gift granted, and so the same still depended before the Exchequer until the Parliament 1700, at which time we presented ane new petition to the Parliament, showing the grounds above mentioned, and the great hardship and loss we sustained through an illegal quartering and poynding of us during the dependence of our suspension before the Exchequer, with several other points therein contained, and therefore craving redress of these wrongs, and to declare that we now are not holden to produce our discharges of the said cess after three years, in the terms of the acts of Parliament, unless diligence had been done within that time by denunciation, as ane printed copy of that petition herewith produced will testify ; and which having been read and considered in plain Parliament upon the                    day of January 1700, the Parliament did remit the considerations thereof to the Lords of your Council, which is instantly instructed by the printed gifts of the imprinted acts of that session of Parliament, annexed to the printed acts of that session of Parliament, and the principal petition and remit itself is in the laigh Parliament House amongst the rest of the warrants of Parliament, and until that remit of Parliament be discussed it is impossible that any new orders or warrants can be given out against us concerning the said old cess. *Secundo*, Supposing that the said old cess could be reclaimed, as it cannot, yet we, the present magistrates, cannot be liable, because, *primo*, the same did not fall due in our time, and the magistrates and their collector that was then in office are all dead, and none to represent them except one of the old bailies, who lives upon the Town's Charity ; and if we should be distressed from any fault or failure of theirs, it will be found that there will be no magistracy in the place ; and as for the common good, the said Burgh of Fortrose *alias* Chanonrie of Ross, has not one foot-breadth of ground pertaining to them in common. But the town is built upon the ground belonging to the Bishop and other dignitaries of the diocese of Ross, and accordingly held of them, and now of the Queen in their place this day ; and as to the little Burgh of Rosemarkie, which is a part of the said Burgh of Fortrose, any burgage lands that belonged to them is in the hands of the Commissary of the shire of Ross, and valued with their lands for paying and bearing a grant of the cess of the shire, for which there is a process intended, and has been depending before the Parliament against the said shire of Ross since the year 1693, and is not yet determined, and because of our poverty we are not able to follow it forth. *Tertio*, Such is the poverty, want of trade and law, and deplorable condition of the said burgh, that there has been a resignation made of the privileges thereof both in Parliament and in the Conventions of the Royal Burghs, and the resignations are lying in the Clerk's hands of these royal burghs.

May it therefore please your Lordships and honours to take into consideration our case and condition, and not to grant any order or warrant against us until the foresaid remit of Parliament be called for and discussed, and if the said John Drummond and James Dunlop think that they have any ground to go upon, after consideration of what is above represented, then to ordain them or your Clerk of Court to take out the foresaid remit of Parliament from the Lord-Clerk Register or his deputies, and present the same before your Lordships, and we shall be ready to attend the discussing thereof. And your petitioners shall ever pray.

## XVIII.

**SPECIMEN OF A BOND OF INTERDICTION, A.B., 1708.**

Land was formerly in the hands of a far larger number of proprietors than now. The desire of possessing it, so inherent in man, was fostered by the old Scottish law, and the perpetuation of family carried out in the most efficacious manner by the system of entails. This system for a long time undoubtedly worked well, but as each successive heir of entail could burden the estate to a certain extent by way of family provisions, &c., the accumulation of family debts became in course of time so great, that the heir in possession, who either could not or did not incline to purge the incumbrances, came to be merely nominal possessor of the lands.

Modern legislature is opposed to the system, and important enactments have been passed, loosing the fetters of entails so much, that by the close of the nineteenth century entails will virtually cease to exist.

Land being in the hands of numerous parties, and necessarily, therefore, often possessed in small portions by "bonnet lairds"—in education and habits little above the labouring classes—the law was very jealous in all matters connected with the transfer of land. A rule prevailed with regard to parties of a weak and facile disposition, but not so imbecile or fatuous as to call for the direct control of the courts, whereby, upon the execution of a Bond of Interdiction in the manner after referred to—making due proclamation at the market cross, and registration in the Register of Interdictions—such parties were protected by law against all deeds done to their hurt or prejudice. The rule only applied to heritage, and is now seldom made use of.

A specimen of such bond is given below; but to avoid giving offence, which in every case is deprecated, and as descendants of the interdicted still exist, the names of the

principal parties are suppressed. The character of many members of the family was peculiar. The father of the party in question, and in whose favour the bond was granted, had, upwards of thirty years before, been pounced upon by a laird residing on the banks of one of the county inland lakes, backed by a party of fourteen men, carried off, and detained prisoner for about three weeks, until a deed relating to some land, not very far from Inverness, was extorted from him. This business, which created a great noise at the time, necessitating the intervention of the criminal authorities, was known as "The stealing of —."\*

Follows the interdiction referred to:—

Be it known to all men by these presents, me, A. B., younger of C. ; Forasmuch as, through the folly and simplicity of my youth and nature in time bygone, I have been moved and induced to make, grant, subscribe, and deliver to certain persons certain bonds, dispositions, discharges, contracts, renunciations, and other rights, to my great hurt and prejudice ; and I, being fully resolved to eschew all such inconveniences as may anyways, through the persuasion of evil company, facility of my own nature, or any other manner of way, tend to my hurt and prejudice in time coming, and having undoubted proof and experience of the kindness of D. B. of C., my father, and  
 , and their affection and love to my family and standing, and being fully resolved to be ruled and guided by them, and have their advice and consent in all things that may concern my family and estate in time coming ; therefore, and for certain other onerous causes and considerations moving me, witt ye me to have interdicted myself ; likeas I, by the tenor hereof, of my own free motive, will, and accord, interdict myself to the saids D. B. of C. and  
 from making, giving, or granting, any dispositions, bonds, contracts, or any other rights, for the putting away any of my lands, tenements, annual rents, fishings, woods, grazings, sheallings, goods, gear, or others whatsoever pertaining to me, or which may be interpreted to appertain or belong to me by bond, disposition, contract, or any manner of way, in any sort ; and from making, granting, or subscribing of any bonds, contracts, dispositions, infestments, assignations, tacks, renunciations, discharges, or other rights thereof, or any part of the same, to any person or persons whatsoever, and also from my making, subscribing, or granting any other rights whatsoever for payment of any sums of money to any person or persons in any time coming, or doing or committing of any other act or deed directly or indirectly in any sort, without the special advice, consent, and subscription of the saids D. B. of C. and  
 or any of their consents obtained in writing thereto. And what I doe in the contrair, the same to be of no avail for strength or effect in any time coming ; and to that effect, that none may pretend ignorance of this my interdiction, I am content and consent these presents be insert and registrat in the books of Council and Session, to have strength of ane decret ; that letters of publication may be raised hereupon, for publishing of the same at the mercat cross of Inverness

\* The old adage about "The Grey Mare," &c., receives confirmation from the following curious preamble in a deed dated 26th June 1717:—"Be it known to all men by these presents, me, A. F., younger of R., Forasmuch as I am fully persuaded and convinced of the natural regard that Katharine F., my beloved spouse, has to the support of our family and children, and for sundry other causes and weighty considerations moving me, and particularly by being entirely sensible that by her having the sole management of our rents, labouring and moveables, is the only way and means to uphold our family. Therefore," &c.

and other places needful, and if need bee that all other letters pass hereupon as effairs, and thereto constitute my procurators. In witness whereof, written by Mr Robert Cumming, writer in Edinburgh, I have subscribed these presents at Inverness, the eleventh day of May 1708 years, before these witnesses, David Fowler, burgess of Inverness; Donald Rose, messenger there; and Alexander Wilson, writer there, filler up of the blanks and witnesses' names and designations.

(Signed)

Da. Fowler, Witness.  
 Alex. Rose, Witness.  
 Alex. Wilson, Witness.

(Signed) A. B.

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 XIX.

### HORSE-LIFTING ON AN EXTENSIVE SCALE—LOVAT AND THUNDERTOWN, 1716. (D.)

During the troubles of the seventeenth and early part of the eighteenth centuries, hundreds of innocent persons, who had incurred the jealousy, hatred, or envy of those temporarily in power, had their houses invaded, and their property violently taken away, as "suspect persons," and under pretence of disaffection to Government.

Such would appear to have been the nature of the visit of Simon Lord Lovat's retainers to Mr Dunbar of Thundertown, referred to in the papers after quoted. Lord Lovat at the period in question had great power and influence, but the high-handed proceedings of the Highlanders were met by the Lowlander of Moray in the law courts, the warfare lasting for nearly fifty years, and not being brought to a close till long after the original litigants were in their graves, as will be seen by the following detail. Archibald Dunbar, who commenced the proceedings, died in 1733; the debt then fell to his two daughters, Rebecca and Helen. In 1744, by conveyance, Archibald Dunbar of Newton came in right of it, Lord Lovat was beheaded two or three years after, and, so late as 1761, the claims on the forfeited estate of Lovat were not finally adjusted. The claim at date of decree amounted to £88, and in 1749 to £246 15s.

James Fraser of Castleleathers, one of the defenders, was during a lengthened period confidential doer for, and en-

gaged in all Lord Lovat's principal acts, but about ten years before Culloden they had fallen out, and we have seen letters of his Lordship's anent his former friend wherein the language of abuse is well nigh exhausted.

Castleleathers and a good deal of the land in the Leys district at one time belonged to the Lovats, and is part of the ancient Lordship of Lovat.

James Fraser showed himself very hostile after his Lordship was taken prisoner; and though the House of Lords declared, by general order, that his rents should be paid to Lord Lovat, pending his trial, Castleleathers refused to pay until he got a direct order from Grant, then Lord Advocate:—

Extracts from the claim of Archibald Dunbar of Newton upon the forfeited estate of Lovat.

“ That the deceased, Mr Archibald Dunbar of Thundertown, the claimant's uncle, upon the 5th and 27th days of December 1722, obtained decret and sentence at his instance before the Lords of Council and Session against the said Simon, late Lord Fraser of Lovat, Thomas Fraser of Kinbrullie in Stratherrick, Alexander Macleod, some time residenter in Muassadie of Stratherrick, Francis Davidson, waiter or Custom-House officer at Cromarty, and indweller in Inverness, James Dunbar of Cloves, and James Fraser of Castleleathers, conjunctly and severally, in *solidum*, bearing that upon the 15th, 25th, and 26th days of February, 1716 years, the forenamed persons, by order and command of the said Simon, late Lord Lovat, did come to the dwelling-house of the said deceased Mr Archibald Dunbar of Thundertown, and did violently break open the doors of the stables belonging to him, and did spuilzie, take away, and detain from him, and furth of his stables, nine saddle horses of the marks, qualities, and kinds particularly specified and described in the said decree, with the several prices and values therein specified, and that the said horses, in pursuance of the said orders, were delivered up to the said Simon, late Lord Fraser of Lovat, possessed and disposed of by him, as if they had been his own at pleasure; that the said Lords of Council and Session, by the foresaid decree, found it proven that at the time libelled the pursuer had in his possession belonging to him the nine several horses of the marks, kinds, qualities, and values specially described in the said decree, and that the said nine horses were, in the month of February 1716, violently taken out of the pursuer's stables, and carried away by the said James and Thomas Fraser, James Dunbar, Alexander Macleod, and Francis Davidson, and that three of the first-mentioned nine horses, described in the said decree, were at that time given back, and the other remaining six of the said horses were given by the forenamed persons, who took them away, to the said Simon, late Lord Lovat, and were kept and used by him for a considerable space, particularly at Sir Hugh Campbell of Calder's burial on the 29th day of March 1716.” Claim signed at Edinburgh the 26th day of June 1749, before Ludovick Brodie, W.S., and John Brodie, his eldest lawful son.

Copy of interlocutor by the Court of Session referred to in the claim:—

“ The Lords having considered the state of the process and writs produced, and the testimonies of the witnesses adduced, and having advised the same,

with the debate, they find that Thundertown, the pursuer, having been entrusted and employed on the part of the Government at the time when his horses libelled were carried off, and there being no ground condescended on for which his or his cedents' inclinations towards His Majesty could have been suspected; that this process for restitution is not excluded by the Act of Grace founded on by the defenders, and therefore repell the defence founded on the said Act of Grace, and find proven that at the time libelled the pursuers had in their possession, and belonging to them, the several horses of the marks and qualities, kinds and prices, as particularly after specified—viz., a light bay horse, worth eight pounds twelve shillings sterling; a large white gelding, worth £16 10s sterling; a sorrell horse, worth £10 15s; a grey horse, worth £12 sterling; a bay Galloway or pony, worth £4 16s; a large fine bay gelding, worth £21 10s; a fine large mare, worth £16 sterling; a fine large grey gelding, worth £27 sterling; a strong grey horse, worth £15 sterling—all belonging to and in possession of Thundertown, the pursuer, at the time foresaid; and a strong stoned work-horse, worth £4 sterling; and a mare with foal, worth £3 10s sterling, belonging to and in possession of Alexander Gordon, the pursuer's cedent at the time foresaid, and find proven that the hail nine horses first mentioned were in February 1716 violently taken out of the pursuer's stables, and carried away by James Fraser of Castleleathers, James Dunbar of Cloves, Thomas Fraser of Kinbruillie, Alexander Macleod, and Francis Davidson, defenders; and finds proven that three of the said first-mentioned nine horses—viz., the large white gelding, the sorrell, and the fine large mare, were at that time given back; and that the other six of the saids first were given by the said other defenders, who took them to the other defender, Lord Lovat, and were kept and used by his lordship for a considerable space, particularly at Calder's burial, on the 29th March 1716, and therefore find the hail above defenders liable to the pursuer conjunctly and severally *in solidum*, for the rates and prices above-mentioned of the horses taken by the defenders from Thundertown, and not given back, and find proven that the said three horses at first given back, and the strong work stoned horse, and mare with foal, were thereafter in the same month forcibly taken from the pursuer and his cedent by Kinbruillie, Macleod, and Davidson, three of the foresaid defenders, and therefore find the saids three defenders also liable to the pursuer conjunctly and severally *in solidum* for the above rates of the saids other five horses, and decern accordingly.

(Sic. Sub.)

HEW DALRYMPLE, I.P.D."

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 XX.

## VALUATION ROLL OF INVERNESS-SHIRE. 1691.

## PART FIRST. (D.)

Until the year 1854, several taxes were levied according to the valued rent of land as made up in the year 1674. As the value of land in different localities had fluctuated greatly since that time, great hardships arose. Some lands were taxed too high in proportion, others almost entirely escaped.



The excellent Act passed in the year 1854, commonly known as "the Valuation Act," has entirely removed these hardships and anomalies, and every property now pays taxes according to the only proper criterion, viz., its real actual value. It is right to mention, however, that the Land-tax to Government, Stipend, &c., are not regulated by the Valuation Act.

At the time the old valuation roll was made up, a great part of the interior of the county was of comparatively little value from want of roads and cultivation. Some of these are now as valuable as any part of the shire. On the other hand, the isles and lands near the coasts, being accessible, as they were highly valued at the time, have not progressed in value at the same ratio as those in the interior. Among other drawbacks the West Coast and isles have, in the matter of rents and values, to contend with an excessive humidity of climate, a larger proportion of poor, and an absence of game, the source of such magnificent rentals in the midland districts of the county.

These observations are illustrated by comparing the present rental of the county, with the copy valuation of the county in the year 1691, partly after quoted.\*

This rental, an interesting document, is too lengthy for one publication, but next week it will be completed, and some remarks made upon the decadence and extinction of some of the families mentioned on the roll, as well as upon the extraordinary rise of others.

Follows the first portion of the valuation roll referred to :—

A Book of the valued rent of the shire of Inverness, conform to the rectifications made by the Commissioners of the said shire, met at Inverness on the fourteenth day of May 1691 :—

<i>Petty Parish</i>	Sents.
The Earl of Moray's valued rent is ... ..	£1793 10 0
The Laird of Kilarvock for Flemington ... ..	167 3 0
The Laird of Culloden for Culearnie ... ..	140 0 0
The Lands of Connadge, Coul, and others, pertaining to the late Alex. M'Intosh of Connadge ... ..	630 0 0
The Lands of Alturlic, belonging to George Cumming and Robert Rose, including their Salmon Fishings ... ..	301 15 0
	£3022 8 0

\* See also the Valuation of the Shire of Inverness, including Ross, in the year 1614, forming Nos. 98 and 99 hereof.

				Scots.
<i>Ardersier Parish.</i>				
The Laird of Calder's rent, including his Salmon Fishing				£600 0 0
<i>Breiban Parish.</i>				
Hugh Dallas of Budgate	...	...	...	£160 0 0
David Rose of Drumrie	...	...	...	50 0 0
				£210 0 0
<i>Croy Parish.</i>				
Mr Wm. Robertson of Inches	...	...	...	£230 0 0
Hugh Fraser of Daltulich's rent	...	...	...	116 13 4
John Rose of Holm	...	...	...	120 0 0
The Lands of Dalcroes and Kenzie	...	...	...	190 0 0
Alexander Dallas of Cantray and his mother	...	...	...	448 0 0
The Laird of Culloeden for Leanach and Bellivraid	...	...	...	90 10 0
George Cuthbert of Castle Hill	...	...	...	56 0 0
John Baillie, portioner of Leys, 100 merks	...	...	...	66 13 4
Alexander Macgillivray, portioner of Leys, and his mother-in-law, for their 100 merks	...	...	...	66 13 4
Robert Shaw, portioner of Leys	...	...	...	96 13 0
John Maclean, portioner of Leys	...	...	...	33 6 0
Alexander Rose of Clava	...	...	...	133 6 8
				£1647 16 4
<i>Daviot Parish.</i>				
Donald Macbean of Faillie, including the Earl of Moray's feu-duty	...	...	...	£80 0 0
Farquhar Macgillivray of Dunmaglass	...	...	...	178 6 8
Donald Mackintosh of Kylachie, including the Earl of Moray's feu-duty	...	...	...	133 6 8
The Laird of Mackintosh for Larges	...	...	...	143 6 8
William Mackintosh of Aberarder and his mother-in-law, for Brin, including feu-duty	...	...	...	320 0 0
The Laird of Culloeden for Cullewhinack	...	...	...	108 6 8
John Macpherson of Dalraddie for Wester Craggie	...	...	...	50 0 0
Lachlan Mackintosh of Daviot	...	...	...	140 0 0
James Mackintosh for the half of Mid-Craggie	...	...	...	20 0 0
The successors of Connadge for the other half of Mid-Craggie	...	...	...	20 0 0
The successors of Connadge for Craggiemore, or Easter Craggie	...	...	...	80 0 0
Donald Macpherson of Flichity	...	...	...	80 0 0
				£1348 6 8
<i>Dunlichity Parish.</i>				
Alexander Mackintosh of Farr, including his mill	...	...	...	£110 0 0
The feu-duty of the said lands of Farr, payable to the Earl of Moray	...	...	...	40 0 0
Farquhar Macgillivray of Dunmaglass for Gask	...	...	...	60 0 0
Paul Macphail of Inverearny and feu-duty	...	...	...	100 0 0
The Laird of Mackintosh for Wester Tullich	...	...	...	38 0 0
William Mackintosh of Aberarder for the half of Elrick and Easter Tullich, including feu-duty	...	...	...	58 0 0
Martin Macgillivray of Aberchalder	...	...	...	150 0 0
The Duke of Gordon for the lands of Drumboy	...	...	...	80 0 0
William Mackintosh of Aberarder for Wester Aberchalder and Aberarder, including the superior's feu-duty	...	...	...	321 6 8
William Macgillivray in Larges	...	...	...	66 0 0
The Laird of Mackintosh for Tordarroch and half of Elrick	...	...	...	126 13 4
Donald Macpherson of Flichity, his rent in Gask	...	...	...	40 0 0
				£1185 0 0

<i>Moy Parish.</i>	Scots.
The Laird of Mackintosh ... ..	£466 13 4
Donald Macqueen of Corrybrough and his mother for Corry- brough and Glenkirk ... ..	228 0 0
Bean Macbean of Tomatin, including the Earl of Moray's feu-duty	46 13 4
Donald Macqueen of Mortclune, including superior feu-duty	36 13 4
Angus Mackintosh of Holm, for Free ... ..	46 13 4
Duncan Macqueen, portioner of Raigmore ... ..	60 0 0
John Macquesen of Pollocheik, including the Earl of Moray's feu-duty ... ..	50 0 0
Patrick Grant of Raigmore, do. feu-duty ... ..	50 0 0
William Macquesen of Easter Strathnoon ... ..	49 10 0
Lachlan Mackintosh of Meikle Corrybrough ... ..	133 6 8
	<hr/>
	£1167 10 0

*Dallarossie Parish.*

Donald Mackintosh of Kylachie ... ..	£197 0 0
Angus Mackintosh, younger of do., and feu-duty ... ..	220 0 0
William Mackintosh of Aberarder, in vice of Clune for Invermasron	53 6 8
The Laird of Mackintosh for the Davoch of Saffins ... ..	280 0 0
Donald Macqueen for Clune ... ..	93 6 8
Lachlan Macpherson of Wester Banchor ... ..	50 0 0
Robert Mackintosh's Relict for Easter and Wester Strathnoon	93 6 8
John Mackintosh of Dalnigavie, and feu-duty ... ..	79 10 0
	<hr/>
	£1066 10 0

*Parish of Dores.*

Lord Lovat ... ..	£443 6 8
The Laird of Strichen for Balliecharnich ... ..	300 0 0
John Fraser, Gortuleg, for his wadset ... ..	26 13 4
William Mackintosh of Borlum ... ..	373 6 8
Paul Macbean of Kinchyle ... ..	160 0 0
Duke of Gordon for Bunachton ... ..	73 15 0
Donald Mackintosh of Kylachie ... ..	209 13 4
Alexander Macbean of Drummond ... ..	114 0 0
The Laird of Mackintosh for Duntelchaig and Bochrubine	180 0 0
Hugh Fraser of Dunchea, for his wadset ... ..	20 0 0
William Fraser of Erchite ... ..	166 13 4
Hugh Fraser of Wester Ledclune ... ..	20 0 0
Donald Macdonald of Achadijch ... ..	45 15 0
John Fraser of Errogie, for his wadset ... ..	20 0 4
Hugh Fraser of Kinbrylie, for his wadset of 40 merks ... ..	26 13 0
	<hr/>
	£2179 16 8

*Inverness Parish.*

The Laird of Mackintosh for Essich ... ..	£100 0 0
William Robertson of Inches ... ..	383 6 8
Alexander Fraser of Kinneries, for Oabriachan ... ..	120 0 0
David Polson of Kinmylies ... ..	470 0 0
Thomas Scheviz of Muirtown ... ..	266 13 4
The Laird of Culloeden ... ..	457 18 0
John Maclean of Dochgarroch ... ..	80 0 0
Alexander Baillie of Dochfour ... ..	66 13 4
William Baillie of Dunean for his grandmother's life-rent	320 10 0
William Fraser of Erchite for his wife's life-rent lands of Dunean's Estate ... ..	325 6 8
George Cuthbert of Castlehill ... ..	168 0 0

	Scots.
Malcolm Fraser of Culduthel ... ..	205 0 0
Angus Mackintosh of Holm ... ..	103 10 0
The Duke of Gordon—Vassals' feu-duty ... ..	500 0 0
	£3566 18 0
<i>Boleskins and Abertarff Parish.</i>	
Lord Lovat and his friends, their rent in this Parish ...	1368 16 8
Laird of Strichen ... ..	163 0 0
Glenarry and his friends ... ..	825 0 0
The Laird of Glenmoriston, in vice of Kinneries, and Gruar vic- Alistair-vic-Ewin ... ..	166 13 4
William Fraser of Foyers, for himself, brother, and mother-in- law, including Melagie and the lands of Mussady ... ..	696 13 4
Malcolm Fraser of Culduthel ... ..	75 0 0
	£3295 3 4
<i>Urquhart and Glenmoriston.</i>	
The Laird of Glenmoriston ... ..	£896 10 0
John Grant of Corriemony ... ..	210 0 0
James Grant of Shewylie ... ..	158 6 8
William Grant of Auchmony ... ..	80 10 0
The Laird of Grant ... ..	874 8 4
	£2219 15 0

(To be continued.)

## XXI.

### VALUATION ROLL OF INVERNESS-SHIRE. 1691.

#### PART SECOND. (D.)

The concluding part of the Valuation Roll for the county is now given. The changes in the roll, particularly in the West Coast and the Isles, are numerous enough to be considered revolutionary. Many old names of parishes, even, will perhaps be heard of by many of our readers for the first time.

The greatest change in one family or surname occurs in that of Macdonald. The extensive lands of Clanranald are now represented by the rock of Eilan-Tyrim, those of Glenarry by Craggan an Fithich, and the lands of the Sleat branch of the Macdonalds have been much curtailed.\* Others, also, of the western potentates have disappeared, such as Macleod of Raasay (about a century ago the hospit-

\* Recent Census Returns show that the Macdonalds are the second in point of number in Scotland.

able entertainer of Dr Johnson), Mackinnon of that Ilk, Macneill of Barra, &c. The Macleods also have lost their grasp of Glenelg, so long in the family, but though for a time absent, have happily, in the words of the well-known lament, "returned to Dunvegan."

*"Though Macleod shall return, yet Macrummen shall never."*

Nearer Inverness, must be noticed the almost entire disappearance of the Gordons. Considering the manner in which the fortunes of that house was built up, this cannot be regretted, and a righteous Nemesis might be seen in the period when the Inverness-shire estates were sold. This happened when the value of land was low, and prices much depreciated. Had these estates been retained for a few years, they would have realised double, or at least been secured to the representatives of the family. It is also remarkable that the attempt of the Earl of Aboyne, after succeeding in making good his claim to the Marquisate of Huntly, on the death of George, fifth and last Duke of Gordon—to establish himself and his posterity in Inverness-shire by the purchase of Glengarry and Inverloch, came to nought.

In some parishes only two or three remain of those appearing in the roll of 1691, and this applies even to parishes not very distant from Inverness. In the parish of Dores but 2 out of 15, in the parishes of Moy and Dallarossie 1 out of 16, and in the parish of Inverness 5 out of 13 still remain.

The most extraordinary rise among the proprietors has undoubtedly occurred with the descendants of Alexander Baillie of Dochfour, who figures in the rental for the modest sum of £66 13s 4d Scots. The rental of the Baillies in this and the neighbouring county of Ross is understood to be between £20,000 and £30,000 per annum, having supplanted in Ross-shire, Mackenzie, Leslies, Murchesons, and in Inverness-shire, Macleans, Polsons, Cuthberts, Frasers, Gordons, Macleods, Camerons, &c., &c. Being nearly all non-resident, their possession hitherto has had a deteriorating and impoverishing effect. Baillie of Dunearn, the parent

stock of all the Baillies, is the oldest heritor by a considerable way in the parish of Inverness; Mackintosh for Essich coming next.

Follows the continuation of the valuation roll from the *Advertiser* of Friday, 17th January 1862:—

<i>Wardlaw and Pharnwoy Parish.</i>		Scots.
Lord Lovat	.	£579 3 4
Alexander Fraser of Kinneries	.	166 13 4
Mr John Dallas	.	60 0 0
Mr Hugh Fraser, Eskadale	.	36 0 0
The relict of Kilbockie	.	96 0 0
The heirs of Achnagairn, for his own rent and a part of Kilbockie's	.	325 0 0
Laird of Strichen for Moniack	.	125 0 0
Alexander Fraser of Reelig	.	170 0 0
Hugh Fraser of Belladrum	.	288 0 0
James Mackintosh for the half of the Mill of Rinduy	.	25 0 0
The Laird of Culloden for Bunchrew	.	183 6 8
James Fraser of Dumballoch	.	64 7 0

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£2068 10 4

<i>Convint and Kiltarlity Parish.</i>		
Lord Lovat	.	£504 3 0
Alexander Chisholm of Comar	.	697 10 0
Simon Fraser of Bruiach	.	52 0 0
William Fraser of Guisachan	.	379 5 0
Alexander Fraser of Kilachack	.	25 0 0
The Laird of Strichen	.	20 0 0
Hugh Fraser of Belladrum	.	100 0 0
Lord Lovat in vice of Glen Vackie	.	40 0 0
Do. for Annat Clunes, Wester Dunie, and Dumballoch and Kinneries feu-duty	.	183 6 8
Laird of Brae for Mayn and Crives	.	93 6 8
John Fraser of Mayn	.	77 10 0
Mr H. Fraser of Eskadale	.	50 0 0
Alexander Fraser of Kinneries for Fanellan	.	166 13 4
Hugh Fraser of Ballindown for Kinneries	.	67 0 0

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£2455 15 0

<i>Kilmorack and Urray Parish.</i>		
Lord Lovat, including fishing and feu-duty	.	£1445 8 4
Laird of Strichen	.	163 0 0
Laird of Brae for Crochells	.	189 3 4
Hugh Fraser of Belladrum	.	296 0 0
Alexander Chisholm of Comar	.	1505 0 0
Mr Hugh Fraser of Eskadale, including his feu-duty, payable to the Lord Lovat	.	75 0 0
John Fraser of Struy	.	400 0 0

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£4078 11 8

<i>Cromdel Parish.</i>		
The Laird of Grant	.	£949 14 6

<i>Inverallan Parish.</i>		
The Laird of Grant	.	£281 13 4
James Grant of Clurie	.	92 13 4
Patrick Grant of Tullochgorm	.	100 0 0

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£474 6 8

<i>Abernethy and Kincardine Parish.</i>		Scots.
The Duke of Gordon for the barony of Kincardine	.	£400 0 0
The Laird of Grant, with the burden of £100 he has undertaken for Strone, both	.	253 6 8
George Grant of Gartenmore	.	150 0 0
John Grant of Congash	.	100 0 0

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£903 6 8

<i>Rothiemurchus Parish.</i>		
The Laird of Rothiemurchus	.	£358 16 8
Alexander Shaw of Dell	.	86 3 4

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£425 0 0

<i>Skair Inch Parish.</i>		
The Laird of Mackintosh	.	£160 0 0
Charles Macpherson of Invereahie for himself and granduncle, including the Duke of Gordon's feu-duty	.	648 0 0
Lachlan Mackintosh of Balnespick	.	45 0 0

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£851 0 0

<i>Kingussie Parish.</i>		
The Duke of Gordon	.	£1213 0 0
John Macpherson of Ardlylach	.	150 0 0
John Macpherson of Ballichroan	.	200 0 0
Lachlan Mackintosh of Strone—the Laird of Grant having taken £100 of his valuation on himself, till it be found where it shall be placed	.	200 0 0
Murdo Macpherson of Clune	.	80 0 0
The Laird of Mackintosh	.	46 13 4
William Macpherson of Noide	.	220 0 0
Lachlan Macpherson of Invertromie	.	80 0 0
John Macpherson of Benchar	.	150 0 0
Alexander Macpherson of Phones	.	60 0 0
James Macpherson of Invernahaven	.	50 0 0
Murdo Macpherson of Etterish	.	75 0 0
Duncan Macpherson of Clunie, now Macpherson in his vice for Billiadbeg	.	53 6 8

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£2578 0 0

<i>Atvie Parish.</i>		
The Duke of Gordon	.	£300 0 0
The Laird of Mackintosh for Kincaig, Dunachton, and Pittourie	.	350 0 0
John Macpherson of Dalraddie	.	198 10 0
Lachlan Macpherson of Delifur	.	59 10 0
The Laird of Grant for Delifur feu-duty	.	2 0 0
William Mackintosh of Borlum	.	384 0 0

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£1394 0 0

<i>Laggan Parish.</i>		
The Duke of Gordon	.	£1010 19 0
The Laird of Mackintosh for Gellovie	.	68 0 0
Donald Macdonald of Gellovie	.	88 13 4
John Macpherson, portioner of Gellovie	.	44 6 8
Alexander Macpherson of Phones for Nessintullich	.	71 10 0
Paul Macpherson of Crathiecrov	.	60 0 0
Laird of Grant	.	100 0 0
Duncan Macpherson of Clunie for Gaak-Loan, Clunie, & Kylacher	.	300 0 0
Lachlan Mackintosh of Strone	.	60 0 0

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£1801 9 0

<i>Kilmonivaig, and Kilmalis in Lochaber.</i>		Scots.
Sir Evan Cameron of Lochiel for his old rent, and in vice of Mackintosh for the lands of Lochiel and Locharkaig		£2100 0 0
John Cameron of Callart		230 0 0
Angus Cameron for his wadset, now Duke of Gordon		100 0 0
John Cameron of Ratalichmore		133 0 0
Angus Cameron of Glenevis		370 0 0
Coll Macdonald of Keppoch		400 0 0
The Lands of Brea Lochaber, pertaining to the Laird of Mackintosh, payable by the possessors		700 0 0
John Cameron of Rattichbeg		160 0 0
Martin Cameron of Letterfinlay		416 18 4
		<hr/>
		£6280 13 4
<i>Kilfinnan in Glengarry.</i>		
The Laird of Glengarry		£1000 0 0
Allan Macdonald of Lundie, his rent within the shire of Inverness		366 13 4
		<hr/>
		£1366 13 4
<i>Skiewe and Kilphader.</i>		
The Captain of Clanronald		£1966 13 4
The Laird of Macniell of Barra		816 13 4
		<hr/>
		£2783 6 8
<i>Kilchrist Parish.</i>		
The Laird of M'Fingen		£1350 0 0
The Captain of Clanronald		1066 13 4
		<hr/>
		£2416 13 4
<i>Kilreid Parish.</i>		
The Laird of Macleod		£1300 0 0
Sir Norman Macleod, the Laird's uncle		433 6 8
		<hr/>
		£1733 6 8
<i>Kilmoor in Skye.</i>		
The Laird of Macleod		£1800 0 0
Donald Macdonald of Arnsoul		433 6 8
William Macleod, now the Laird of Macleod		300 0 0
		<hr/>
		£2533 6 8
<i>Oymart and Breakadale.</i>		
The Laird of Macleod		£1270 0 0
Rorie Macleod, the Laird's uncle, now the Laird of Macleod		1030 0 0
		<hr/>
		£2300 0 0
<i>North Uist.</i>		
Sir Donald Macdonald of Slate		£1560 0 0
Kenneth Macqueen there		160 0 0
Neil Macneil of Berrerick, his successors		160 0 0
		<hr/>
		£1880 0 0
<i>Killishaymen in Glenelg.</i>		
Laird of Macleod and his mother		£1508 0 0
Laird of Macleod in vice of the Lady Macleod, elder, for her rent in Glenelg		700 0 0
		<hr/>
		£2208 0 0



<i>Kilmoor in Trotterness.</i>		Scots.
Sir Donald Macdonald of Slate	. . .	£1400 0 0
Donald Macdonald of Arnismore	. . .	100 0 0
Archibald Macdonald of Bornskilloch	. . .	200 0 0
Murdoch Macqueen there	. . .	80 0 0

£1760 0 0

<i>Snizat.</i>		
Sir Donald Macdonald of Slate	. . .	£720 0 0
Hugh Macdonald of Glenmore	. . .	333 6 8
The Laird of Rasa	. . .	690 0 0
The Laird of Rasa in vice of M'Coule	. . .	278 0 0
The Laird of M'Coule of Morar	. . .	566 13 4

£2586 0 0

<i>Slate.</i>		
Sir Donald Macdonald of Slate	. . .	£1023 6 8
Sir Donald Macdonald of Slate in vice of the Lady Macdonald	. . .	300 0 0
Donald Macdonald of Castletown	. . .	233 6 8
The Lady Macdonald, elder, now Sir Donald Macdonald	. . .	613 13 0

£2170 6 4

<i>Kilchen in Knoydart.</i>		
The Lord Macdonald, now the Laird of Glengarry	. . .	£1000 0 0

<i>Kilmarie Parish.</i>		
The Captain of Clanranald	. . .	£1180 4 6
Sir Donald Macdonald of Slate for the lands of Moydart and Annarack, and in vice of the Captain of Clanranald	. . .	1200 0 0

£2380 4 6

The Bishop of Moray, his rent in the Sheriffdom of Inverness	. . .	150 0 0
The Bishop of the Isles and Argyle, their rent within the Sheriffdom of Inverness payable by Sir Donald Macdonald and the Laird of Macleod	. . .	200 0 0

*Summa totalis* is seventy-three thousand one hundred and eighty-eight pounds nine shillings Scots money (£73,188 9s); according to which the collector is hereby ordered to collect the cess of the next Lammis Term, and in all time coming. Given under our hands at Inverness, and finished this eighteenth of May sixteen hundred and ninety-one years.

(Signed) LOVATT, &c.

XXII.

DAVID ROSS OF BALNAGOWN *ob.* 17th APRIL 1711.  
PART FIRST—GLIMPSES OF SOCIETY  
IN INVERNESS, 1689-1704.

A Ross-shire friend, one of the clan Kenneth, well versed in county antiquities, has favoured us with the perusal of a pretty large volume, being a report of the great contest

regarding the estate of Balnagown, which took place about the year 1760, between Munro Ross of Pitcalnie, the heir-male of David Ross of Balnagown, and Sir James Ross, formerly James Lockhart, second son of Sir James Lockhart of Carstairs, who succeeded as substitute under an entail made by David Ross. The Rosses of Balnagown, now as then represented by Ross of Pitcalnie, are a very old family. In 1338 "John Ross of Balnagowan" is witness to a deed granted by one of the Lords of the Isles, and signed at Kessock; and the family have fair claims to represent the Earls of Ross. As this title, however, for some time before its extinction had been granted to several families and forfeited frequently, there was latterly no regular succession either by heirs-male, or heirs whomsoever.

David Ross, father of David in question, had liberally supported the royal cause, and Charles II. granted his son a pension on the "narrative of his father's substantial services in bringing a regiment of foot to serve His Majesty in 1651 in his expedition to Worcester, and that there the deceased Balnagown was taken, and carried prisoner to London, where he remained for several years until he died; and had his estate in Scotland in the meantime sequestered, until a considerable sum of money was paid for taking off the sequestration."

David Ross was a person of weak and facile disposition, and it is painful and humiliating to read of the miserable life he must have led, from the constant attempts of designing parties to entangle him.

The chief reasons given for the reduction of the entail were—that David Ross was of weak mind, much under the influence of his wife, Lady Anne Stewart, sister of Alexander Earl of Moray, and that she again was much under the influence of the Presbyterian clergy, particularly one Mr William Stewart, latterly at Kiltearn—a very different man, it would appear, from his predecessor, "Godly Mr Hogg," of whose sincere worth and piety there are numerous floating anecdotes still current in Ross, notwithstanding the lapse of two centuries.

Proof at great length was led for Pitcalnie on these points, and we on this occasion give part of the evidence of three witnesses, as it has an immediate connection with the town of Inverness, and gives a vivid picture of manners and habits a hundred and fifty years ago, of which we know but little. David Ross was called "Dai our," or Grey David, to which was added another Gaelic epithet, which from delicacy is not given. As to the exact meaning of the epithet there being some doubt, Walter Macfarlan of that ilk, the antiquary, gave evidence, but whose meaning we do not concur in.

First, as is becoming, let us give place to a lady—no less important a personage than Mrs Katherine Duff of Drummuir. She and her relative Anna, the old Lady Mackintosh, entertainer of Prince Charles during his residence in Inverness, were for a long time dominant in Inverness society, and in the letters and business of the time are constantly to be met with. Mrs Duff and the other witnesses were strong Episcopalians, and indeed it may be said that Church feeling strongly tinctured the whole proceedings. Mrs Duff was examined in September 1756, and would have been born in the year 1670, and thus lived during critical periods, including the revolution, the risings in '15 and '45.

Follows the evidence of Mrs Katherine Duff, relict of the late Alexander Duff of Drummuir, aged 86 years:—

Depones—That she was acquainted with the deceased David Ross of Balnagown and Lady Anne Stewart, his lady. That their acquaintance commenced about the year 1704, at which time Balnagown and his lady resided at Inverness; that she was very intimate with them, and frequently visited one another; that her father-in-law, Provost Duff, was concerned in the loan of a sum of money to Balnagown to relieve him out of difficulties, which gave her occasion to see Balnagown frequently, and that Provost Duff and those concerned with him got a locality of victual and salmon for security and repayment of that money. Depones—That at the time the said David Ross of Balnagown was reckoned a very weak man, and called so by everybody, particularly that he was much priest-ridden, and that his lady guided all his affairs, with the assistance of Mr Alexander Rae, her chaplain. Depones—That she remembers that at that time she heard of the said David Ross of Balnagown his giving or granting a bond to Mr Francis Stewart, and which he afterwards gave to Lord Ross, and which she heard was done by the influence of the clergy and his lady. People generally blamed Balnagown for wronging his right heir. Depones—That she heard it generally reported that Mr William Stewart, minister of Kiltearn, and Mr Daniel Macgillican, minister at Ainess, were much about Balnagown, and great favourites of Lady Anne's. Depones—That after Provost Duff advanced the above sum to Balnagown, Lady Anne managed matters better than she had done formerly. Further depones—That

the said David Ross of Balnagown commonly went under a nickname, which imported his being a weak man and easily guided. Further depones—That about the year 1704, when Balnagown resided at Inverness, there happened a quarrel betwixt the then Laird of Mackintosh and him; that they, being going at the same time up the tolbooth stair to a court, Balnagown endeavoured to go before Mackintosh, but Mackintosh would not allow him, and gave him a thrust down stairs.

We next select the evidence of John Baillie, tacksman of Balrobert. He belonged to the family of Baillie of Torbreck and Balrobert, a branch of the Duneans, from whom they derived the lands. On the insolvency of Captain Wm. Baillie, the lands were brought to a judicial sale, and purchased in 1758 by Dr James Fraser, son of Fraser of Phopachy, the first of the Frasers of Torbreck:—

John Baillie, tacksman of Balrobert, aged 85 years or thereby. Depones—That he remembers to have seen the deceased David Ross of Balnagown at Inverness soon after the revolution; that he was then himself a boy at the school there; that at that time Balnagown was said to be Governor of Inverness; that he does not remember how long Balnagown continued in that station. Depones that he then lodged in the house of one Jackson, a butcher, who was a low, mean man; and the deponent heard the common people and schoolboys reckon it a very surprising thing that Balnagown should lodge in such a house, which was thought to be very mean in him; that the reason for his doing so was said to be that the said Jackson's wife was a near relation of his. Depones—That people at that time reckoned him a very weak man, and that his behaviour showed that; that his lady came with him at that time to Inverness, but that she did not stay long; that at that time the schoolboys gave Balnagown names which he does not now remember, but that the import of them was his not getting children with his lady. Depones—That about the time Colonel Leslie came into Inverness with a regiment of regulars, Balnagown left it; and being further interrogated—Whether or not at all other times, as often as he heard Balnagown talked of, or the subject of conversation, he did not hear him reckoned a weak, mean man? Depones—That he seldom has heard Balnagown spoke of, but when he did he was reckoned a weak-thoughted gentleman; and being interrogated for Colonel Ross, depones —“ That he never spoke to or was in company with Balnagown.”

Next comes Castleleathers, so long Lovat's right-hand man, but afterwards his foe (see Notes No. 19.) He was much engaged in northern doings, and says himself he had mixed in the best society in the north for the last seventy years. He was examined in October 1756, and this would make the period he refers to 1686-1756:—

Major James Fraser of Castleleathers, aged 86, depones that he had frequently occasion to see David Ross, late of Balnagown, and particularly that he had occasion to see the said David Ross at Inverness the year after the battle of Killiecrankie, when the deponent wrote in the chamber of James Baillie, town clerk of Inverness, and that at that time he was named Governor of Inverness; and, as the deponent heard by means of the Earl of Sutherland, on account of the said David Ross, his clan and following, though he was but a weak man himself. Depones—That he believes the said David Ross continued to be Governor for ten days, though Mr Cumming, minister of Moy,

in a song made on that occasion, said he continued only two days. Depones—That Sir James Leslie succeeded him in the said government, who came up with a regiment of regular troops. Depones—That it was the whole town's talk that Balnagown had deserted his government and stole away in the night-time, when he understood the said Sir James Leslie was within a day's march of the town; and further depones that he had access to converse with, and was frequently in company with the best people of Inverness at that time, and that it was their general opinion that Balnagown was a very weak man, incapable of transacting any business of consequence, or managing any office of trust, and that people of fashion told the deponent that they frequented his company in order to be diverted with his nonsense; and that by way of reproach he was generally called "Dai our b—;" and further depones that when the said Balnagown was Governor of Inverness the deponent saw the boys and idle people of the town running after him, and following him up and down the street, taking their diversion of him as he had seen the boys at Edinburgh follow the late Earl of Roseberry. Depones—That he heard a great many songs in the Gaelic or Earse language, made on the said Balnagown, running him down, and despising him; but the deponent cannot remember at this distance of time any of them except a verse or two made by the said Mr Cumming, which he repeated in presence of the doers for both parties, who understood the Irish language; and, according to the deponent's translation, the import of the song is that the said David Ross was incapable of any manly action, or doing duty to his \* \* \* \*; and that the import of another verse was, that he had got a great deal of honour by being two days Governor of Inverness, but that when he heard that another Governor was coming, he ran off and went over the ferry of Kessock, and that the import of a third verse which he repeated was, that he had got new spirits upon his being made Sheriff over his whole clan, and that his lady said \* \* \*. Depones—That the said song was made by way of mock, irony, or derision, and being interrogated for Colonel Ross, the deponent depones that he believes that Balnagown was no longer than ten days Governor of Inverness; and being further interrogated for the defender, whether it does not consist with his knowledge that satires have been frequently made on gentlemen and others in the Highlands in the Gaelic or Irish language, ascribing to them low and bad characters which they did not deserve, and if these did not frequently happen when antipathies and animosities arose betwixt clans, names, or particular families? Depones affirmative, but with regard to Balnagown, that it was the general opinion of all the country that he was a very weak man. Depones—That the said Mr Cumming was an Episcopal minister before the revolution, and after Presbytery was established, conformed and continued his charge till his death. Depones—That he does not remember who was the mother of David Ross of Balnagown. Depones—That he never conversed with the said David Ross, nor never was at the house of Balnagown until he went there to his burial; and, being further interrogated for the pursuer, depones, that for seventy years past the deponent has frequented the best company in the north of Scotland, and that as often as he has heard Balnagown's name mentioned, it was admitted he was a weak, silly man, and never contradicted by any person except Mr William Stewart, late minister of Inverness, who was one of the weakest men of the clergy of Scotland, and who told the deponent, what the deponent had heard from others, that one day riding before his wife to make a visit to Culrain, he (Mr Stewart) dropt her from behind in the snow, and rode a little without missing her until he was called upon by another man, who took her up; and, being interrogated for the defender, depones that he was major to a regiment of militia, employed in the Government service, in the year 1715, and that he got his commission from the late Brigadier-General Alexander Grant, who was Lord-Lieutenant of the county of Inverness at the time, but never was major of any regiment of regulars. Depones—That he was well acquainted with the late Lord Lovat, and that the said Lord Lovat used to talk to servants, old men, and women he met on the road, even of the lowest rank, and to converse with them.

(To be continued.)

## XXIII.

**DAVID ROSS OF BALNAGOWN, ob. 17th APRIL 1711.  
PART SECOND—FURTHER GLIMPSES  
OF SOCIETY AND CUSTOMS.**

David Ross's father, who so liberally supported Charles II., must have died at latest in the early part of the year 1655, for on 31st July 1655 David Ross of Pitcalnie was retoured as tutor to his pupil son. The second David must therefore have possessed the lands for the long period of fifty-six years.

One of a series of complaints against Balnagown, in the year 1624, on the part of some of his clan and following, is somewhat singular—viz., "Balnagown never keeps burials or public meetings in the shire, and it is generally said and reported that it is for fear of the Master of Tarbat that he withdraws from both," and shows the importance attached to funerals of the nobility and gentry at the period. The answer drawn out for Balnagown bears strong marks of an *ecclesiastical* origin, and is not amiss—"It is known that Balnagown has made most honourable and frequent appearances at public burials, to the credit of his kindred and family, which will be remembered by posterity, though the authors shamelessly reproach him to the contrary. And if those concerned in burials did not disoblige Balnagown, he would not willingly be absent from any such Christian duty. As for Balnagown fearing the Master of Tarbat, he neither fears him, the authors, nor their adherents; and whoever thinks Balnagown a coward may try him, but it is hoped it shall not be a drunken Sabbath-day plea or quarrel, whereof some carries tokens."

His own funeral seems to have been a grand one. Castle-leathers, as was shown in our last, went from Inverness, though he had never spoken to Balnagown, and David Ross of Inverchassly, who was fifty-five years old when examined in 1755, says—"He was at Balnagown's burial, which, to

the best of his memory, was upon the 24th day of May 1711 years; that the burial was very throng, and the grandest he ever saw; that most of the gentlemen of the neighbouring counties were at the burial, and about two or three thousand were in arms."

Counter proof for Sir James Ross as to Balnagown's being "a man of parts, address, skill, and activity in business, who struggled through great difficulties, was much employed in public and private affairs, and highly respected and esteemed by his cotemporaries," was also led at great length, and his conduct while governor of Inverness, &c., so much dwelt upon by Pitcalnie, seems to have been considered of great importance by the defender, who adduced a great number of witnesses in rebutment. The evidence of John Simson, now given, may be contrasted with that published in our last. It cannot be said to be discrepant merely, but goes a great deal beyond, and is absolutely contradictive:—

The said John Simson, tacksman of Eddertoun (then aged 86 years, year 1756), objected to as a moveable tenant on the estate of Balnagown, being again examined, and having his former oath read to him, deponed further—That the year the battle of Killiecrankie and the battle of Dunkeld were fought, Balnagown was Governor at Inverness, and lodged in the house of William Cumming, who he thinks was town-clerk of that town; that the house was as good a house as was in the town at that time; and depones that it was the latter end of April that year Balnagown went up with his men to Inverness, and that Balnagown was very well respected at Inverness then, and continued there till it was near the month of August, and that Balnagown was a middle-sized man and very well built; that he was no coward, but a brave resolute man. Depones—That after Balnagown planted a company of his men in garrison in the house of Brahan, which was Lord Seaforth's seat, the men, when they were commanded by Alexander Ross, commonly called Lammy, an old man who had been with Balnagown's father at the battle of Worcester, and by Alexander Ross Williamson as lieutenant, that the said garrison were not very long at Brahan, when they left it by General Mackay's orders, and went therefrom to Strathglass, and from thence to Inverlochty; that when they were at Brahan they began to be in the Government's pay, and so continued while they were at Inverlochty. Depones—That he heard of a dispute or quarrel which happened betwixt Balnagown and the laird of Mackintosh concerning the preference of taking the door at the town-house at Inverness, but that there being some men and company present who interposed, no harm ensued, but Balnagown took hold of Mackintosh by the shoulders, put him behind him, and entered first; that upon this occasion there was an uncle of the deponent's along with Balnagown, who was a very pretty man and of a large size, and that this happened, as the deponent was told by severals, though never by his uncle, when the deponent was young and incapable to be there himself. Being interrogated for the pursuer, depones that he knew one Jackson, a butcher at Inverness, in whose house some of Balnagown's men lodged, and where many of the substantial tenants who were longest with him frequented to drink, but that he never saw Balnagown himself

in the said Jackson's house, though he might have gone there unknown to him, but is positive he never lodged there. Depones—That this Jackson was married to a natural sister of Balnagown's, which was the motive that brought his men there to drink. Depones—That Balnagown continued Governor of Inverness, and remained there till General Mackay's order relieved him about the beginning or approach of winter, and that he does not know whether it was by Colonel Lealie that he was then relieved. Depones—That he was not fully eight days at Inverness with Balnagown, when he, as one of 100 of Balnagown's men, went with General Mackay south, and that they were about six weeks away before they returned to Inverness. And being interrogated what marks of respect he saw paid to Balnagown at Inverness? depones he saw the gentlemen there visiting him at his own lodging. And being further interrogated, if ever he saw Balnagown in any action or form whence he concluded him to be a brave man? depones that he never saw him in action, but at the time when Balnagown went to Lochbroom to hold courts, as mentioned in the deponent's former deposition, Balnagown being in a house with Mackenzie of Ballon and other Lochbroom gentlemen, a squabble arising without doors 'twixt Balnagown's men and the Lochbroom men; the Lochbroom gentlemen within doors made a push to go out, upon which Balnagown forbade them to move out or to meddle; but Ballon going to the door, Balnagown laid hold on him and thrust him into a guard-room that was immediately opposite to that door, lest Ballon should go to head his own men and other country people to make a mob, and that Ballon was a bulky, big man. Depones—That he never saw Balnagown try his bravery at any other time. Depones—That after the deponent returned to Inverness as aforesaid, he and that party of Balnagown's men that were with General Mackay did not remain above four or five days at Inverness when they were detached to Brahan; and being interrogated how he came to know that Balnagown remained so long Governor of Inverness? Depones—That he was with the party of Balnagown's men at Brahan, which is within six or seven miles of the town of Inverness, and had occasion to go from Brahan to Inverness to the laird for magazine powder. Depones—Though Balnagown would pass his word for a tack, yet if it was not agreeable to the lady she would break it. That he heard that Balnagown raised men to dispute his right to the moss of Bourracks against the Earl of Cromarty, who also raised a body of men, but that this happened when the deponent was a child.

The admissibility of witnesses was in old times open to numerous objections, now done away with. On a former occasion (Notes No. 13) we showed that a witness was objected to until he repeated the Creed and Ten Commandments. Malice was also a frequent and successful objection. That predatory class, the tinkers, were often debarred from giving evidence, but we do not recollect before noticing the objection started that the witness proposed to be adduced was a poor man—a beggar. In the case of old William Ross, or Callum, after given, it will be seen that this objection was positively taken, and the lawyers seem to have had a tough battle over the poor beggar's cloak—one party objecting to him "as not worth the King's unlaw," the other getting him to say that it was in warm weather only he travelled about the country calling on his neighbours and



the public. The beggar's evidence bears the impress of truth. Balnagown, like Lord Lovat, was in the habit of speaking to poor and mean people he might meet; he had shown courtesy, perhaps kindness to William Ross in the latter's better days, and some half-century after his death this courtesy was repaid with interest:—

William Ross, *alias* Callum, some time tenant in Arinatus in Downie of Strathcarron, aged 88 years or thereby (objected to as a mendicant, not worth the King's unlaw, and against whose evidence a protest for reprobators was taken), depones, that in warm weather he travels among his neighbouring tenants for assistance to maintain him, which, with what he has saved of his own, maintains or subsists him, and being specially interrogated by the pursuer whether or not he has been in use for several years past as well as in this present season to ask charity towards his subsistence? depones, that he has not been in use to beg, other than from his neighbours of his own acquaintance, and that hitherto he has not been put upon the poor's roll, and lives in the house of his son-in-law. Depones—That he has neither cow nor horse, nor any other effects except two sheep, one wedder, and four shillings sterling in money; and that separately he has about eighteen merks Scots in the hands of one of his children, and which he has allocated for his burial, and that his son-in-law, with whom he lives, pays as yearly rent twenty-four shillings sterling. Being interrogated for the defender, depones, that he was acquainted with David Ross of Balnagown from his (the deponent's) age of twelve or thirteen years till his age of twenty-five: that he was in use to talk frequently with David Ross of Balnagown, the deponent being at that time in such good habit and condition that he might talk to any gentleman. Depones—That as he had very frequent occasion to talk with Balnagown, he never remembers to have heard him express one senseless word, and that he was one of the best genealogists in the shire of Ross, and cannot say that he was a senseless man, and that if he were not in his grave *people would not charge him with the want of sense, or neither would such things be said of him as was said after his death.* Depones—That he knows Balnagown was Sheriff of Ross, and that he went to keep courts to Lochbroom, and, upon his going to keep a second court there, he was obliged to run away, because the country people there rose against him; that he remembers also that Balnagown was Governor of Inverness, appointed by General Mackay, and after being some time there he sent one hundred of his men to Inverloch, and fifty men to Brahan after coming from Inverloch; and, being interrogated if within this or the last year he was dealt with by any person whatever, concerning what evidence he could give on the points whereon he has been now examined, or any relative facts, who that was, and what passed between them? depones negative.

We conclude for the present by giving a copy of the orders to Balnagown as Governor of the town of Inverness by General Mackay, commanding the forces:—

*I.—Orders for the Laird of Balnagown during the absence of the Forces.*

He shall command in the town of Inverness.

He shall cause sixty of his men to come to-morrow morning at four of the clock to relieve the guard of the mercate place with all the sentrys thereto belonging, and shall take special care of the person of the Master of Tarbat.

He shall at the same hour cause the rest of his men to come and lodge in the Castle till the forces return.

He shall keep night guards without the town and at the palisades, that he be not surprisid.

The Laird of Fowlis, younger, is to furnish the guards for his quarter on the other side. His night posts without the town shall be placed within a musket shot without the town.

The townsmen shall also furnish a guard of three-score men in the night, and send men to the palisades with Balnagown's men and Fowlis's; and the rest of Grant's men which are not to march shall come into the town at night, and in the morning retire to refresh themselves in their quarters.

The foresaid Laird of Balnagown shall have a care good order be kept, and the other forces are hereby ordered to obey him during the foresaid absence.

Given at Inverness, the 25th May 1689.

(Signed)

H. MACKAY.

(*To be continued.*)

#### XXIV.

DAVID ROSS OF BALNAGOWN, *ob.* 17th APRIL 1711.

#### PART THIRD AND LAST--INTRIGUES FOR THE ESTATE.

As there seemed no prospect of Balnagown having issue, the attention of interested parties became drawn to the succession as early as 1685; and as Lady Anne Stewart had so much influence over her husband, she naturally looked to her own family, and her brother, Francis Stewart, was fixed upon, and had some rights to the partial succession made out in his favour. His elder brother having died, however, whereby Francis became heir-apparent to the Earldom of Moray, strong dissatisfaction arose at the idea of the lands becoming an appanage of the Earldom, and Francis Stewart, so far as appears from the papers, does not seem to have unduly pushed his claims. It was alleged on his behalf, but denied by Pitcalnie, that the Earl of Moray had, in respect of his son's ultimate succession, assisted Balnagown to pay off certain pressing debts to the extent of 35,000 merks.

About the year 1694, a new intrigant appeared—viz., William, Lord Ross, whose family, the Rosses of Halkead, had been ennobled in the year 1501, and who claimed to be sprung from the Balnagowns. The following is the

character of Lord Ross by his contemporary, George Lockhart of Carnwath, taken from a Jacobite song on the principal Whig leaders :—

“ The Lord Ross’s dally food  
Was on martyrs’ flesh and blood,  
And he did disturb much devotion,  
Although he did design  
To o’erturn King Willie’s reign,  
Yet he must not want due promotion.  
Like a saint sincere and true,  
He discovered all he knew,  
And for more there was then no occasion,  
Since he made this holy turn,  
His breast with zeal doth burn  
For the King and a pure Reformation.”

Letters of that confidential nature seldom to be found in print, were hunted out for Pitcalnie. Lady Anne Stewart seems to have been offended at the prejudice against her brother, and was, if not hostile, cold to any advances. This made Lord Ross the more eager, and in the postscript of a letter dated 2d January 1700, addressed to Hugh Rose of Kilravock (who was promised the Sheriffship), Lady Anne is to be dazzled with the vision of a Countess’s coronet, the noblest and most ancient in the kingdom. He says—“ If Balnagown and his lady agrees to this my desire, she shall be **COUNTESS OF ROSS**, or I will procure any other title to her she pleases. Pray, dear sir, tell her so.” So much for gaining over the lady. Let us now see how her ghostly adviser, Mr William Stewart of Kiltearn, is to be dealt with.

In a letter from his lordship to George Ross of Moringie, dated London, 2d January 1700, he says—“ Receive also enclosed a letter to Kilravock, another to Mr Stewart, which you may read, seal, and deliver, and take all the effectual methods you can by Mr Stewart to get it effectuate with the lady, and acquaint me sometimes what success ye expect, and I do assure you I will gratify you on the success handsomely.” And again—“ But pray desire Mr Stewart to be earnest to put this affair to an end. I wish it may be to satisfaction. Impress upon Mr Stewart how great advantage it were to the Presbyterian interest there that I had an interest in Balnagown, since I had been so forward to

\* (Lord Ross was a great persecutor of the Whigs; then he joined them at the Revolution; then plotted to restore King James; then turned tail, and did accuse all he knew of that party.—Lockhart.)

that interest. Whereas if a Popish family came in, it may ruin that interest there. Kilravock and ye on the place can use many more arguments than I know, particularly that if Balnagown were dead, the name will never submit to a Stewart."

To Mr Stewart himself Lord Ross writes the same day—" I am informed ye have a considerable interest with Lady Balnagown. If you will be so kind as to use your interest with the lady to get my affair succeed, I do assure you I will never fail in any occasion wherein I can serve you, and if thereby you bring me to an interest in that country, ye will thereby put me in a condition to serve you more effectually."

This is pretty plain, and it would appear to have been at once successful, though one or two who first saw it considered it rather " distinct," and that the minister would need a little preliminary " dealing." In Mr Stewart's answer, dated Kiltearn, 6th February 1700, he says, after acknowledging receipt—" After mature thoughts thereanent, I am fully persuaded and inclined to judge it my duty to obtemper your lordship's desire." And again—" It is true I see some difficulties in the undertaking, not with respect to duty but success, which your lordship may easily conjecture, but on the grounds above-mentioned, and because success and events belong to the Lord, I shall use such means, leaving it to the Lord—whose sovereign providence has the determining hand in all the actions and transactions here below—to dispose of the event."

Mr Stewart's letter of the 27th April 1700, is so good that we give it entire. Though a century and a-half has elapsed, we are glad to have the opportunity of showing up this wretched tool of Lord Ross and his friends cunningly scheming over his work, stealthily and unctuously coming round the lady, who credulously believed the minister could do no wrong, getting a reluctant assent, and thereafter that of Balnagown, who, though he in general said, " I say as my lady says," did, however, upon this occasion make an appearance of resistance :—

Kiltearn, April 27th, 1700.

MY LORD,—Your Lordship's letter of the date February I received in April, and it is so very obliging that I must say it is more than sufficient reward for any service I could do in that or any other affair, but if good-will to serve your Lordship were worthy of regard, I could not exclude myself from ane share. My Lord, I did mind your desire and my promise, and, having waited an opportunity to perform both, at last I found one, *clothed with circumstances much to my contentment as presenting a pleasant view of advancing my end*; and, having endeavoured all I could to improve it accordingly, by proposing and drawing out my reasons and arguments by degrees in order to battle, apprehending there might be a skirmish, I found nothing like opposition, but a very pleasant acquiescence in the proposals *from that honourable and worthy person to whom your Lordship recommended me to speak*; only because it was altogether new to her, and that she was clothed with an husband, entreated me to speak *to him as well as to her*, which immediately I did, and for answer received much civil usage and thanks for my sympathy, *but could not perceive such a compliance as in the former*, therefore entreated him to think seriously of it till our next meeting, which shall be (God willing) shortly, and therefore shall acquaint your Lordship as occasion serves. I shall add that I am unfeignedly, my Lord, your Lordship's most obliged and most humble servant,

(Signed) WILL. STEWART.

To friends of the name Lord Ross wrote numerous letters, the extract from his letter to George Ross of Moringie, here given, sufficing as a specimen. Some attempt had been made to extort from Francis Stewart (afterwards Earl of Moray) a written profession of his ecclesiastical views. Lord Ross says of date 8th February 1700:—

“ I am mightily obliged to Easterfearn, and, if ever I can, shall serve him frankly. He took a wise and proper method, and, since the gentleman refused signing that paper, I think both the friends and ministers may improve it much to my advantage. And pray push it as far as it will go, for there cannot be a better ground to the ministers than *this certainty of his being a Papist*, which would ruin their interest in that place. And, since the ministers with you are so kind to me, pray assure them all of my great concern for them, and that, by getting me into that interest, they will be sure of me to increase and defend them, for since I have *still since the Revolution* owned that interest publicly, they cannot but be assured I will encourage and advance them in that country, and so their doing this for me will procure great advantage to their interest. Pray do you and Easterfearn inculcate this on the ministers,” &c.

Having effected a junction with the Earl of Moray, and paid a large sum to Francis Stewart for assigning his rights, Lord Ross carried his point, and got a disposition and taillie of the estates. Soon afterwards, he, for some reasons which do not appear, brought forward his brother, General Charles Ross, and similar intrigues were carried on for him. The General barely gained, for Balnagown was on his deathbed when some of the deeds were signed. The male descendants of the family of Lord Ross having failed, the peerage became extinct in the year 1754, but James

Lockhart, his grandson by his daughter Grizel, ultimately succeeded, and made good his defence in Pitcalnie's action, except to a small portion of the lands.

The Earls of Glasgow possess the lands of the Lords Ross through a maternal ancestor, and in the year 1815, the then Earl was created Baron Ross in the Peerage of Great Britain.

The whole proceedings are very interesting, and are a perfect mine of information. We conclude by giving copies of the receipts granted by the two doctors who attended Balnagown. The surgeon, William Frogg, seems to have been satisfied with a payment in victual; and five guineas cannot be considered an extravagant charge for Dr Cuthbert, who is proved by the testimony of many witnesses to have been attending Balnagown for at least twenty days before his death. Follows the discharge by William Frogg, surgeon, as follows:—

Received from James Wilson, in Balnagown, by an order to him from Lady Balnagown, *four bolls meal*, I mean oatmeal, April 1711, and that for my attendance to the laird, February and March preceding his last sickness, I say February and March 1711. As witness my hand at Apisdale, the 9th day of February 1712 years.  
(Signed) WILL. FROGG.

Follows the copy discharge by George Cuthbert, doctor of medicine, as follows:—

I, George Cuthbert, doctor of medicine at Inverness, grant me to have received from Lady Anne Stewart, Lady Balnagown, *five guineas*, being called out of Inverness to see the Laird of Balnagown on his deathbed; I say received then from the said Lady Anne, after Balnagown's death, the said five guineas, the day of April 1711 years. In witness whereof I have written and subscribed these presents at Kessock, the 29th day of January 1714 years.

(Signed) GEO. CUTHBERT.

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## XXV.

### THREE OF THE MAGISTRATES OF INVERNESS IN TROUBLE, ARISING OUT OF A TRIAL FOR MURDER. TAKEN RED-HAND, 1723.

The punishment of a murderer summarily, when taken "red-hand," was a very old principle of law, established not only in Scotland but in many other countries. To the

great barons, right of "pit and gallows" was a common gift from the Crown, and led to great oppression. Some barons exercised this power so ruthlessly that they never held a court without an execution following, and it became a Gaelic proverb, "It is not every day that — holds a court"—signifying that if it were so, the country would soon be cleared of inhabitants.\* This extended right was not granted to burghs in their charters of erection or confirmation, but it would appear from the petition after quoted that the town of Inverness had the right of trying a murderer, when taken "red-hand."

The petition itself vividly brings the matter into view. Excisemen and custom-house officers were an abhorrence to Highlanders and Scotsmen generally, and many wished well to the insurgents in 1715 and 1745, because one of their cries was the abolition of the malt and other taxes which pressed so heavily on Scottish industry.

Many of our readers are perhaps unaware of the extent of the malting operations and corn transactions at one time carried on in Inverness, but those familiar with old burghal titles are aware, that in the ancient boundaries malt-barns and corn-kilns are everywhere to be met. The ground behind Church Street and Academy Street, of old "the fosse pool," was almost entirely a set of malt-kilns. The counties of Inverness, Ross, Sutherland, Caithness, the Orkneys, and the Western Isles, were supplied with malt from Inverness, and in exchange from these places came skins—a trade the source of much wealth.

After the revolution, in consequence of the duties imposed on corn, Inverness suffered a great decline, trade fell off, and the town was becoming a mass of ruins. According to the Statistical Account, "every second space, and that by far the larger, exhibited the ruins of a kiln or granary, or other building." About the year 1760 business began to

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\* The saying is, "It is not every day Mackintosh holds a court." As it is well known in the Highlands, and to some extent affects the character of the chiefs, the particular occasion and circumstances under which it arose are detailed in the Appendix (No. 3.) From this it will be seen that the Earl of Moray was solely and wholly responsible. It is satisfactory to find that the story, first promulgated by Bishop Leslie, of 200 Mackintoshes being put to death for the hereship, is only true to the extent of 18 persons.

revive, and twenty years later, under the determined and energetic administration of Provost William Inglis of Kingsmills, who rigidly enforced the law "regarding ruinous tenements within burgh," Inverness was in a measure rebuilt; and we here gladly contribute our meed of praise to Provost Inglis' administration.

As mentioned in a former number of these Notes, from their Stuart leanings, the magistrates of Inverness were no favourites with the Government authorities, and this must account for the extraordinary fact that they should have been, on an *ex parte* statement, put upon their trial not merely for having done their duty, but actually kept much within the limits of their powers.

We were unaware of the circumstances referred to in the petition, until they were brought under our notice by Mr Dempster of Skibo, who kindly sent us the document, with an intimation that it was found among the papers of Robert Dundas of Arniston, the first Lord President of the family, who was Lord Advocate at the period referred to.

The business must, of course, have dropped, else such a proceeding as the public trial of the magistrates would have been well known. In all probability, the complaint would have been made by the commanding officer of the company of Sabine's regiment stationed at Inverness, to which the two soldiers belonged; and we judge from Burt on what terms these officers generally stood with the magistrates and other influential people. John Hossack, who signs the petition, was the well-known Provost in 1746.

The document is titled on the back, "Copy of a Petition of the Magistrates of Inverness," and is as follows:—

*To their Excellencies the Lord Justices, the humble Petition of the  
Magistrates of Inverness.*

SHWETH,

That your petitioners, William Fraser, William Maclean, and John Fraser, have been lately summoned to appear, the 18th day of November next at Edinburgh, to a criminal prosecution carried on against them by His Majesty's advocate for a supposed injustice in a sentence pronounced by the Magistrates of Inverness in June last against James Miller, a tide-waiter, and Richard Barlow, and Francis Powell, soldiers in General Sabine's regiment.

That this intended prosecution of your petitioners gives them the greater concern that they are informed 'tis carried on by your Excellencies' special



commands, which your petitioners humbly apprehend have proceeded upon a representation of the case *ex parte*, and therefore they take it to be their duty to lay the matter before your Excellencies, to the end that, if they do not appear guilty as they have been represented, such relief may be directed as their circumstances require.

That, on the 11th June, the said James Miller, tide-waiter, and Richard Barlow, and Francis Powell, soldiers, before it was daylight in the morning, having called to a boat which was rowing about 100 yards' distance from them on the river to come to the shore, and the boat not having readily answered, the tidesman ordered the soldiers to fire, and three shots were accordingly fired, whereof one pierced the boat, and another killed one of the boatmen.

An accident so extraordinary soon alarmed the people. The tidesman and the soldiers were immediately seized and committed, and the inhabitants of all sorts cried aloud for justice.

It is the right of the burgh whereof your petitioners are magistrates, that the Bailies can try murder when the actor is seized red-hand (that is to say upon the spot), wherefore the tidesman and the soldiers were indicted of red-hand murder, and upon the defence made by the persons accused, the deceased's wife and children, and the proper officer who appeared in the name of the Crown, consented to the desire of the prisoners, viz. :—To restrict the libel or indictment to an arbitrary punishment, which accordingly was done, being a form of proceeding very common in trials by the law of Scotland, whereby an indictment which was at first for felony, is altered to a misdemeanour.

The persons accused did not pretend to deny the fact, nor to extenuate it by any circumstance that could in the least justify what they had done. But in the accusation or indictment against your petitioners, it is said that the soldiers were upon duty, and regularly ordered to assist the custom-house officer, and so could not take upon them to judge whether it was proper to fire or not.

When the case came regularly before the jury upon full evidence, they returned the facts above set forth to be proven, and upon their verdict the Bailies pronounced the sentence now complained of, whereby they adjudged the prisoners who all were accessory to the death of the man to be whipped in place of further punishment, and ordered the tide-waiter to pay £33 6s 8d sterling as assythment or reparation to the widow and children of the deceased for the loss they sustained.

And your petitioners must humbly take the liberty to represent to your Excellencies how unfortunate their circumstances are in this case. They avoided a capital punishment with all care and industry, to prevent the people's becoming insolent and the officers being discouraged. They inflicted a punishment which to them appeared moderate, to give some satisfaction to the inhabitants for the blood that was shed. But they now find themselves so unhappy as to be by the people reproached as having left innocent blood unrevenged, and they fear they have been represented to your Excellencies as having sought an illegal occasion of executing a cruel punishment upon His Majesty's officers to the discouragement of the revenue.

Your petitioners are advised that, if their case come to trial, they must be acquitted by the laws of Scotland; but, as the absence of three magistrates from the burgh during the trial must be a considerable inconvenience to it, so it cannot be but a great mortification to them who, in time of danger, have risked their lives for His Majesty's service, and shall ever be ready to do so on the like occasion, to see themselves brought as criminals to the bar to answer for an action which they took to be lenity and service to His Majesty, upon some information to your Excellencies taken here on one side only, without any notice given to your petitioners, whereby they humbly apprehend they might have been able to have cleared themselves of the imputations they now lie under.

May it therefore please your Excellencies to take the case into your consideration, and to order your petitioners such relief against the trouble and expense of this trial as to your Excellencies, in your great wisdom, shall seem meet.

And your petitioners shall ever pray.

(Signed)	ALEX. FRASER, Provost.
"	WILL. FRASER, Bailie.
"	JOHN HOSSACK, Bailie.
"	THOS. ALVES, Bailie.
"	J. FRASER, Bailie.
"	WILL. MACLEANE, Dean of Guild.
"	GILBERT GORDON, Treas.

Inverness, 23d October 1723.

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## XXVI.

### CONNECTION BETWIXT THE KNIGHTS OF LOCHINVAR, AFTERWARDS VISCOUNTS OF KENMURE, WITH THE MACKINTOSHES—A BYE-PATH IN HISTORY, 1520.

Every school-boy and girl of the last forty years has heard of

“The young Lochinvar, who came out of the West;”

and been moved with the recital of the spirited conduct of the young hero of Scott's romantic ballad. It is our interesting duty at present to show the connection of the Lochinvars with the Mackintoshes.

The name of Gordon is said to have been given under the following circumstances:—The country was infested with wild boars and other beasts of prey, and it was usual to bestow some mark of royal favour on the person who killed one. The Laird of Lochinvar having pursued and killed a wild boar, cut out its tongue, and put it in his pocket, and, overcome with fatigue, fell asleep. Another, who had been also in pursuit, finding Lochinvar asleep, cut off the head, hurried with it to Edinburgh, and claimed and received the reward. Lochinvar, on awakening, suspected what had been done, and went immediately to Edinburgh, and represented to the King that he was the person really entitled to the reward, and in proof demanded that the head should be opened, when no tongue would be found. This occurring,

Lochinvar's claim was demonstrated, and the King not only gave him the usual reward, but became his friend. The King having asked him how he killed the boar, "May it please your Majesty," said Lochinvar, "I just gored him down." "Very well," said the King, "as a reward of your merit, you shall be henceforward *Goredown*, Knight of Lochinvar."

Lochinvar is situated in the parish of Dalry, and stewardry of Kirkcudbright; and the father of the first of the Gordons, Knights of Lochinvar, was Sir Adam Gordon, knighted about the year 1316.

His son and successor was Sir William, who is by some said to have been the gallant who carried off the bride of Netherby. The Grahams of Netherby are of considerable antiquity, claiming descent from John with the Bright Sword, son of Malise Græme, Earl of Menteith. They inhabited the "debateable land," and were English or Scots as it suited their convenience. In the reign of James VI. a great number of them were banished to Ireland; and, for a considerable time past, the lands of the Grahams of Netherby have lain entirely in England on the Cumberland border.

It is well known that the Gordons had a considerable hold in the borders long before they came northwards, and established themselves so firmly in the northern and eastern counties. One family who still possess their lands—the Gordons of Earlston in Kirkcudbright—are of greater antiquity than that of Huntly.

By succession, the lands of Lochinvar came, in the early part of the sixteenth century, to belong to Sir Alexander Gordon. Several ladies of high rank did not object to bestow their favours on James IV.; and his devotion to the fair sex was such that his dalliyings in the enchanted castle of Ford with its syren mistress, Lady Heron, cost James his life at Flodden, and laid Scotland prostrate before the English foe.

By Lady Jean Kennedy, daughter of the Lord Kennedy, and sister of the first Earl of Cassilis, James IV. had a son,

James Stuart, created Earl of Moray on the 12th June 1501, and who had conferred upon him all the estates in the north, which afterwards belonged to his nephew James, the Regent Moray, ancestor of the present family of Moray. About the year 1500, Lady Jean Kennedy married the above Sir Alexander Gordon of Lochinvar, and had by him an only daughter, Jean, who in the year 1520 was married to Lachlan Mackintosh, second of the name, and fourteenth of Mackintosh. This is differently stated in the Baronage, where it is said that Lachlan married Jean, who is described as daughter of Sir Alexander Gordon by *Elizabeth* Stuart, his wife, *sister* of James, Earl of Moray. We, however, see by the MS. history of the Mackintoshes, partly founded on the manuscript of 1575 of George Munro of Davochgartlie, and that of Sir Andrew Macphail Parson of Croy, a few years later, when the events were of recent date; that "*Jean* Gordon was only daughter and heir of line to the Laird of Lochinvar, and *sister* to James Stuart, Earl of Moray (commonly called the Little Earl of Moray), who was son natural to King James IV., begotten upon Dame Jean Kennedy, daughter to the Earl of Cassilis."

Both the Earl of Cassilis and Sir Alexander Gordon fell at Flodden; and the guardianship of the heiress of Lochinvar naturally fell to her half-brother, the Earl of Moray.

A severe contest took place 'twixt Jean Gordon and her uncle Sir Robert for the estates, in which the latter was ultimately successful.

At this period the family of Huntly were making great exertions to increase their power and influence; and James Stuart having received the Earldom of Moray and lands appertaining, appears to have entertained similar designs. We read in the same MS.—"The marriage betwixt the Laird of Mackintosh and Jean Gordon was drawn on by the Earl of Moray, her brother, thereby to enlarge his own power and faction in the north, against any of his neighbours that would infest and trouble him; and for the better accomplishing this, his design, he took the gift of the Laird

of Mackintosh, his ward and marriage, and by that means caused him marry his sister."

We shall again revert to the Mackintoshes, now proceeding to give some particulars of the Lochinvars. Sir Alexander, who fell at Flodden (An. 1513), was succeeded by his brother, Sir Robert Gordon, and by succession the estates vested, in the year 1628, in Sir John Gordon, who in 1633 was created Viscount of Kenmure and Lord of Lochinvar. Betwixt the years 1600 and 1645, during the short period of forty-five years, there were *five* Knights of Lochinvar. In the year 1715, the titles and estates were held by Viscount William, who, by reason of his accession to the rising in that year, was beheaded. Like the lamented Earl of Derwentwater in England, no Scotsman was more deeply felt for or regretted than Viscount Kenmure. His name is to be found in many of the popular songs of the time, and Burns says to the tune of "Kenmure's on and awa', Willie"—

"Success to Kenmure's Land, Willie!  
Success to Kenmure's band;  
There's no a heart that fears a Whig  
That rides by Kenmure's hand.  
Here's Kenmure's health in wine, Willie!  
Here's Kenmure's health in wine;  
There ne'er was a coward o' Kenmure's blude,  
Nor yet o' Gordon's line."

His two sons, one of whom was married to Lady Frances, daughter of William, fifth Earl of Seaforth, were also concerned in the rising, and outlawed. The estates were afterwards restored; and the titles in the year 1824, to John Gordon, who thus became eighth Viscount. This mark of royal favour was unfortunately not destined to perpetuate the title, for since the death of Adam Gordon, nephew of John, and ninth Viscount, in the year 1847, the titles have become dormant, and the male line of the Knights of Lochinvar has ceased, having run a course of nigh six hundred years. \*

We now revert to Lachlan, fourteenth of Mackintosh, who married Jean Gordon. This chief is highly spoken of by contemporary and modern writers. "Being a man of prudence, and attached to good order," says Pinkerton,

\* The estates are enjoyed by the Hon. Mrs Bellamy Gordon, heiress of line.

“ he restricted his people from the excesses usual to the clans, and in consequence, in the year 1527, was murdered by James Malcolm’s son, his relation.” Lachlan’s son and successor was William, and, during his minority, the Clan Chattan was governed and led by Hector Mackintosh, illegitimate son of Farquhard, the twelfth of Mackintosh. This Hector was also murdered. William Mackintosh was educated by the Earl of Cassilis, and the Ogilvies, afterwards Viscounts Findlater, and is highly complimented for his virtues by Buchanan. He married Margaret Ogilvie, and began to rule the clan about 1540, and gave material assistance to Queen Mary when she came to Inverness. According to the MS.—“ He was heartily received by his kin (for they were a long time without a leader), but the neighbours, such as the Frasers, Grants, and Cummings, were much displeased that the Clan Chattan should have any man to govern them, for they alleged that a captain over the Clan Chattan would make a break in the north.” For some time Mackintosh and Lord Huntly seem to have agreed, but about the year 1549, Lord Huntly began his hostile proceedings, which ended in the murder of Mackintosh at Strathbogie. The MS. says in the year 1549—“ The Earl of Huntly perceiving Mackintosh to be an active man, and of great power and following, and perceiving him withal to be highly esteemed and honoured by all the Highlanders his neighbours, began to envy his power, and the brightness of his virtue, and, therefore, resolves to assure him to himself by bonds, or to crush him, so as he shall not be able by his power to wrong him or his faction; and, for that effect, endeavours to get his bond of man-rent, whereby to make him side with himself in all his attempts good or bad. But Mackintosh refused absolutely to tie himself and his following to Huntly, or come under his protection, wherefore Huntly denudes him of the office of Lieutenant-Depute of Inverness-shire, and confers the place on another called John Hamilton.”

The circumstances of the murder, reversal of the sentence

by Parliament, and compensation imposed on the Earl of Huntly, are so well known that it is unnecessary here to allude to them particularly.

This William, third of the name, and fifteenth of Mackintosh, was the last of the chiefs who met a violent death; and it is a strong illustration of the lawless state of society when we find that *four* successive captains of Clan Chattan were murdered within the short period betwixt 1515 and 1550. William's son and successor was Lachlan Mhor, who, as mentioned in a former number of these Notes (No. 9), is, with all the subsequent chiefs, buried in the chapel of Petty.

The disturbed state of society is also shown in the year 1573 by the petition of the Earl of Sutherland to get his service as heir to the estates carried through at Aberdeen, and not at Inverness, because he could not get a jury to sit at Inverness "in consequence of the barons, such as Colin Mackenzie of Kintail, Hugh Lord Lovat, Lachlan Mackintosh of Dunachton, and Robert Monro of Fowlis being at deadly feud among themselves."

In conclusion, we have shown that all the Mackintoshes descended of Lachlan the fourteenth, comprehending most of the gentlemen of the name, have the blood of the famous Knights of Lochinvar in their veins, and they have also good claims to hold as an ancestress that fair lady whose rapid disappearance, after "treading a measure" in the hall of Netherby, caused such commotion that

"There was mounting 'mong Grames of the Netherby clan,  
Fosters, Fenwicks, and Muagraves, they rode and they ran;  
There was racing and chasing on Cannobie lee,  
But the lost bride of Netherby ne'er did they see."

## XXVII.

**OBJECTIONS BY THE MASTER OF TARBAT AND  
OTHERS, TO THE BREWING PRIVILEGES  
IN FERRINTOSH, GIVEN TO FORBES  
OF CULLODEN, 1690. (D.)**

The reader of the Culloden papers can have no difficulty in arriving at the conclusion that there was no good feeling between the families of Tarbat and Culloden. Paper No. 367, headed "Memorandum anent the Viscount of Tarbat, 1701," is a startling *expose* of the Viscount's tergiversations and nest-featherings at the public expense. The paper is anonymous, but doubtless the production of Duncan Forbes of Culloden, father of the President, and the party referred to in the paper after-quoted. Viscount Tarbat was created Earl of Cromarty in 1703.

As Mackintosh signifies "The Son of the Thane," so Ferrintosh signifies "The Land, or Possession, of the Thane." In compensation for the harrying of the Barony of Ferrintosh in the latter part of 1689 by the followers of Viscount Dundee's successors, license to distill, on payment of a small annual tax, was granted, which lasted until the year 1784. The grant was erroneous in financial policy, had a prejudicial and demoralising effect on the district, and it was proper that the privilege should have been abolished. At the same time the utmost Government pressure was brought to bear upon the proprietor, and the sum paid for the abolition, £21,500, was quite disproportionate, not much over what could have been cleared in a single year.

"Farrintosh" is to be found in English pamphlets, plays, and novels of last century as the name *par eminence* for whisky; which probably accounts for the late Mr Thackeray's giving the name of "Marquis of Farrintosh" to the Scottish nobleman introduced in his novel of "The Newcomes"—a delineation of Scottish character as silly as the name is absurd.



By the paper after-quoted it will be seen that the license was hardly granted when it was opposed. The gist of the objections may be gathered from the replies, the copy from which we quote being in the very defective type of the session papers of the time.

The paper is of some interest as showing the circumstances under which the license was granted, and the defence of the monopoly urged by the holder :—

“ Answers to the complaint given in to His Grace Her Majesty's High Commissioner and the Estates of Parliament by the Master of Tarbat and some others, against Duncan Forbes of Culloden :—

The said Culloden, his lands of Ferrintosh, being laid waste in October 1689 by a body of 700 or 800 men sent there by Buchan and Cannon, and he and his tenants being prejudiced thereby in upwards of 36,000 pounds Scots, as was made appear to the Parliament, by whose order full probation thereanent was taken,\* the Estates did, by their Act in July 1690, ease him of an exorbitant valuation, which he had long complained of, upon condition that he should pay cess from that date; and also for encouragement to his tenants to come back and brew, and pay excise from that Lambmas forward; the King and Parliament did grant a perpetual tack of their excise for the payment of 400 merks yearly, at which rate they had tacks formerly (betwixt the 1670 and 1680 years of God) as was proven in the presence of a Committee of Parliament† before the Act passed, though it is confest that immediately before the Revolution they were more rigorously exacted upon. This justice done to Culloden in his valuation, and this small ease to his tenants in their excise, is all the reparation he or they have of their 36,000 *lib.* loss for their affection to the Government.

Yet it is complained upon by the Master of Tarbat, in behalf of the shires of Inverness and Ross, alleging -

First, That Culloden's valuation wrongs the shire of Inverness, &c.

2dly, That his tack of excise wrongs the Queen's revenue in 3600 merks per annum.

3dly, That his tack of excise wrongs his neighbours, in so far as he can undersell them, and monopolise the brewing trade, &c.

4thly, That all his loss was not above half a year's rent, &c.

5thly, Although it were as much as he called it, yet he is paid, because he had the benefit of 4000 merks of excise yearly for 13 years by past, and therefore concludes that since his losses are repaid, his said tack of excise should be declared expired and extinct.

To the first, anent the shire of Inverness, its being wronged by Culloden's valuation, it is answered, that it is *ius tertii* to the Master of Tarbat and the shire of Ross, or any man in it, who has no estate in the shire of Inverness to inquire in that. If the Commissioners of Inverness or Nairnshire say nothing upon the head, it is out of the road to any else whatsoever to quarrel it.

2dly, The Laird of Grant, who, in anno. 1690, did represent the shire of Inverness in Parliament, gave consent and approbation to Culloden's valuation in the terms of his Act, and was witness to the unanimous satisfaction of all the Commissioners of that shire in accepting of that small burden proposed by the Act. But 3tio, If what is said were not sufficient, Culloden can say that none in the shire of Inverness bears a farthing of that burden but himself upon his other lands in the shire—referring its verity of what is said to the Laird of Grant's own testimony.

\* Witness their recommendation to the King herewith produced.

† *Viz.*, the Viscounts of Tarbat and Stair; the Earl of Marchmont and Lord Anstruther; and the Earl of Seafield and Lord Whittelaw.

As to the 2d objection, That Culloden's tack of excise wrongs the Queen's revenue 3600 merks per annum, &c.,

It is answered first, That this is founded upon false ground, as if Culloden's tenants brewed 2000 bolls yearly (which is very far from the truth), and reckoning all these bolls at 2 merks the boll, which is the rigour of the Act of Parliament, whereas its known that except it be in Edinburgh and some of the principal burghs, there is no such thing exacted as the rigour of the law, yea, in many country places, the excise will not reach half a merk upon the boll, else there would be no brewing. But, letting this allegiance pass, It is answered 2<sup>do</sup>, That the whole excise of the kingdom is and has been farmed (above what it was wont to be) ever since the granting of Culloden's Act, and that without diminution of one sixpence on account of his said Act. So that it is impossible the Queen can be wronged in her revenue, unless the tackmen and their cautioners break, which would also be nothing to the purpose in hand, and therefore this objection utterly falls.

But as to the 3d, anent Culloden's underselling, &c., and monopolising the trade from his neighbours by means of the vast benefits of this tack, It is answered, That Culloden's tenants never undersold their neighbours (except in the cases aftermentioned), nor can they undersell them upon account of excise. But it is both possible and probable that in the two or three dear years when he took but 8 lib. for his boll, and all the rest about him took the highest prices, such an occasion might allow his tenants to undersell, but never upon account of excise, which has been as cheap with them at other times as now, notwithstanding of all the noise is made of it. And 2<sup>do</sup>, As to monopolising, it is no great symptoms of a monopoly that at this hour, this year's rent should lie upon hand without any to buy. But, to answer this part of the objection distinctly, let the supposition be as the complaint would make it; and that the lands of Ferrintosh were entirely excoemed from excise, as well as New Mills or Fort-William, or that they were liable in a great excise, and that the King forgave it (either of which the King or Queen can certainly do), nor is it the business of any living to quarrel it, unless it can be said that the King or Queen and States have also given them a power to carry in from other places, and brew and vend that too (as well as their own) excise, free to the prejudice of their neighbours, which is the thing insinuat, and most groundlessly, because Culloden denies that ever he took (or that his Act of Parliament gave him or his) any such latitude; but, on the contrary, understands the meaning of the Act to be only for the excise of what grows upon his own lands (and less the Parliament could not mean), to which he is and was always satisfied to be restricted, with certification that whatever grain shall be carried from any place into his land (except it be to eat or sow), shall be liable to excise by and attour the tack-duty which secures to the world's end against all monopolies, or ever increasing the trade by him or his to anybody's prejudice. And

As to the 4th objection, That Culloden's loss in giving allowance to his tenants was not above half a year's rent, it is ill alleged. But, *esto* he had allowed them nothing, does that say that they lost nothing? And if they were losers to so great a value, whatever ease there is in the excise, they have it (as in reason they ought), and not Culloden; for there is none alive can say that ever he had a single halfpenny by it, which also answers the 5th objection, viz. :—

That though Culloden had as much loss as he alleges, yet he has had 4000 merks per annum of benefit by the excise tack for 13 years, which may pay all those losses; and therefore his losses being paid, his Act of Parliament ought to expire.

It is answered, the allegiance is but a jest, because (as is already said) Culloden never had, nor can have one halfpenny by that excise; the principal good of it being, that it keeps his tenants free from the troubles and exactions of subtackmen by whom they were formerly oppress'd, and since this bit of ease to the poor people is all that he or they have to repair the 38,000 pounds Scots

of damages sustained for his affection and theirs to the Government, it is hoped his Grace and the Estates of Parliament will not deprive them of it ; but will rather lay aside this invidious complaint, and ratify what has been given to Culloden and his tenants upon so good grounds.

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## XXVIII.

### "CONNECTION OF DISTANT AGES BY THE LIVES OF INDIVIDUALS, &c."—LOCAL ILLUSTRATIONS. PART FIRST.

*(This Article appeared on May 17, 1862.)*

A chapter with the above-quoted heading lately appeared in "Chambers' Book of Days," and has created a good deal of notice. Some of the cases are really extraordinary, though all possible, except the case of the man in Aberdeenshire, who died in 1775, reported to have seen a person who was present at Flodden 1513. The explanations given are not satisfactory. Many of the assertions in old times of the ages that some people are said to have attained are found, on examination, to be erroneous. In this category must be placed the famous Countess of Desmond, whose extraordinary longevity has not long since been conclusively dispelled. The same would, no doubt, be found of the following case, noticed the other day, and is to be found in the "Scots Magazine" for 1773:—"At Tipperary, in Ireland, Charles M. Findley, Esq., aged 143 years. He was a captain in the reign of King Charles I., and went with Oliver Cromwell into Ireland, soon after which he retired from the army."

We here give some local illustrations, which have come under our own observation, or have been related to us by credible testimony. In the Highlands, and particularly in Inverness-shire, the battle of Culloden is the great period for computation, and it is to this event that we first allude. A long time has elapsed, perhaps forty years, since the death of any one who fought at Culloden, and very few of the immediate descendants, or immediate collateral descendants,

of any one present at Culloden are still in life.\* Lord Torphichen, who died in March 1862, at the age of ninety-two, had an uncle at Prestonpans. Within the last few years, however, many have died whose fathers and uncles fought at Culloden. The late John Lachlan Macgillivray of Dunmaglass, who died at Inverness in 1852, not a very old man, was nephew of Lieut.-Col. Alexander Macgillivray of Dunmaglass, leader of the Mackintoshes on that day. In 1855, only seven years ago, died the Hon. John Macgillivray of Dalcrombie, whose father, Farquhar Macgillivray of Dalcrombie, was one of three officers who escaped of the Mackintosh regiment, he being then in his 13th year. An incident connected with the eventful day of Culloden is handed to us through the intervention of one life. Angus Mackintosh of Farr, captain in the same regiment with Dunmaglass and Dalcrombie, fell at Culloden with his leader. His son, the late James Mackintosh of Farr, the late Hon. Archibald Fraser of Lovat, and the late Arthur Robertson of Inshes, with two other boys, were all at the school of Petty, boarded with a well-known teacher. With the curiosity of youth, some of the boys were attracted to the field in the early part of the day, and saw the wearied and exhausted followers of Prince Charles, who had been detached to surprise Cumberland during the night of the 15th April, as they returned. The late Farr, then in his 14th year, did not speak to his father; but never, to the day of his death, and he lived to be ninety, forgot his father's look of care and dejection—a prestage, as it were, of the disasters and death about to follow.

John Maclean, the Inverness centenarian, was a wonderful man, and some of his reminiscences, tested so far as doubtful, will be given in our next. His father, Sweden Maclean, messenger in Inverness, died in 1754, so that close on a hundred years elapsed betwixt the death of father and son. There is a lady, still alive in Inverness, whose father died minister of Kilmonivaig in 1770, no less than ninety-two

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\* Sergeant John Fraser, now living in Inverness hale and vigorous (so well known as "The Black Soldier"), fought himself at Waterloo, while his father fought at Culloden.

years ago.\* A lady dined out in her son's house this year, on the anniversary of her ninetieth birthday. One hundred and forty years elapsed betwixt the birth of Hugh Baillie of Dochfour and the death of his son, the late Evan Baillie of Dochfour, in 1835. We know of a gentleman, not much beyond 30, whose paternal grandfather was born in 1722, or 140 years ago, and two of his paternal grand-uncles were out in the '15. If this gentleman lived until 1902, when he would be but 74, one hundred and eighty years would elapse since the birth of his grandfather, and upwards of 200 years since the birth of his eldest grand-uncle.

In some cases, from having succeeded very early, men have possessed estates for extraordinary periods. No case, so far as we are aware, comes up to that of the present Lord Sinclair, now in his 94th year, and who has been in possession of the estates since 1776, or eighty-six years. Alexander, 4th Duke of Gordon, possessed for 75 years, from 1753 to 1828. The late James Mackintosh of Farr, for the like period, from 1746 to 1821. The late Colonel Duncan Macpherson of Cluny was head of his house 76 years, from 1749 to 1825. The present Mr Baillie of Dunearn succeeded sixty-six years ago. We may also notice, Donald vic Angus vic Alister of Glengarry, 4th in descent from Celestine of the Isles, founder of the family. Donald, who lived in the latter half of the sixteenth and early half of the seventeenth centuries, was on one occasion excused by the Scottish Parliament from obeying a summons to Edinburgh, "in respect of his great age, he being near a hundred years."

There is hardly a northern family but has cases of extraordinary longevity at some time or other, very apt to make inquirers confound a single life into two or three. On the other hand, other families are very short-lived, and we conclude this paper by contrasting two. Colonel Mackintosh of Farr is only fourth in descent from the founder of his family, who struck out from Killochy about 212 years ago. The other county family—the name for obvious

\* Miss Annie Grant, Kilmontvairg, who since died in her 100th year.

reasons not being given—was founded less than a hundred years ago, the founder dying within the present century, and already the fourth in direct descent is in possession.

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## XXIX.

### **"CONNECTION OF DISTANT AGES BY THE LIVES OF INDIVIDUALS. &c."—LOCAL ILLUSTRATIONS. PART SECOND.**

In our last we promised to make reference to some of John Maclean's recollections. The oldest he could distinctly recollect were of aged people who worked at the building of the stone bridge, carried away by the floods of January 1849. The bridge was finished in 1685, and John Maclean had in his youth conversed with several engaged at it. This brings us back nearly 180 years, and local events, such as that alluded to, were more tenaciously retained in his memory than those of greater importance. Before the building of the bridge, and long after, wheeled conveyances were little known. People travelled on foot or horseback, and poverty, or rather lack of coin, was more common than could be thought, as the following shows:—

The bridge was built by subscriptions, collected all over Scotland, many burghs in the south contributing liberally; but for a lengthened period there was a toll on passengers who had not the privileges of the burgh, of the very smallest amount. Such as it was, however, many people from the north and west, who used to come to Inverness to market and for other purposes, could not pay this toll, and it was a common sight to see bands of men and women during the summer and autumn months, sitting on the west bank of the river, on the Green of Muirtown, waiting for the ebbing of the tide, if it happened to be full, to enable them to ford the river, which they used to do just opposite to where the West Church is situate.

The Green of Muirtown, of which not a vestige now

exists, was then what its name denoted, and extended on to the river banks. Some houses existed on the west bank of the river for a very long period, such as King Street, Queen Street, &c., and formed part of the ancient royalty of the burgh; but all the remaining ground northwards was open, except a few detached houses; and people not so old as John Maclean recollect when there was only one house from Wells Street to Kessock, a large tract now in part densely peopled.\* Though the population has not been increasing very rapidly, the area of buildings has very largely extended—a satisfactory result.

In connection with the toll on the bridge, we here subjoin copy of a discharge, granted by the Town Council of Inverness to the great-grandfather of the writer in the year 1711, whereby, for the sum of eight pounds Scots, he and his heirs are declared free of toll for ever. The paper is beautifully written on parchment, is titled on the back “A Tolerance to Alexander Fraser, 1711,” and is as follows:—

“At Inverness, the twenty-eighth day of September, one thousand seven hundred and eleven years, in presence of William Duff, Provost, John Barbour, Alexander Stuart, John Taylor, and James Mackintosh, bailies thereof, and remanent councillors, then convened, &c.

That day the Magistrates and Council had given and granted license, and a tolerance to Alexander Fraser, with his wife, children, and servants to pass and repass the stone bridge of this burgh, free from paying of toll money thereat in all time hereafter; and that for payment of eight pounds Scots money to Alexander Mackintosh, treasurer; whereon allows extract be made.

(Signed) CHAS. M'LEANE, Clerk.

Inverness, 29th July 1712.”

“Received the contents of the above eight pounds Scots money.

(Signed) ALEX. MACKINTOSH, Treasurer.”

John Maclean knew people who had fought at Killiecrankie, and men who had been out in 1715 and 1745, but could tell no personal recollections of conversations of interest, even about Culloden. The truth is, the people were so cowed after that event, that in the town of Inverness especially, where there were always soldiers, the events were not spoken of. It was highly unsafe to speak of the battle, far less to boast of having been present. Bishop Forbes, in his memoirs published by Mr R. Chambers, shows the deplorable state of matters at Inverness after

\* The Mansion of the Roses of Merkinch, afterwards the Frasers.

Culloden, and the extraordinary precautions necessary before any one would venture to give him (the Bishop) information. The Government was narrow and tyrannical, had abolished the wearing of the Highland dress under severe penalties, and it is well known that many of those engaged at Culloden were either transported to the plantations, or found it necessary to go there for their own safety. Again, the people who had bought forfeited estates, or who were in charge of those administered by the Commissioners, were all Englishmen or Lowlanders, imbued with feelings of hatred or at least contempt for those they came among, and these again brought other strangers with them. Shortly afterwards came the introduction of sheep, which created such a revolution, and, if it were possible to arrive at a correct conclusion, we have little doubt that the number to be found in Britain, who fought at Culloden on the side of Prince Charles, say forty years later, or in 1786, would be singularly few. Upon those who fought with Cumberland, no one would bestow a second thought.

It was not until the Highland spirit of the late Lovat and others compelled the Government to repeal the obnoxious laws regarding dress; not until other patriotic men interested themselves in the preservation of the Gaelic language; and in especial not until "Waverley" appeared, for which the immortal novelist will ever have the gratitude of every Highlander deserving the name, that justice was done to the Highlanders, but by this time a great deal of authentic information was lost for ever.

John Maclean had often heard of the prowess of two members of Clan Chattan. We believe the stories have been already published, but they are here given as related by him, and some may be unacquainted with them. One of the men was Robert Macgillivray, in Dalziel of Petty, commonly called Rob More, and the story is told from the side of the enemy. His brother, Alexander Macgillivray, lived in Knocknagail of Leys. A party of English soldiers took up their quarters at the house at night. Wishing to preserve life and property, Mrs Macgillivray



made them as comfortable as she could, giving them all they asked. She asked how the day went, and they boasted of the numbers they had killed; but said that one man had given them a great deal of trouble. With the tram of a peat cart he had killed no less than seven, but was at last overpowered and slain. From their description, Mrs Macgillivray knew it was Robert, but she preserved her secret, and the soldiers went away. The other was Gillies Macbean, Dalmagerry, of the family of Kinchyle. He, for a considerable time, singly kept at bay a large party of the enemy from completing a flank movement of importance, and slew six ere he fell. This incident has been the subject of a spirited painting by, we think, M'Ian.

Two ladies related to the writer's family lived in a house some miles from Inverness, not far from the road leading to Stratherrick. A great part of the English army passed by that road to Fort-Augustus, and their doings are seen by the annexed quotation from some legal proceedings in which the ladies found themselves involved in the year 1749:—"The calamities that affected this part of the country soon after granting the bill are but too well known to many who had the misfortune of sharing in them, and, as the defenders then lived in the way of the army when marching from Inverness to Fort-Augustus, their effects were at their discretion, and as they carried off such things as they could see, some of the defenders' repositories or keepings were carried off by them, or by some of their retinue, in which were some vouchers of compensation against the bill libelled."

The above occurred to the south of Inverness. What occurred on the road between the field and the town, may be gathered from the following extracts from a proof taken in the year 1754, in the great lawsuit which took place between the Hospital of Inverness and the family of Inshes:—"William Simpson deponed that he possessed twelve bolls pay of the estate of Inshes called Knockintinnel and Drummore; that he got receipts from John Taylor, the factor, for three years' rents, but these receipts, *and all his*

*other papers and effects*, were taken away from the deponent by the army, the day after the battle of Culloden;” and Elspeth Forbes deponed “that she had no other papers or receipts relative to the process to produce, as soon after the battle of Culloden, her house was pillaged by the troops.” Such instances could be multiplied, but Earl Russell, in one of his unread works, has taken it upon himself to assert that the excesses were exaggerated.

In conclusion, the records of the county of Inverness, for about one year after August 1745, contain not a single entry, and of date 7th September 1746, the following entry occurs in the register :—“Nota—The following bond should be booked the 7th day of September 1745, but was omitted by the confusions of the country at that time.”

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### XXX.

#### **RULE REGARDING FOOT-PRINTS OF STOLEN CATTLE; CASE OF ALEXANDER FRASER OF CULDUTHEL, 1729.**

Many country readers know from painful experience that, before the passing of the Poor-Law Act, it was incumbent on a farmer, at any rate a moral duty dangerous to resist, if a helpless beggar were brought to his house, to give him food, and pass him on to his neighbour in a cart. We are old enough to recollect many instances of this, and the hurry there used to be, if such an unwelcome caller came late in the evening, to pass him on, so as to prevent him or her being quartered all night.

Not so many readers, however, we are inclined to think, are cognizant of the rule which prevailed regarding the foot-prints of stolen cattle. The letter after-quoted, in the year 1729, recently came under notice, and bears on the point.

Who has not often been amazed at the skill of the Indians in following a trail across prairies and even streams, and

the ingenuity of the tracked, who frequently, on coming to a stream, waded along it for some distance, it might be up or down, before putting their feet again on dry land. In present days, with excellent roads in all quarters, trackers of cattle would very soon find themselves at fault, but not so before, and for some period after Wade's time, when roads were soft and green.

There were some people famous for their skill in tracking strayed or stolen cattle, and, among others, Coll Macdonell of Keppoch, named "Coll of the Cowes," by Lord Dundee, for this very qualification. (Notes No. 3.)

The practice of lifting cattle, from the feuds which subsisted between different clans, septs, and families, was but too common, and gave rise to several regulations. The principal was that of black mail, tacitly sanctioned by Government. It is illustrated in Waverley, in the case of the Baron of Bradwardine, whose cows were carried off, on his ceasing to pay the usual dues, by some of Fergus Macivor's followers. Another rule lay in regard to foot-prints:—When cattle were sent to summering, the herds accompanied them, as the risks of herding were too great for the trifle got for the pasture; hence, there being a number of herds, watch was more easily kept, and we have often thought what delightful times these herds must have had in the long summer days in these mountain sheilings. Girls were there to milk the cows, and there would be no lack of story, song, and jest. Occasionally the grazer took the whole responsibility, as may be seen by the following:—

"I under subscribing, John Macqueen of Pollocheik, grants the receipt of sixteen oxen, with five two-year-old steers and eight stirks, and that from James Dunbar of Dalcross, for to be grazed, and obliges me and mine to return and restore the said oxen, steers, and stirks as due and ordinar is, as also acknowledges the receipt of thirteen merks and eight pennies at the writing hereof, in part of payment of the grazing money by this writing. Subscribed with mine hand at Pollocheik the fifteent day of June 1702.

(Signed) JOHN MACQUEEN "

Sheep and deer have so entirely driven out cattle, that by and bye the grazing sheilings, often so particularly described in the titles of strictly Highland properties, will not be distinguishable.

If, however, cattle were stolen from a man's own enclosure, it was necessary for the proprietor to whose bounds the track was brought, to clear himself, by tracing them through his lands, to those of his neighbour, and so on. Instant notice also was necessary. Some proprietors whose lands were in a central position as regarded drove and other roads, were often troubled with these track claims. In particular, we have been told that the proprietors of Corrimony\* were so troubled, as there were roads branching westwards to Glenmoriston, northwards to Strathglass, and eastwards to Inverness by the Urquhart road, along the Caiplich, hill of Dunean, and the Leachkin.

The servile, if not mercenary character of some of the Scottish judges, two centuries ago, and later, was notorious, and frequently alluded to by one of their own number, Lord Fountainhall. By the letter, after quoted, it would appear that the judicial bench at Inverness was in 1729, at least "suspect." It had come to the ears of Culduthel that he ran a bad chance, as the pursuer and judge were cousins-german. Joseph Mackintosh, the pursuer, was the first of Raigmore, his father being William Mackintosh, third of Borlum, and his mother Mary Baillie, eldest daughter of William Baillie, eighth of Dunean. The Sheriff-Depute was John Baillie of Torbreck, eldest son of Commissary William Baillie, second son of the above Dunean. There was a connection with the Duneans and Culduthels the previous century, as the MS. history of the Baillies of Dunean states that Anne, second sister of the above Mary and William, married Fraser of Culduthel. The character of Culduthel may be gathered not only from his determination on the one hand to resist the "tract" even to advocacy, if it should happen, as appeared not unlikely, that Judge Baillie would find him liable; but also, on the other hand, from the postscript where, when his own rights and privileges are concerned, he determines with reference to a

\* Not far from this place there once was a house much frequented by cattle-lifters. They never paid money, but the entertainer, without any questions being asked or explanations required, selected a beast, which he for the moment disabled from travelling with that expedition which necessarily characterised the movements of the temporary owners. This animal was Alasdair Mac-Halbeart's pay. The worthy prospered, and his name, though not his unquibbling profession, is in the Peerage Books.

thief "to try him for his life or banishment." The place of Culduthel of old stood higher up on the Leys slope. Not far from the present mansion-house is a hollow on the Holm lands, called to this day "Glack na Mearlaich," or "the thieves' hollow." It was an almost inaccessible thicket, where these outcasts found a certain shelter; "honest" men giving the locality a wide circuit. It is by no means unlikely that the thief referred to, was well acquainted with this hollow.

The letter after-quoted is addressed on the back "To Mr Alex. Monroe, commissr. of Invernes," and is as follows, the old spelling not being in all cases observed:—

"DEAR SIR,—I send you the enclosed coppie at Joseph Mackintosh of Raigmore's instance against me for ane alleged tract brought into my bounds of five or six cows harvest last, the tyme of our \_\_\_\_\_, which tract was lodged upon the highway, where a considerable drove of cattel passed some days before, and the same very tract, or the like, was driven to oyr bounds, as my men can verify, though they cannot poyntedly swear; yet, I find one of the judges told me that he was sure I would be decerned. I told him he was too precipitant, and, though they were cousin-germans, yet he might find himself mistaken. I am resolved to advocat it. However, you will please appear for me, since I will be with you a day or two before the second dyet, and then wee will advise further about it. I offer my humble duty to yourself and lady, and believe me to be, dear Sir, your most affectionate humble servant,

(Signed) ALEX. FRASER.

Culduthel, 28th Nov. 1729.

You'll please send me the form of a mittimus, since I am to give in a thief next week to the Magistrates of Invernes to be secured in prison; since I am resolved to try him for his life or banishment."

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### XXXI.

#### INVENTORY OF THE WRITS OF THE LOVAT ESTATES, 1652. PART FIRST. (D.)

That friend, to whom we have been so frequently indebted, some time since favoured us with an Inventory of Writs of the Estate of Lovat, delivered in the year 1652 by Alexander Abernethie, writer in Edinburgh, to Alexander, Master of Lovat, on behalf of his father Hugh, ninth Lord Lovat. Some of the titles are as old as the year 1340 (No. 80), and the times of King Alexander III., 1249-1286

(Nos. 77 *et seq.*) We doubt whether these old titles are now extant. The present Lovat titles are inventoried in one or two large volumes, but the oldest does not go beyond the fifteenth, and very few beyond the sixteenth centuries. The estates are now of great extent, and have always given the family a commanding position in the county of Inverness. They at one time extended from the water of Ness to that of Beauly, and it might be said, that from Inverness to the heights of Glenstrathfarar one passed over the Lovat grounds. As proprietors of Kinmylies, &c., the family were long heritors in the parish of Inverness, but they have now no immediate connection therewith, except that they have, alternately with the Crown, right of patronage of the first and second charges of Inverness. The Frasers of Strichen were at one time titulars of Bona. The Lordship of Lovat further extended to the eastern side of the river Ness. The greater part of the Leys district was comprehended within it, also the Barony of Dalcross. It will be noted that many of the charters are granted by the Priory of Beauly, and this leads to the expression of a wish that diligent search were made for the Chartulary of Beauly, known to have existed less than two hundred years ago. This record, if brought to light, would be of the greatest interest to the north.

At the conclusion of the inventory is the following, and the reader will doubtless concur in regretting that so many writs, many of them doubtless curious, are lost for ever, in consequence of their being then considered of no moment:—"Item—Aucht and fourtie pieces of parchment in old character not of anie moment to be inventoried, with 29 pieces of paper wreats."

The old spelling is not observed except in two or three instances, to give an idea of the original.

Follows the inventory referred to:—

Inventar of Writs belonging to the Lord Lowat—An. 1651.

1, Ane sasine of Alexander Lord Lowat of ye Lordship of Lowat as aire to Hew Lord Lowat his father, daitit ye 10th October 1558.

2, Ane charter to Hew Lord Fraser of ye lands of Beulie by the Abbat of Kinloss, daitit the 2d and 6th of November 1571.

- 3, Another charter of the said lands of Beaully to the said Lord Fraser by the said Abbat, of the date aforesaid.
- 4, A presentation by His Majesty to Mr John Fraser of the Priorship of Beaully, dated the 6th day of January 1572.
- 5, A procuratory of resignation by the Abbat of Kinloss of the said Priory, dated 29th April 1572.
- 6, A charter granted by John, Commendator of Beaully, to Hugh Lord Fraser, of the lands of Beaully, dated the 8th June 1573.
- 7, Two sasines following thereon, dated the 10th, 12th, 13th, and 25th of June 1573.
- 8, An instrument of resignation of the said lands in the said Abbat's hands, dated the 7th of June the same year.
- 9, A charter granted by John, Commendator of Beaully, of the lands of Beaully, to Hugh Lord Fraser of Lovat, dated 5th May 1575.
- 10, A charter of confirmation granted by His Majesty, under the Great Seal, to Hugh Lord Fraser of Lovat, of the lands of Beaully, dated the 10th day of August 1579.
- 11, A precept of the Chancellaire for giving sasine of the said lands to Simon Lord Fraser of Lovat, dated 29th August 1592.
- 12, A retour of Hugh Lord Fraser of Lovat out of the Chancellaire as heir to Simon Lord Fraser of Lovat, his father, of the lands of Lovat and others, dated the 10th May 1633.
- 13, The sasine granted to the said Hugh Lord Fraser, upon a precept of the Chancellaire of the said lands, dated the last of May the said year.
- 14, Item—Two little pieces of parchment of old character anent the patronage of the said lands.
- 15, A charter by the Abbot of Kinloss to Hugh Lord Fraser of Lovat of the lands of Killmorran (Killmorack), dated—(Blank in MS.)
- 16, A charter of confirmation under the Great Seal to Hugh Lord Fraser of the lands of Beaully, dated 14th February 1571.
- 17, Item—An extract of the said charter of confirmation under the clerk of register's hands.
- 18, A charter of the constabulaire and bailliarie of Beaully by Walter Abbot of Kinloss to Hugh Lord Fraser of Lovat, dated 6th and 12th of November the said year.
- 19, A charter granted by the said Abbot to the said lord of the lands of Beaully and others, dated the 6th and 11th November 1571.
- 20, An instrument of sasine to the said lord of the said office of constabulary and bailliarie, dated the 11th November 1571.
- 21, Item—A charter of confirmation granted by the said Abbot, with consent of Conventh, to Hugh Lord Fraser of the lands of Beaully, dated the 12th Nov. 1571.
- 22, An instrument of sasine of the lands of Beaully to Hugh Lord Fraser, of the date the 12th and 13th of November 1571.
- 23, Item—An instrument of sasine of the said lands, of the date foresaid.
- 24, An instrument of sasine of the said office of Bailliarie, dated 12th Nov. 1571.
- 25, Item—A charter to the said Hugh Lord Fraser of the lands of Beaully by Mr John Fraser, commendator of Beaully, dated the last of June 1575.
- 26, A procuratory of resignation by the Abbot of Kinloss in favour of Mr John Fraser of the office of Priory of Beaully, 25th November 1572.
- 27, An instrument of sasine to Hugh Lord Lovat, of the lands of Beaully, dated the 7th of June 1573.
- 28, A charter of the constabulary of Beaully to Hugh Lord Fraser, dated the 2d and 6th of November 1571.
- 29, An instrument of resignation of Inchrorie and others, by the said Lord in the said commendator's hands, dated the 7th June 1573.
- 30, An instrument of sasine—Simon Lord Fraser as heir to Hugh Lord Fraser, his father, of the lands of Beaully upon a precept out of the Chancellaire, dated the 10th Nov. 1578.

31, Instrument of sasine to Hugh Lord Fraser of the lands of Beaully and others, dated 7th July 1575.

32, A sasine to Hugh Lord Lovat of the constabulary and bailliarie of Beaully, dated 22d April 1580.

33, An instrument that the seal of the Cathedral Kirk of Moray, written on paper, is hail and uncancelled, dated the 15th April 1542.

34, An instrument of sasine to Hugh Lord Fraser as heir to Thomas Lord Fraser of the teinds of Beaully, upon a precept out of the Chancellaire, dated the penult of April 1539.

35, Item—A charter granted by Archibald, Earl of Argyle, to Hugh Lord Fraser of Lovat, of the lands of Pherniskey and Inchberry, dated 7th August 1536.

36, A sasine to the Earl of Argyle of the said lands, dated 2d July 1526, as heir to his father upon a precept out of the Chancellaire.

37, Item—A sasine to Simon Lord Fraser, as heir to Hugh Lord Fraser, his father, of the said lands upon a precept of clare constat by the Earl of Argyle, dated the 2d November 1597.

38, Three sasines to Hugh Lord Fraser, as heir to his father of the said lands upon a precept of clare constat by the Earl of Argyle, dated 7th April 1570.

39, Item—A charter granted by His Majesty under the Great Seal to Hugh Lord Fraser of the Barony of Lovat, dated 26th March 1539.

40, An instrument of sasine to Simon Lord Lovat of the office of Constabulary of Beaully, 2d June 1580.

41, Item—An instrument of resignation by John Forbes of Pitaligo, in favour of His Majesty, of Easter and Wester Aigas, by said Simon, dated the 28th June 1610.

42, A precept out of the Chancellaire for giving of sasine to Hugh Lord Fraser of Lovat, of the lands of Lovat and others, &c., 26th March 1539.

*(To be continued.)*

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## XXXII.

### INVENTORY OF THE WRITS OF THE LOVAT ESTATES, 1652. PART SECOND. (D.)

The seventy-seventh number of the inventory introduces two names of historic importance, those of the Earls of Ross and the Bysetts of Lovat. Farquhard referred to, was the first Earl of the line of Ross, having had the title conferred in the year 1272 by King Alexander III. In a chronicle of the Earls of Ross, written prior to 1615, privately printed by the present family of Balnagown, it is said that King Alexander passed to London to the coronation of his brother-in-law Edward. In his train was one Farquhard Ross, who overcame in wrestling a famous Norman of Edward's household, named Dougall Duncansone, never



before vanquished, and received the Earldom of Ross. Farquhard founded the Abbey of Fearn, whose race of Abbots is not without type at this day. The chronicle says—

“ Now, let us come to the first Earl of Ross, called Farquhard Ross, who made a vow to God if he overcame the forenamed Frenchman, as God gave him the victory, that he should found an Abbey of the first religious men that he should happen to meet after his victory, within the Earldom of Ross, and so thereafter obtained the victory. He chanced, &c., to meet with two quhite channonis (*candidus ordo—Præmonstratenses*) in Galloway, one called Malcolm, with another brother, having certaine of Sanct Niniani's relicties with thame; which Malcolm, with his brother, the said Earl, brought with him into Ross, and founded an Abbey of that order and religion at Farne, besyd Kincardin in Stracharrin, where the situation thereof yet does appear—whereof the said Malcolm was Abbot fifteen years, and there he deceased and was buried there, who was holden after his death among the people as a saint. And thereafter the said Earl, with consent of the Abbot and brethren of the said place, for the more tranquillity, peace, and quietness thereof, translated the said monastery where now it presently stands, the 28th year of the said Farquhard's Earldom.”

Four Earls succeeded Farquhard, the last being William, who died about 1390. Several bore the title after this, the next two being Walter Leslie and Alexander de Yla, who successively married Euphan Ross, Earl William's daughter and heiress; and there had been Earls before Farquhard, but none were Rosses.

It is still involved in obscurity how the Frasers got their first hold on the Bysetts lands, and this inventory throws no light on the point; but from the time of the marriage in 1416 of Hugh, first Lord Lovat, with Janet, sister of William, Lord of Fenton, their title is clear.\*

The 80th number of the inventory puzzled us not a little. We were quite aware that there was a Lordship of Urquhart in Inverness-shire, but did not know of a Peer of that name, though it is true enough that the first Lord Dunfermline was Lord Urquhart in Moray, by creation of James VI. It is evident that the writer of the inventory committed a mistake in stating that it was granted by Lord Urchard, as we observe in the *Origines Parochiales Scotiæ* that the charter in question is referred to, on the authority of Macfarlane, who had seen the chartulary of Beaully thus—“ In 1340, by a charter, dated *Apud Bellum locum* (Beaully), John,

\* In the Appendix, No. 4, will be found some correspondence which appeared in consequence of this assertion. The matter is left much as it was.

called of Urchard, perpetual Vicar of Abbertherff, quit claimed to the monks, all right which he had in the title of the fishing of Abbertherff, granted (or confirmed) to them by the deceased, Andrew, Bishop of Moray."

The chapel of Conventh, in the glen of that name, was, it will be observed, of considerable importance before the Reformation. The name even is now almost lost.

In conclusion, we give a rental of the Lovat estates shortly before this inventory was written, from a copy certified by Lord Lovat, and given in by Sir James Fraser of Brea conform to a call from Government. The fishings of Beauly were of equal value with the lands of Stratherrick and Abertarff united.

" My Lord Lovitt's Rental as follows :—

The Barony of the Aird is forty chalders ; the Barony of Beauly is, on an average of years, thirty chalders ; the Barony of Kinmylies is eighteen chalders ; Pharnway is ten chalders ; the Barony of Dalcross is twenty-two chalders ; the Barony of Stratherrick is four thousand merks ; the Barony of Abertarff is two thousand merks ; the Barony of Strathglass and Abriachan is two thousand merks ; the water of Beauly *communibus annis* is six thousand merks ; Glengarric has twa thousand merkis be yeir of this forsd six thousand merkis and fyftein yeires tak after redemptionun for payt four hundreth merkis ; his burdens is six scoir thousand merkis, including wadsettes which I sall instruct be particularis if this generall (state) satisfie nocht ; summa of victual is six score chalders ; summa of money is eight thousand merks ; the water is six thousand merks ; extendis to furteine thousand merkis.

(Signed) Lovitt."

Follows the continuation of the writs of the Lovat estate, 1652 :—

43, A precept of clare constat by the Earl of Argyle to Simon Lord Fraser as heir to his father of the lands of Inchberry, dated 11th July 1597.

44, Item—A charter granted by His Majesty under the Great Seal to Hugh Lord Fraser, confirming a charter of the constabulaire, dated 14th Feb. 1671.

45, A charter granted by His Majesty to Simon Lord Fraser of the said lands of Aigas upon Pitsligo's resignation, dated the 13th of July 1610.

46, Item—A precept granted by the Earl of Argyle to take sasine of the lands of Inchberry, dated 22d January 1527.

47, An instrument of sasine to Hugh Lord Fraser as heir to Thomas Lord Fraser upon a precept of the Chanceraire, dated the 14th March 1524.

48, A reversion granted by Alexander Bayne to Hugh Lord Fraser of certain lands, dated the last of September 1571.

49, A charter granted by the Earl of Argyle to Lord Lovat of the lands of Inchberry, dated 22d April 1527.

50, A sasine to Simon Lord Fraser of the Barony of Aigas, dated the 12th February 1611.

51, An instrument of sasine of the lands of Pitcalnie of Kilmorack to Hugh Lord Fraser, dated the 28th August 1566.

52, An instrument upon the foundation of certain orders in the Abbacie of Beauly, by the Bishops of Aberdeen and Ross, dated 11th February 1500.

53, Procuratory of resignation by Lord Lovat to Hugh Master of Lovat, of the lands of Lovat, Beauly, and others, dated the 9th June 1626.

54, A charter granted by His Majesty under the Great Seal to Hugh Lord Lovat of the lands of Beaufort and others, dated 25th July 1542.

55, A tack of the teind sheaves of the parish of Conveth, by the Abbot of Kinloss, to Lord Lovat for 19 years.

56, A procuratory of resignation by John Forbes of Pitaligo of the lands of Aigas in favour of the Lord Lovat, dated the \_\_\_\_\_, 1599.

57, A precept given by Robert, Bishop of Moray, for giving of sasine to Lord Lovat, as heir to Thomas Lord Lovat, of the half lands of Omcaltartie and fishing of Eas, dated 25th September 1526.

58, An instrument of sasine to Hugh Lord Lovat, upon a precept granted by the Bishop of Moray, of the lands of Kinmylies and others, dated the 10th and 11th February 1569.

59, An old charter of the lands of Beauly, granted by King David of Scotland (David I., 1124-53; David II., 1329-71.)

60, A sasine given to Dame Elizabeth Stewart, relict of Hugh Lord Lovat, of a terce of the lands wherein her husband died infekt, dated the penult of March and 2d April 1577.

61, Item—A contract betwixt Simon Lord Lovat and Gavin Dunbar, Chanter of Moray, whereby 6000 merks are ordained to be paid by the heirs of umquhile John Dunbar of Westfield to the said Lovat, and containing sundry other clauses, dated 16th October 1622, and registered in the books of Council and Session, 23d February 1628.

62, A bond of alienation by Hugh Lord Lovat, to Hugh Master of Lovat, dated the \_\_\_\_\_ day \_\_\_\_\_ 1641.

63, Item—Sasine to Hugh Lord Lovat, as heir to Alexander, his father, of the Lordship of Lovat, dated the 7th of April 1668.

64, Precept of sasine to Simon Lord Lovat, of Aigas, out of the Chancelaire, dated 10th July 1610.

65, Simon Lord Lovat, his sasine of Lovat, dated 22d April 1589.

66, Tack of the Teinds of Lovat sett to Dame Janet Campbell and her heirs for her lifetime, and 19 years, be Sir Andro' Macphail, dated 10th February 1579.

67, Sasine to Hugh Lord Lovat, of the lands of Beaufort, upon a precept direct by James V., out of the Chancelaire, dated the 2d October 1542.

68, A presentation by the Prior of Beauly to Sir Donald Dow of the vicarage thereof, dated the 7th of May 1512.

69, A confirmation by King James to Hugh Lord Fraser of Lovat, of the lands of Inchberry, dated the 3d of March 1527.

70, Reversion by David Rose of Holm to Hugh Lord Lovat of the lands of Balblair, dated \_\_\_\_\_, 1560.

71, Sasine to David Wans by Hugh Lord Lovat, of the Kirklands of Beauly, dated the 7th of May 1572.

72, Presentation of the vicarage of Conventh to Sir David Walker, dated the 7th day of June 1474.

73, Precept of sasine to Hugh Lord Fraser, as heir to Thomas Fraser of the lands of Lovat, dated the penult of April 1539.

74, A tack by the Abbot of Kinloss to Hugh Lord Lovat of the lands of Conveth for 19 years, dated the \_\_\_\_\_

75, A presentation by the Bishop of Moray to Sir Donald Braichie to be Vicar of Beauly, dated the 11th May 1572.

76, A presentation by William, Bishop of Moray, to Sir Alexander Fairlie, to the vicarage of Conveth, dated the 7th Sept. 1480.

77, Confirmation by King Alexander of the donation made by Malcolm, sone to Farquhard Earl of Rosse, to William de Byseth of the lands called Craigarn, dated the 24th December and 12th year of his reign. (Alex. I., 1109-24; Alex. II., 1214-1249; Alex. III., 1249-86.)

78, Confirmation by King Alexander of the milne multures of the half Dawich lands of Lonich and milne of Dowatrie, dated 20th December, and 17th year of his reign.

79, Confirmation by King Alexander of the lands of Sethink, dated 20th August, and 15th year of his reign.

80, Ane warrant for possessing the teinds of the salmond fishing of Abertarff be Lord Vrchard, daitit 1340.

81, A contract betwixt Hugh Lord Lovat and Dame Catherine Campbell, Lady Crawford, anent a wadset of the mains of Lovat, dated the 1st of November 1571.

82, A presentation by James Bishop of Moray to Mr Kenneth Mackenzie of the vicarage of Conveth, dated the 27th June 1518.

83, Sasine to Simon Lord Lovat of the lands of Inchberrie and others upon a precept of the Chancellaire, dated 29th October 1593.

84, Item—Eight and forty pieces of parchment in old character not of any moment to be inventoried, with 29 pieces of paper writs.

(Signed) ALEX. LOWATT.

We, Alexander, Master of Lovat, and as tutor to Hugh, now Lord Lovat, grant us by these presents to have received from Alexander Abernethie, writer in Edinburgh, one hundred and seventy-one pieces of writs of parchment and paper conform to an inventory subscribed by us to him upon the receipt thereof, whereof we received a double thereof with the said writs, to be made forthcoming to my Lord Lovat's use, which writs were delivered in presence of Alexander Chisholm of Straglaske and Hugh Frazer of Balladrum. In witness whereof we have subscribed these presents (written by the said Alexander Abernethie) with our hand at Bewlie the sixth day of November the year of God 1600 and fifty-two years, before these witnesses.

(Signed) ALEX. LOWATT.

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### XXXIII.

#### RENTAL OF THE BISHOPRICK OF MORAY, 1641. (D.)\*

In the twenty-first number of these Notes the valued rent of the Bishop of Moray in the county of Inverness was seen to amount to one hundred and fifty pounds Scots annually. The real rental, as will be seen from the document after given, was £1997 0s 8d Scots.

This rental is very complete, and forms a companion to that of Ross (Notes 75, 76, and 77.)

In connection with these Bishops' rents we give copy of a warrant, dated 23d August 1700, for payment, out of their proceeds, of £30 sterling to a school at Fort-William, signed by the Duke of Queensberry, and the Earls of Annandale and Marchmont. This grant, we understand,

\* The 33d number, as originally published, was titled "List of the Vassals of the Bishop of Moray, 1696," but the present Paper has been substituted, as being of far greater value.

chiefly arose from the wish, on the part of the Government of William, locally to allay in a measure the popular indignation at the massacre of Glencoe, and the universal discontent at the non-punishment of those responsible.

It will be remembered that in the warrants and letters, M'Ian and his people were described as parties (thieves, broken men, &c.), whom it would be well the country were cleared of; and there was a kind of consistency in supporting a school in Lochaber a year or two afterwards.

The Government school at Fort-William has ceased, but not until time ceases will the remembrance of Glencoe be forgotten, or the blame fail to be laid at the proper quarter, notwithstanding the laboured white-washings of romancing historians.

Follows the warrant of the Scottish Government:—

BISHOPS' RENTS.

School at Fort-William, £30 sterling.

George Hume, Lord Provost of Edinburgh, and partners, present tackmen of the rents of the Bishoprics, pay unto Captain Charles Maitland the sum of thirty pounds sterling as one year's allowance for erecting and maintaining of a school at Fort-William, conform to His Majesty's warrant thereanent, of the 28th February 1694, for which Brigadier Maitland is to be accountable, for the right using and applying of the said sum for the use foresaid, being for this present year 1700, for which these presents with the said Captain Maitland, his receipt shall be your warrant.—Dated at Edinburgh, the 23d day of August 1700.

(Signed) QUEENSBERRY, Commissioner.  
 " ANNANDALE.  
 " MARCHMONT, Cancellor.

Edinburgh, 25th of November 1701.—Received then the contents of the above-written precept by me.

(Signed) CHA. MAITLAND.

From the frequent destination in the ancient patents of nobility to "heirs female," or "heirs whomsoever," the tenacity with which Scottish titles exist is accounted for. It seems, therefore, curious that the whole above peerages should be either dormant or extinct. The Duke of Buccleuch, no doubt, has also the title of Queensberry, but he is not a Douglas, and does not represent that family.

Follows the rental referred to:—

	Ch.	Bo.	Flr.	P
Victual Rents—The eighteen parts of Elgin, being 64, each				
one of them paying 5 firlots bear, inde.	5	0	0	0
Parts and pendicles	0	12	0	0
Crofts of Elgin and Hernies-Haugh	3	12	0	0

Little Inverlochtie	...	...	...	1	8	0	0	
Lang Morgan	...	...	...	0	14	0	0	
Milltown of Whitewreath	...	...	...	0	6	0	0	
This is the Teinds of the Parochin of Elgin—	} Blackhills	...	...	0	12	0	0	
		} Maisondieu	...	...	0	8	0	0
			Meikle Inverlochtie	...	...	4	0	0
Sum	...	...	...	17	8	0	0	

NOTE.—That the one and a-half chalder of victual, being the teind of the Parochin of Elgin, is appropriated for the maintenance of two ministers serving the cure there—first, by warrant from the Committee of Estates; secondly, by the King's gift, ratified in Parliament and past the seals.

This is the Teinds of the Parochin of St Andrew's, Kirktown—	{	Pitgevin	...	...	3	4	0	0
		Over and Nether Burdettville	...	...	1	2	0	0
		Scotstown Hill	...	...	0	7	0	0
		Linkwood	...	...	1	4	0	0
		Inch	...	...	0	3	0	0
Sum	...	...	...	6	4	0	0	

NOTE.—That the foresaid victual of the Parochin is appropriated to the use of the minister, by warrant from the Committee of Estates.

This is the whole victual rent formerly due to the Bishop.

#### Silver Duty and Customs.

Scots.

James Grant of Freuchie, for the lands of Laggan, Ardnich, with the croft thereof; croft of Auchindale, Kannacavel, Auchrahangan, Wester and Easter Daltullies; crofts of Criddell, Ardindillie, with the croft thereof; Allochy, with the fishing on the water of Spey	...	...	...	£66	18	4
And for the lands of Over and Nether Finlarg, Middle Finlarg, and Muckulloch	...	...	...	22	16	0
And for the lands of Rothiemurchus	...	...	...	16	0	0
Relict of John Grant of Wester Elchies, for the lands thereof	...	...	...	16	5	4
Duncan Grant of Easter Elchies, for the lands thereof	...	...	...	11	5	4
Relict of John Grant of Carron, for the lands thereof	...	...	...	9	3	4
John Grant of Ballindalloch, for the lands of Advie, Tulloch, Callader, Rerrie, and Avochie	...	...	...	21	6	8
Ten bolls oats, at 40s the boll	...	...	...	20	0	0
Three custom marts, at £12 a-piece	...	...	...	36	0	0
Archibald Grant of Dalvey, and ——— Grant, his mother, for the lands thereof	...	...	...	20	0	0
Two bolls oats, at 40s a boll	...	...	...	4	0	0
A mart	...	...	...	12	0	0
Alexander Cumming, burghess of Inverness, for the lands of Kinchurdy	...	...	...	4	14	6
Lachlan Mackintosh of Gask, for the crofts of Kingusie	...	...	...	2	6	0
John Macaleish of Achmonie, for the lands thereof	...	...	...	5	8	10
Two kids, 32s	...	...	...	1	12	0
The Lord Lovat, for the lands of Easter and Wester Kinmylies, Balnafetack, Easter and Wester Abriachan, Killiewhimmen, with the mill of Bught, Kiltarity, and fishing upon Ness	...	...	...	78	17	4
Margaret Mackenzie, for the lands of Foyers and Boleskine	...	...	...	8	14	8
Donald Macinfouler, burghess of Inverness, for a tenement of Helen Fleming's within the said burgh, pays yearly a pound of pepper, inde., 20s	...	...	...	1	0	0

James Robertson; burgess there, for a tenement of Robert Vaus, pays yearly a pound of pepper, inde., 20s	...	...	1	0	0
William Mackintosh of Torcastle, for the lands of Moymoir, Moybeg, Altnaslanach, Tullochclury, Slochd, Macallan, with mill and brewhouse thereof	...	...	20	2	0
John Campbell of Cawdor, for the lands of Little Budyetts	...	...	2	17	4
Half boll oats, 20s	...	...	1	0	0
A kid	...	...	0	16	0
And quarter mart	...	...	3	0	0
And for the lands of Arkinbeg	...	...	0	13	4
Hugh Rose of Kilravock, for the lands of Kildrummie, Kilmony, Daltally, with the fishings on Nairn and Findhorn	...	...	33	6	8
And for the lands of Farness and Eatnoch, with the fishing	...	...	9	0	0
Half a mart	...	...	6	0	0
Two muttons	...	...	2	13	4
Two kids, 26s 8d	...	...	1	6	8
Two bolls oats	...	...	4	0	0
One dozen poultry, 24s	...	...	1	4	0
David Rose of Holm, for the lands of Evorne, with the brew-house croft	...	...	9	11	4
And for the lands of Duldaich	...	...	10	13	4
Alexander Brodie of Lethen, for the lands of Bellinat, Achna-gael, Ardclach, with the mill thereof, brewhouse and brewhouse croft, with the fishing on the water of Findhorn	...	...	36	6	8
William Dallas of Cantray, for the lands of Croy, with the brewhouse croft	...	...	10	2	0
Mr James Campbell of Flinnessmore, with the pertinents	...	...	17	7	6
Robert Cumming of Altyre, for the lands of Clunarny, Dallas, Brachtie, and Cloggiegowan	...	...	28	0	0
And for the Kirktown of Dallas	...	...	6	13	4
And for the Kirktown of Altyre	...	...	10	0	0
James Earl of Moray for Daviot kirk, 26s 8d	...	...	1	6	8
James Cuthbert of Drakies, for the annual of Alturly, 26s 8d	...	...	1	6	8
John Campbell of Cawdor, for the annual of Delny, 16s	...	...	0	16	0
The Relict of Mr Thomas Urquhart of Kinudie, for the annual thereof	...	...	0	2	0
Alexander Dunbar of Boath, for the annual thereof	...	...	0	2	0
Alexander Brodie of Lethen, for the annual thereof, 36s 8d	...	...	1	16	8
John Tulloch in Nairn, for the annual thereof, 14d	...	...	0	1	2
Patrick Dunbar of Blairvie, for the lands of Rafford, with the brewhouse, Barbara Bank, Brake, Over and Nether Blairvies, Granary, with the smithy	...	...	55	7	1
And for the lands of Markassie, with the mill	...	...	6	0	0
Half a mart	...	...	6	0	0
Two muttons	...	...	4	0	0
Two kids	...	...	1	12	0
Two dozen poultry	...	...	4	0	0
Two bolls oats	...	...	4	0	0
Mr William Falconer of Kincorth, for the lands of Drumrioch, 40s	...	...	2	0	0
Mr James Campbell of Moy, for the acres thereof	...	...	0	9	6
Robert Dunbar of Eastertown, for the acres of Kirklands, 24s	...	...	1	4	0
Alexander Brodie of that ilk, for the teind duty of Brodie	...	...	42	9	0
And for the annual of Brodie	...	...	11	7	0
And for the feu-duty of the acres of Dyke	...	...	4	0	0
Ane dozen capons, at 5s a-piece, is	...	...	3	0	0
Ninian Dunbar of Grangehill, for the teinds thereof, Muretoun and Kintessock	...	...	56	0	0
Walter Kinnaird of Cubin, for the teinds thereof	...	...	6	13	4
And for the annual thereof	...	...	0	12	0

Sir Robert Innes of that Ilk, for the Kirktown of Emie	...	10	0	0
And for the feu-duty of Panes and Channel crofts	...	12	0	0
James Earl of Moray, for the lands of Hiltown of Birnie, brew- house and smithy thereof; Kirktown of Rothes, Meikle and Little Innerlochtie, with the mill, Easter Tullih- arden, Glenlathoch, Corneloch, Whitfield, Gairloch, Clunes; the town of Kinnedwarth, smithy crofts, with the brewhouses, the meadow thereof; two acres of land, the Bishop Orchards, Aikenhead, with the brewhouse and mill of Kinedwarth, Myrside, Harperland, Maltmaries croft, Kirkland of Kinno	... ..	345	6	8
A swine	...	4	0	0
A dozen of capons	...	3	0	0
The fishboats called Stotfauld, Covesea, and Annhall, set in tack fish to the Bishop, but now possessed by the Earl of Moray, by virtue of a Disposition made by Bishop Hepburn to Umquhile James Earl of Moray, That when it shall happen the Bishops of Moray to dwell in the Castle of Spynie, they to take up the fishes and enjoy them, otherways to belong to the Earl of Moray and his successors.	...			
Alexander Douglas of Spynie, for the lands thereof	...	24	0	0
William Innes of Dippel, for the lands thereof	...	6	11	4
Half a mart	...	6	0	0
A mutton	...	2	0	0
Two dozen capons	...	6	0	0
Two bolls oats	...	4	0	0
William Farquharson of Kelles, for the lands thereof	...	19	16	2
Two marts	...	24	0	0
Four muttons	...	8	0	0
Four kids	...	8	4	0
Four dosen poultry	...	8	0	0
Four bolls oats	...	8	0	0
Sir Robert Gordon of that Ilk, for the lands of Meikle and Little Drainies, with the pertinents; Newtown, Whitley, Kil- creuk, Newtownhaven, Ardovet, Muretown, Over Ail- house, Saturhill, Ferryboat thereof, and Aitles	...	80	18	6
Four marts and 3 quarters	...	57	0	0
14 muttons	...	28	0	0
9 lambs	...	7	4	0
25 dosen capons	...	75	0	0
14 geese, at 8s a-piece, in	...	5	12	0
18 bolls oats	...	36	0	0
Robert Martin, burghes of Elgin, for Ruthes croft and Baxters croft	...	2	16	8
Jane Campbell, relict of Umquhile Robert Dunbar of Burgie, for the town of Bishopmill, with the dry multures, the lands called the Acres, the mill of Bishopmill, with the knave- ship and outsucken house thereof, and augmentation of the whole lands	...	16	11	0
With each 3 years grassum	...	2	0	0
Three-quarters of ane mairt	...	9	0	0
Seven dosen and six capons	...	22	0	0
One dozen poultry	...	2	0	0
Three kids	...	2	8	0
Three muttons	...	6	0	0
Four geese	...	1	12	0
A swine	...	4	0	0
Thomas Calder of Shinefenen, for the lands thereof, a pound of pepper, inde.	...	1	0	0



A pound of cucumber, 20s	...	...	1	0	0
Alexander Dunbar of Inshbryock, for the lands thereof	...	...	3	12	0
A quarter of a mart	...	...	3	0	0
A mutton	...	...	2	0	0
A kid	...	...	0	16	0
A dozen capons	...	...	3	0	0
A goose	...	...	0	8	0
A boll of oats, 40s	...	...	2	0	0
Mr Gavin Douglas of Moriestown, for the lands thereof	...	...	0	16	0

Not in use of Payment—

Masons lands, within the Burgh of Elgin ;  
 Andrew Hatmaker's tenement there ;  
 Andrew Monro's tenement there ; Sir  
 Robert Fletcher's tenement there.

— Grant, relict of Alexander Gordon of Edinkinty, for the Kirkehill of St Andrews	...	...	4	0	0
Robert Leslie of Findraasie, for the lands thereof	...	...	12	7	0
A mairt	...	...	12	0	0
A mutton	...	...	2	0	0
Two dozen capons	...	...	6	0	0
Two bolls oats	...	...	4	0	0
Mr William Cuming of Earnside, for the lands of Wharp	...	...	10	6	6
Robert Gibson of Linkwood, for the teind duty thereof	...	...	5	6	8
Dame Catherine Ross, the lands of Logy, Ardrrie, and Lyne	...	...	14	0	0
Charles Earl of Dunfermline, for the teind duty of one coble and half coble on the water of Spey	...	...	100	0	0
James Earl of Moray, for the teind duty of the two parts of one coble on the water of Spey	...	...	44	9	0
Sir Robert Innes of that Ilk, for the teind duty of half one coble on the said water	...	...	33	6	8
The heirs of Umquhile James Dunbar of Petgavinie, for the teind duty of the third of ane coble on the said water	...	...	22	4	4

*Presbytery of Strathbogie.*

George Marquis of Huntly, for the croft of Edindroch, 33s 4d	...	...	1	13	4
Alexander Ogilvy of Kempton, for the Kirkehill of Keith	...	...	6	13	4
Grassum, 44s ½d	...	...	2	4	½
Augmentation	...	...	0	3	4
Half a mart	...	...	0	12	0
Two muttons	...	...	0	8	0
Two bolls oats	...	...	0	8	0
Dry multure	...	...	1	0	0
Weekly ane free market	...	...	0	4	0
John Ogilvy of Milltown, for the lands of Anehoynome Kanthe, with the brewhouse and croft of Keith	...	...	27	6	8
James Gordon of Kirkinburn, for the lands thereof	...	...	5	6	8
Alexander Ogilvie of Edindaich, for the lands thereof	...	...	5	6	8
John Gordon of Pitlurg, for the lands of Pitlurg, Auchorties Over and Nether, with the croft of Petrifne	...	...	22	6	8

Not in use of Payment, as is alleged—

George Marquis of Huntly, for the Kirklands of Rainie, 40s	...	...	2	0	0
And for the Kirklands of Dumbennane	...	...	1	6	8
And for the Kirklands of Drumdelgie	...	...	1	6	8
And for the Kirklands of Ruthven	...	...	1	6	8
And for the Kirklands of Botarie	...	...	1	6	8

Summa totalis	...	...	£1997	0	8
The whole feu-duties and customs of the Bishoprick of Moray extends to	...	...	1661	18	2

The whole feu-duties and customs within the Bishoprick of Moray, the Earl of Moray's feu-duties and Sir Robert Gordon's being deducted, extends to	...	...	1019	17	1
The teind duty extends to	...	...	310	9	0
That which is not in use of payment	...	...	24	13	6
<i>Summa totalis</i> of feu-duty, customs, teind duties, and what is not in use of payment, extends to	...	...	1997	0	8

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XXXIV.

**CASE OF FRAUD BY A TRADESMAN OF INVERNESS  
ON HIS APPRENTICE. CUMING  
v. ANDERSON, 1684. (D.)**

The Magistrates of Inverness appear to have exercised jurisdiction in matters which now belong to the Supreme Courts alone. In a former number (No. 25) it was seen that, under their criminal jurisdiction, they had tried an officer of Excise for murder; and, by the paper after-quoted, they, in effect exercising the powers of the Supreme Civil Courts, pronounced sentence of reduction of a bond. The paper is titled on the back, "Extract declaration, and obligation, George Anderson, with the minute of process, David Cuming against him, in the end thereof; and the Magistrates found the said George Anderson to have cheated his servant, and takes to their consideration what punishment to inflict on him for his cheatric, 1684." While it shows the great power of the Magistrates, it discloses a gross case of imposition on the part of the master. The apprentice, who came from Tain, seems to have been a sickly lad, had in all probability no friends at Inverness, and doubtless the extracting of the bond was not the first injustice.

The domestic relations of tradesman and apprentice are much altered since the times of that glover of Perth, and watchmaker of Fleet Street, who had such trouble with

their apprentices. A money payment is now almost universally given in full of everything the apprentice can claim, except in those cases where, from the nature of the business, the apprentice must be in the master's house late and early.

The oppressions of the Barons, great and small, upon their followers, has been often commented upon and stigmatised by "dwellers in towns," and justly. Injustice and oppression were not confined to the country districts, as this case shows, and we are glad to have the opportunity of holding up the conduct of this "Lyster," who may have been accounted by his townsmen "an honourable man," and looked down on the Highlanders who visited Inverness with pity or contempt. It is chiefly, however, as an illustration of the jurisdiction exercised by the Magistrates that this paper is given.

Follows the extract referred to :—

"I, George Anderson, Lyster in Inverness, hereby declare that in answer to the proposition tendered to me by John Cuthbert, Provost of Inverness, ament the manner and causes of the sum of one hundred and two pounds contained in a bond granted to me by David Cuming, Lyster, my prentice, dated the        day of        last bye past, with failure and annual rent, and quarrelled by David Cuming in Tain, father to the said David ; that after the said David granter, his appearance before the magistrates of Inverness, and in case of his refusal of the justness of the ground thereof, I, the said George Anderson, oblige me to adhere to, and submit the said bond to the said Provost and Bailies of Inverness their decision, and upon their decision hereby declare the samen bond. In witness whereof I have subscribed these presents at Inverness, the 11th day of December, 1684 years, before these witnesses, Mr Michael Fraser, minister at Daviot, and David Cuming, writer in Inverness, and hereof, and these presents to be in force only till the first day of February next, and no further, sickness only excepted (*sic subscribitur.*) G. Anderson. M. Fraser, witness, D. Cuming, witness. At Inverness, the ninth day of January, 1685 years, in presence of John Cuthbert, Provost, Finlay Fraser, Robert Barbour, and Alex. Rose, Bailies, compeared David Cuming, the pursuer ; George Anderson compeared, and was content to refer to the pursuer's oath, whether or not he forced him to grant the bond libelled ; 2dly, whether or not he, as taking burden on him for his father, granted that bond for absent days and other accounts, and what good deed he had for granting thereof. The pursuer, being sworn—Deponed that he was lying sick six weeks at once, and four weeks at another time, upon which account the said George Anderson threatened him to undoe him and his father, by putting his indentures to the register ; and by using horning and caption against them, and used several other threats, and rather than his father and he should be at peril with him, he, out of his facility, granted him the bond libelled, and declares that he had no good deed for the bond, but three elns of linen. The judges, being ripely advised with the said deposition and both parties allegations, ordain the said David Cuming to pay to the said George Anderson twenty-four shillings Scots for the three elns linen, and ordain the said George Anderson to exhibit before them the said bond, and declare the same void and null hereafter, and to be

arrested here till the same be done, and that without prejudice to the said David Cuming to pursue the said George Anderson for what else he has to lay to his charge, and the judges, for suppressing the like cheatry, takes to their further advisement what course to take with the said George Anderson for his cheatry. Extracted by me. (Signed) CH. M'LEANE, Clerk.

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XXXV.

**ASSIGNATION BY LORD AND LADY DOUNE TO  
DAVID DENOON. 1684. (D.)**

The paper after-quoted being an assignation of the rents of the Barony of Petty in the year 1684, gives the opportunity of mentioning some particulars regarding the Earls of Moray.

Three families have held the title. The first was the famous Randolph, nephew of Robert Bruce, in whose family it only remained for two generations. His sons, Thomas and John, succeeded, but dying without issue, Agnes, sister of John, succeeded, and married the Earl of March. Through her second son, John Dunbar, five Earls of that name possessed the estates. Upon the death of James, fifth Earl, Archibald, son of the seventh Earl of Douglas, who married Lady Mary Dunbar, had the title of Earl of Moray, but the same was forfeited in 1454.

In 1501, James IV. conferred the title on his son James, by the daughter of Lord Kennedy. This Earl, commonly called the little Earl of Moray, was the first of the Stuarts, and died in 1542 without issue. In 1562 Queen Mary conferred the title on her illegitimate brother James, and through his daughter, Lady Elizabeth, the present family have their descent. The Regent Moray, as is so well known, was killed in the street of Linlithgow, 23d January 1570. His eldest daughter, Elizabeth, before referred to, married, by the express wish of James VI., James, second Lord Doune, who was created Earl of Moray in 1581. The

ancient titles of Evandale and Stewart of Ochiltree, were in the family of Doune, who trace their descent from Robert, Duke of Albany, third son of Robert II. It is thus seen that the idea commonly entertained that the family of Moray are connected with the Royal Family only illegitimately, is incorrect.

This Earl, the third of the name of Stuart, was very anxious to increase his power in the North, which he did by means of leasing out portions of his extensive lands to the Mackintoshes, and other members of Clan Chattan, &c. This involved him with the Earl of Huntly, who could brook no rival in the North, and ended in Huntly's causing the Earl to be beset in his house at Donnybristle, and murdered in the year 1592. The jealousies and rivalries of these families extended to all their vassals and friends, and for many years kept the country in constant tumult. In 1601 King James caused James, the fourth Earl, to marry Anne, daughter of George, Earl of Huntly, with the view, if possible, of ending these rivalries and disturbances. None were more ready and active in the assistance of the Earls of Moray than the Clan Chattan, but who did not receive that support and countenance in return to which they were justly entitled.\* In Strathnairn, Strathdearn, Petty, &c., the Earls of Moray were superiors or owners of almost the whole land, although, after a severe struggle, they were obliged partially to acknowledge the superiority of the Campbells of Cawdor. Until lately the family never quitted a hold in Strathnairn, but, by the sale of Daltomich, their interest is now confined to various superiorities.

Alexander, sixth Earl of Moray, father of the Lord Doune referred to in the paper after-quoted, was a great royalist. He was heavily fined by Cromwell, but received great marks of favour from Charles II. and James VII., under whom he held high office. He had four sons, but his male issue was almost on the point of failing. The eldest, Lord Doune, had no male issue, nor had the second son Charles, after-

\* Duncan Forbes, first of Culloden, is entitled to the highest credit for his spirited and successful exertions against that Earl of Moray who persecuted the town of Inverness on account of their friendship to Clan Chattan.

wards Earl of Moray ; the third son John also had no issue, and the line was continued by his fourth son Francis, the person whom his aunt, Lady Anne Ross of Balnagown, wished first to succeed to the Balnagown estates. (Notes 22 to 24.)

Lady Doune was Catharine, daughter of Sir Lionel Talmarsh, by Elizabeth Countess of Dysart and Duchess-Dowager of Lauderdale.

It will be noted with some interest that one of the reasons of Lord and Lady Doune's granting the deed, was their purpose of journeying to London, which forcibly recalls the times when people going on such a journey made their wills.

The assignation is as follows :—

At Inverness, the second day of June, sixteen hundred and eighty-four years, in presence of John Forrester of Cullinald, Sheriff-Depute of the Sheriffdom of Inverness, compeared David Cumming, wryter in Inverness, as procurator, specially constitute by James Lord Doune, and Catherine Lady Doune, his spouse, and gave in the assignation and conveyance underwritten, subscribed with their hands, desiring the same to be inserted and registered in the Court books of the said Sheriffdom ; that letters and executorials of horning and others needful may be directed thereupon in manner thereinmentioned, which desire the said Sheriff-Depute finding just and reasonable, therefore has ordained, and hereby ordains the same to be insert and registrate in the said books, interpones his decret thereto, and ordains letters and executorials of horning and others needful to be directed thereupon in manner and conform to the clause of consent of registration underwritten therein contained, of the which assignation and disposition the tenor follows :—Be it known to all men by these presents, us, James Lord Doune, heritable proprietor of the lands and others underwritten for ourselves, and taking burden on us for Katherine Lady Doune, our spouse, and us, the said Katherine Lady Doune for ourselves, with consent of the said James Lord Doune, our husband, and we both with one consent and assent, for as much as David Denoon, our chamberlain of the Lordship and parochin of Pettie, has at and before the date of these presents, advanced, paid, and delivered to us all and hail the sum of five thousand merks, usual Scots money, whereof we hold us well paid in numbered money, renouncing by these presents the exception of not numerat money and all other exceptions and objections of the law that may be alleged or proponed in the contrary, and for us, our heirs, executors, and successors, exoner, quitclaim and simpliciter, discharge the said David Denoon, and his heirs, executors, and successors thereof, for now and for ever. Lykas forasmuch as the said David Denoon has on our accounts, at our desires foraking and granting the security underwritten, undertaken, become bound and obliged to pay to divers and sundry persons and creditors, all and whole the sum of thirty-five thousand merks, usual money foresaid, conform to a particular list thereof, herewith given him ; and now seeing, by the Lord's assistance, we intend journeying to London, and that therefore in all equity and reason, the said David Denoon ought and should be not only payed of the sum of five thousand merks money foresaid advanced and payed by him to us in manner foresaid but also of the said sum undertaken by him to be paid in our behalf to our said creditors, extending in both to the sum of forty thousand merks of this our realm of Scotland money above written, and of the annual rent thereof from the date of these presents : Therefore witt ye us with one consent and assent as said

is, to have assigned and disposed, lyk as we do assign and dispoise from us, our heirs, executors, and all others our assignees to and in favour of the said David Denoon, his heirs or assignees (excluding executors), all and hail our Victual rents, silver dutie, salmon and gray fishings, customs of all sorte, due pertaining and belonging or hereafter that shall belong, and pertaining and belonging to us within the Lordship and parochin of Pettie and Breacklie, and elsewhere wherein we are infeft by virtue of our matrimonial contract past betwixt his Grace the Duke of Lauderdale and ane noble Earl, Alexander Earl of Moray, our father, extending, conform to ane particular rental, subscribed and delivered by us to him of the date of these presents to the number and quantity of eight hundred bolls ferm bear, and oat meat bolls ferm victuall yearly, by and attour the said customs, silver dutie and fishing, which are likewise and together with the said yearly ferms assigned and disposed as aforesaid, and contained in the said subscribed rental, which is declared to be as sufficient as if the samen were particularly hereinsert and engrossed, albeit the samen be not so done, and that for all the time, years, and space of eleven years after the term of Whitsunday next 1684 years, with full power to the said David Denoon and his foresaids to sett and raise the foresaid lands, fishings, and others above written and to output and imput tenants therein, and grant tacks thereof to the tenants and possessors of the same, and to others as he shall think fit and expedient, and upon payment to grant, subscribe, and deliver discharges and to affix and hold Courts for uplifting and ingathering of the ferms, fishings, and others respective above written, and to create bailies, clerks, officers, and other members of Court for so doing, as oft as he shall judge necessary, and fit decreets therefor to obtain, and to due execution cause the samen be put, and to sell, use, and dispoise the samen ferms, fishings, customs, and others above written yearly, during the said space, for payment of the sums of money advanced and engaged for in manner above written, and generally all and sundry other things anent the premises to do, use, and exercise during the space above mentioned to the effect above expressed: Sicklike and as freely in all respects as we or any of us might have done therein ourselves before the granting of these presents, and as if the same were not made or granted, Solidating, and Substituting the said David Denoon and his foresaids in our full right, vice and place of the premises; And Turnand and Transferrand from us and them all right and title we or our foresaids had or may claim and pretend in and to the foresaid ferms, fishings, and others respective above written of the lands and others above expressed, and progress of the samen during the space above mentioned, to and in favour of the said David Denoon and his above specified, which assignation and right above written we both, with one consent and assent and burden taken foresaid, bind and oblige us and our foresaids, conjunctly and severally, to warrant, maintain, and defend to be good, valid, and sufficient to the said David Denoon and his above written, in and by all things as is above mentioned, during the space above expressed, at all hands, and against all mortals: That is to say, the said David Denoon and his foresaids shall enjoy, possess, and uplift the foresaid yearly ferms, customs, and fishings, and proceeds thereof, during the space above written, and shall not be incommoded upon, stopped, troubled, or impeded therefrom and therein during the space above written, to the effect above mentioned, providing always lyk as by the acceptation hereof, the said David Denoon and his foresaids is, and shall be, hereby obliged, after his payment of the foresaid's sums, creditors, to free and discharge us thereof, and make count and reckoning and payment to us of the remainder of the foresaid ferms, fishings, customs, mills, and multures and others above mentioned, or ordinary prices thereof, attours the payment of the samen ferms advanced and undertaken by him in manner above expressed, and that, at Castle Stuart, when he shall be thereto required. But longer delay; and further for the said David Denoon and his foresaids, their further security anent his and their payments and relief of the foresaid sums advanced and undertaken by him in manner above specified and yearly annual thereof, which shall be resting unpaid by his and their foresaids' intromissions, and for his and their security anent his and their payment of the foresaid yearly ferms, customs, fishings,

mills, multures, and others above signed and disposed, and for their real security anent both, we bind and oblige us and our foresaids, conjunctly and severally as said is, to infest and seize the said David Denoon and his above written, in all and sundry the haill lands of the parochins of Petty and Breacklie, comprehending therein the particular towns, houses, bigging yards, mills, mill-multures thereof, fishings and customs of the same pertaining to us, and wherein we stand, infest and seized, lyand within the said parochins and Sheriffdom of Inverness foresaid, which haill particular towns and lands, mills, and mill-multures, fishings, and others generally above-mentioned, are hereby declared as sufficient, as if the samen were particularly herein insert and engrossed, albeit the samen be not so done, which infestment we bind and oblige us and our foresaids, conjunctly and severally, as said is, to warrant, maintain and defend to be effectual, and sufficient to the said David Denoon, and his above-specified in, and by all things as is above expressed in manner and to the effect above-specified at all hands, and against all mortals; Likeas we bind and oblige us and our foresaids, conjunctly and severally, as said is, to alter, iterate, and renew these presents to the said David Denoon and his foresaids, as oft as we shall be thereto required, aye, and until he and they be sufficiently secured in and anent the premises by the advice of men of learning and judgment, keeping always the substantial heads above-written unaltered in effect. And to the effect the said David Denoon, and his foresaids, may be infest and seized in haill lands, mills, mill-multures, fishings, and others, particularly and generally above-mentioned, with the pertinents, we make, constitute, nominate, and ordain our Baillies in that part, conjunctly and severally, these presents seen, ye pass to the ground of the town and lands of Castle Stewart, as the principal message of the haill lands within the said parochins, for the samen haill lands; and to the salt-water mill of Castle Stuart, and mills of Lonnie and Breacklie lyand in the said Lordship, and to the places and fishings of the saids salt and fresh waters, where coble and nets goes furth thereto, there give state and sasine, actual, real, and corporal possession of all and haill the particular lands and towns, houses, biggings, yards, parts, pendicles, and universal pertinents thereto belonging, pertaining to us, and wherein we stand infest, and of the said mill of Castle Stuart, and mills of Lonnie and Breacklie, lyand as said is, mills multures, sequells, knaveships thereto belonging, lyand within the said parochins of Petty, and Breacklie, and Sheriffdom of Inverness foresaid, and of the said salmon and gray fishings, to the said David Denoon, or to his attorney in his name by deliverance of earth and stone of and upon the ground of the foresaid lands of Castle Stewart and Dalziel as for the samen towns and lands, and for the remanent haill towns and lands above-specified as the principal message thereof, conform to the dispensation above-expressed, and of the clap and happer of ilk one of the said mills, and of the cobbles and nets for the said fishings, when they are to go out thereto, and that in real and special warrandice of the foresaid haill sums, and annual rents thereof and aye and while the complete payment of the samen by the intromissions foresaids, during the space above mentioned, after the form and tenor of the foresaid assignation, and disposition in all points, the whilk to do we commit to you conjunctly and severally our Baillies in that part foresaid our full power and commission by these presents; and for the more security, we consent to the registration hereof in the books of Council and Session, Sheriff or Commissary books of Inverness-shire, that letters and executorialis of horning, and others necessary, be on ten days only hereupon direct, and thereto constitute David Cumming, writer in Inverness, our procurator. In witness whereof (written by Alexander M'Lean, writer in Inverness) with our hands at Castle Stuart, the tenth day of May, sixteen hundred and eighty-four years, before these witnesses, Mr George Macqueen, schoolmaster of Petty; John Johnstone, indweller in Ballmachrie; John Falconer and William M'Grigor, servitors to the said noble Lord; and Alexander M'Lean, writer, foresaid (*sic. sub.*) Doune, C. Doune. John Johnstone, witness; J. Falconer, William M'Gregor, witnesses; A. M'Lean, witness. Extracted by me,

(Signed)

H. JA. BAILLIE, Clk. Dep.



## XXXVI.

**CIRCULAR FROM GOVERNMENT TO THE SHERIFFS,  
REGARDING THE ESTATES OF FORFEITED  
PERSONS, 1747. (D.)**

The active part taken by the county of Inverness in the rising in 1745 contrasts strongly with the neighbouring county of Moray. In the former the movement had its origin in the raising of the standard at Glenfinnan, and extinction at the field of Culloden. Noblemen, chiefs of clans, landed men, and even one of the bailies of Inverness, took part. But in the county of Moray the sheriff was able to return answer to the circular, that not a single person was known to fall within its inquiries.

The character of the people was dissimilar, and the men of Moray, even to a recent day, were fond of having their laugh at the expense of "Donald," as their western brother was styled. In return, we suppose, for the frequent incursions of old made by the Highlanders, the people of Moray have in great numbers during this century, as farmers, invaded the counties of Inverness and Ross, and, by their skill and industry, converted wilds into fertile fields and smiling homesteads.

Government, after the insurrection, took extraordinary means to ferret out and punish all in any way mixed up— one mode being to send circulars to the parish clergy, to give in the names of those within their parish *not engaged*. Notwithstanding their strong sympathies with Government, very many of the clergy, much to their honour, virtually refused to lend themselves to such iniquitous proceedings— some of them returning for answer that they would require to return their whole parishioners as not accessory. A century before, this would not have been the case; ecclesiastical feelings and rancour on both sides would have prompted the destruction of opponents.

Removed as we are at this period from all partizanship,

and viewing the question speculatively, seeing that the male line of the Stuarts ceased in the person of Cardinal York ;— the question may be asked what effect would it have had on the fortunes of Britain had Charles Edward succeeded? We have no doubt that Britain would nevertheless have attained its present greatness, while it would have been saved the indignity of having had such individually despicable sovereigns as the first two Georges ; the long-continued organised corruption of Walpole, which ate like a cancer into public morality ; and in all probability the political complications which involved us in war with France, adding hundreds of millions to the national debt.

As showing the foreign dependence had by the Government in the '45, we may point out that no Scotsman held any independent command of importance. Sir John Cope first appeared against Prince Charles ; General Guest was commander of Edinburgh Castle ; General Hawley commanded at Falkirk ; and at the conclusion, the Duke of Cumberland, the Earl of Albemarle, and others appeared. The circumstance of George II. having a ship at the Tower Stairs to convey himself, his treasure, and foreign mistresses to his beloved Hanover, when Charles was on his march to Derby, showed how insecure he felt himself in Britain. It was different thirty years before, for in 1715 the Duke of Argyle was the leading man on the Hanoverian side. The only Scotsman of note employed was President Forbes, and he was a volunteer. The authority given in the Marquis of Tweeddale's letter was afterwards questioned, and his disbursements never fully repaid.

It may be interesting to the people of Inverness to know that Bailie Mackintosh, who took up the sword for the Stuarts, and had the honour of having his name included in the list of attainted persons, survived the rising, but was so keenly looked after by Government that he was obliged to change his name, and, under a name more plebeian than that of his father, interpreting it by its significance in Gaelic, he died peacefully, and descendants are still to be found.

Edinburgh, 10th March 1747.

SIR,—Whereas, by an Act past in the last session of Parliament and in the nineteenth year of His Majesty's reign, the following persons were attainted of high treason if they should not render themselves to one of His Majesty's Justices of the Peace on or before the 12th July in the year 1746, and submit to justice, viz. :—William Viscount of Strathallan ; Alexander Lord Pittligo ; David Weemys, Esq., called Lord Elcho, apparent heir of James Earl of Weemys ; James Drummond, Esq., eldest son of William Viscount of Strathallan ; Simon Fraser, Esq., eldest son and apparent heir of Simon Lord Lovat ; George Murray, Esq., called Lord George Murray, brother-German to James Duke of Athole ; Lewis Gordon, Esq., called Lord Lewis Gordon, brother to Cosmo George Duke of Gordon ; James Drummond, taking upon him the title of Duke of Perth ; James Graham, late of Dumtroun, taking the title of Viscount of Dundee ; John Nairn, taking upon him the title of Lord Nairn ; David Ogilvie, taking upon him the title of Lord Ogilvie ; John Drummond, taking upon him the title of Lord John Drummond, brother to James Drummond of Perth ; Robert Mercer, Esq., otherways Nairn of Aldie ; Sir William Gordon of Park ; John Gordon, the elder of Glenbucket ; Donald Cameron, the younger of Lochiel ; Dr Archibald Cameron, brother to Donald Cameron, Esq. of Lochiel, younger ; Ludovic Cameron of Torcastle ; Alexander Cameron of Dungallon ; Donald Macdonald of Clanranald, junior ; Donald Macdonald of Lochgairry ; Alexander Macdonald of Keppoch ; Archibald Macdonald, son to Colonel Macdonald, Barrisdale ; Alexander Macdonald of Glencoe ; Evan Macpherson of Clunie ; Lachlan MacLachlan of Castle Lachlan ; John Mackinnon of Mackinnon ; Charles Stewart of Ardsheil ; George Lockhart, eldest son of George Lockhart of Carnwath ; Lawrence Oliphant, the elder of Gask Lawrence Oliphant, the younger of Gask ; James Graham, the younger of Airth ; John Stewart, called John Roy Stewart ; Francis Farquharson of Monaltry ; Alexander Macgillivray of Dummaglah ; Lachlan Mackintosh, merchant in Inverness ; Malcolm Ross, son to Alexander Ross of Pitcalnie ; Alexander Macleod, son to Mr John Macleod, Advocate ; John Hay, portioner of Restalrig, writer to the signet ; and Andrew Lumedain or Lumsdale, writer in Edinburgh.

And whereas divers other persons who were concerned in the late rebellion have been apprehended, tried, and convicted before Commissioners of Oyer and Terminer at different places in England, as Carlisle, York, Southark, of whose names I cannot yet give you an exact list, but do presume you must have heard or been informed of the names of such of them as are persons of such note as to have been possessed of lands or heritages within your county.

And whereas the persons attainted by the Act of Parliament, above mentioned, are attainted from and after the 18th April 1746, whereby the whole rents of their estate for the crop and year 1746, as well as the arrears, if any, due for 1745 and preceding, now belong to His Majesty, and the rents of the estates of the other persons convicted by verdict and judgment do in like manner belong to His Majesty, at least from and after the date of their respective convictions, and whereas there is reason to apprehend that some of the said attainted persons who may be themselves yet lurking or concealed in this country, or others in their name or on their behalf, or their factors or agents may prevail with the tenants and possessors of the estates that formerly belonged to them to pay their rents to such factors themselves, or to others for their use and behoof, which, if it should be practiced, would not only be prejudicial to His Majesty's interest, but highly detrimental and dangerous to the tenants and possessors themselves, who will soon be called upon by a proper authority to account to His Majesty for the rents falling due since the attainder or conviction of their respective heritors, as well as any arrears by them then resting. I have therefore been advised, and thought it expedient, as well on behalf of the tenants themselves, as to prevent any embezzlement being committed in prejudice of His Majesty's interest, to direct you to make a list of all the persons attainted by the said Act of Parliament who have any lands or heritages within your shire, and of the several parishes within which they had

such lands or heritages, and thereupon to cause notice of intimation to be made to the tenants and possessors of such lands and estates, that they do not adventure to presume to pay any part of their rents to the forfeiting persons or to any other person for their use and behoof, but that they retain their respective rents in their own hands until they shall be called upon to pay the same to persons properly authorised for that purpose on behalf of His Majesty, and this notice and intimation you may properly cause to be made by sending copies hereof to the several ministers of the parishes within your shire within which the said attainted or convicted persons have any estates lying, to be by the said ministers published by reading the same immediately after divine service in the forenoon, the first Sunday after your precept comes to their hands, and you are also to direct every such minister to return to you an answer by a letter under his hand of the receipt of your precept, and of the publication which he shall have made in consequence thereof.

I expect you will not fail to give punctual compliance with this direction, which will be, at the same time, discharging your duty in the matter towards His Majesty, and doing a real service and benefit to the tenants and possessors of those forfeited estates, who may be otherwise brought to trouble and damage if they should unwarily be induced to pay their rents to, or for the use of, the forfeited persons, for want of such precaution being given them.—I am, &c.,

(Signed) ALEX. HOLME.

The Sheriff endorses on the above letter—

“18th March 1747.—Returned answer to the above letter that there was none within this county embraced.”

The after-quoted letter came a few months later. The worthy Sheriff seems to have grudged the postage of his reply, for he marks on the back, “Mind to charge 8d of postage in the next accompts of the Sheriff,” and is as follows:—

In pursuance of the powers given to the Right Honourable Barons of His Majesty's Exchequer, by an Act of Parliament passed in the twentieth year of His Majesty's reign, entitled “An Act for vesting in His Majesty the estates of certain traitors, and for more effectually discovering the same, and applying the produce thereof to the use of His Majesty, and for ascertaining and satisfying the lawful debts and claims thereupon,” I am ordered by them to require you, with all convenient speed, to examine and report to the King's remembrancers of His Court what persons, contained in the list of attainders herewith sent you, have or had real or personal estates within your sheriffship, stewardry, or jurisdiction. And you are to intimate to the tenants in the several forfeited estates not to pay any part of their rents to the forfeiting persons or to any for their behoof, as they will answer at their peril. And you are also to return notice of such information to the remembrancers, to the end the Court may give further orders and directions concerning the above matters; and herein you are not to fail.

Exchequer Chambers, Edinburgh, the 24th day of Sept. 1747.

By order of the Barons.

(Signed) D. MONCRIEFFE, Deputy King's Remembrancer.

To the Sheriff of the shire of Elgin and Forres, or his Deputy.

## XXXVII.

**MILITARY ASSISTANCE CALLED FOR BY SIR JOHN  
DEMPSTER, IN HIS DECREETS AGAINST  
THE SEAFORTHES, 1696. (D.)**

Certain classes of society, useful in their way, were not popular, or held in much estimation in the Highlands in former times. Of these, we might instance gangers and sheriff's officers. What was thought of the former by a Highlander or his wife standing on their "native heath," may be read in the pages of "Rob Roy." Indeed, it cannot be said that they are popular yet, and appearances have been made in courts, and practices of entrapment admitted, which ought to have been instantly checked by superior authority.

As to the civil officers of the law, their business even now is often painful, and sometimes attended with danger. The county of Ross, the scene of the contemplated proceedings after referred to, is not a very desirable place for messengers, who, up to this day, are occasionally deforced. These deforcements are generally in opposition to violent ejections from land; and while the acts of these wretched clingers to the soil could not be justified, neither, on the other hand, could, in very many instances, the acts of the dispossessors. A case, for instance, occurred within the last three years in one of the Western Isles connected with the same county, where the deforcement took place in the execution of a decree for debt. Any one acquainted with the locality, must be aware that upon the result of their fishing depends the existence of the people. Their crofts or gardens may afford a trifling relish to their fish. There is no employment for them as labourers, while the poor-law says to the able-bodied, "There is no relief for such as you." The officers proceeded first to impound *the nets*, and thereafter to carry them away to sale. Was it wonderful

that the wives and families of the fishermen rose up and drove off the men, who were, instrumentally, to all intents, depriving them of their means of subsistence? The nets of the fisherman, as well as the ordinary tools of the workman, should be as free from arrestment and sale as the cradle, which it is understood the hardest limb of the law does not venture to distrain.

The case after-quoted seems to have been a regular defiance of the civil power. The devotedness of their tenants and vassals to the Seaforths was such, as to defeat twenty-five years later, the power of Government, and frustrate its intention of levying the rents for its own purposes.

About this period, in consequence of their exertions for the Stuarts and otherwise, and notwithstanding their large possessions, the family was much embarrassed. Kenneth, Earl of Seaforth referred to, had married Lady Frances Herbert, of the noble families of Beaufort and Powis, who brought him a large fortune. After the revolution, she was reduced to such straits as to petition Parliament for an allowance from her husband's estates.\*

Such an application as the one after-quoted was by no means uncommon. The paper is titled on the back "Act in favours of Sir John Dempster of Pitliver," and is as follows:—

At Edinburgh, the fourth day of June, sixteen hundred and ninety-six years, Anent the petition given in to the Lords of His Majesty's Privy Council by Sir John Dempster of Pitliver, showing that the petitioner having been decreed by decret of Parliament to pay a great sum of money to Gideon Scott of Gala, the Earl of Seaforth, and his mother, the Countess Dowager, are ordained by the foresaid decret to refund and pay back the same to the petitioner; for payment thereof, the petitioner having raised letters of horning and arrestment, and other diligence against the said Earl and his mother, and having employed several messengers to execute the same, they have returned said letters unexecuted, as not finding *notum accessum* in the Earl's country, and altogether refuses to undertake the due execution thereof unless assisted by some of the most adjacent forces, whereby the petitioner is in hazard to lose that debt for want of a due execution of the law unless their Lordships provide remeid, and, therefore, humbly craving their Lordships, in consideration of the premises, to allow the petitioner a competent assistance of His Majesty's forces at Fort-William, Inverness, or where they are lying next adjacent to the places where the said diligence is to be put in execution, to support and protect the messengers that shall be employed by the petitioner in the due execution of his

\* In the Appendix, No. 5, will be found copy of the Rent-Roll of the Seaforths' West Coast Estates in the year 1768, contributed by Alexander Matheson, Esq. of Ardross.

legal diligence against the said Earl and his mother by horning, poinding, arrestment, or otherways, and to recommend to the Governor of Fort-William, the Commander of the Forces at Inverness, or other places adjacent, to grant suitable parties when called for to the effect foresaid, as the said petition bears. The said Lords of His Majesty's Privy Council having considered this petition given in to them by the above Sir John Dempster of Pitliver, they hereby recommend to Sir Thomas Livingstone, Commander-in-Chief of His Majesty's Forces within this kingdom, to give orders to the Governor of Fort-William, or Commander of the Forces at Inverness, or other places adjacent, to furnish the petitioner with competent parties of His Majesty's forces, for supporting and protecting the messengers who shall be employed by him in the due execution of his legal diligence upon the said decret of Parliament. Extracted by me.

(Signed) GILB. ELIOT.

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### XXXVIII.

#### LETTER FROM A PRISONER IN THE TOLBOOTH OF INVERNESS, An. 1740. (D.)

The letter after-quoted was sent by a Mr John Lesslie to Dunbar of Newton.

It is a long rambling statement, not of much interest in itself, but introduces the names of some people of note. We have no means of ascertaining who the writer was, but his offence was evidently a breach of some of the revenue laws, then so oppressively exercised. It is also evident that Lesslie was an east countryman, and the offence in all probability committed on the shores of the Moray Firth. Lesslie blames several parties for getting him into the scrape, and among others an individual styled "Bogssie," whom we have found more than once in Morayshire records, and whose absurd title irresistibly reminds one of that borne by the Maclean whom Johnson and Boswell met at Dunvegan.

The letter, though rambling, is anxiously directed to the point, and we trust was successful in getting Lesslie out of the wretched place into which he had been unwillingly consigned.

One expression in the letter is really good. In a locality where the "dirk" was universally worn, and not unfrequently operated with, the expression that the business was in danger of "being durked" was very apposite.

The modern expression would be “burked,” but at the time in question the Edinburgh Burke had not arisen, and become so famous or infamous as to give a new name to involuntary suppression.

The Countess of Sutherland referred to was Elizabeth, daughter of the Earl of Wemyss, and wife of William, twentieth Earl of Sutherland, who got some little credit for his exertions in supporting Government in 1745. Some highly arbitrary and illegal proceedings of his grandfather, John, nineteenth Earl of Sutherland, with which Lord Lovat was partly mixed up, have been sent us, which would have been gladly used, if space permitted.

The letter after-quoted is addressed on the back thus—  
“For the Honoured Archibald Dunbar of Newton, Esq., at Duffus,” and is as follows:—

HONOURED SIR,

I did myself the honour to write you last week. I have since a letter from my agent, Mr Lud. Brodie, of 28th ult., whereof the following is a paragraph, viz. :—“If I get any money next week, as I expect, I shall extract, and send north the Act and Commission, with the letters of diligence for your father, but that is even uncertain, and it was the want of money which has obliged me to delay it till now. I am afraid you cannot depend upon the sincere recommendations of the noble Earls you mention for your liberation, and, supposing they should write, yet that will have no effect unless a new representation were given in for you at the time of their letters being delivered, which I can by no means know unless I am apprised of it by you, or some friend of yours, who is absolutely certain when their letters were sent away. Wherefore, I think when the Act and Commission goes north, you should follow my former advice in order to assist your father, even though, after that is over, you should surrender yourself to prison again. I believe, on account of what has been objected here, Burdsyards would be ready to apprehend you, but I think he cannot do it without a new writ of Exchequer were obtained for himself, and it's a question whether that can be done at all too out of term time, which begins not until November, but at all events it would take a considerable time before such a writ could be obtained and sent north.” I am afraid, as Mr Brodie observes, the Earls won't befriend me heartily, and perhaps they will be remiss in writing unless befriended by your good self, and other gentlemen who applied to them in my behalf; and seeing they are all—I mean the great folks—now at Dunrobin, I think it would not be improper to send them an express to remind them, and that express would bring me letters for the Commissioners of Customs, and others, which I would send to be delivered by Mr Brodie, who, at same time, would give in a new representation of my case. I say, if this were followed, my liberation would be surely granted. I know my Lady Sutherland has a great ear with Sir Robert Munro, who has a great deal to say with the Commissioners. I know her Ladyship would write to Sir Robert Munro in my favour; also, if you would therefore write the nobility at Dunrobin in your own prudent way, I would forward your letters by express to them, who would bring their answers to be sent south under my own covert to my agent; for unless the thing be followed out in this way, by such interest as your own, I may be here till doomsday; and, if you will be pleased to befriend me at this distressed juncture, please God I will have a



grateful sense of your favours while my blood is warm ; for never was a poor lad more basely and villanously oppressed than I am, for these two gentlemen, Lud. Gordon and Bogusie. I have never had the least concern in the salt *pro. or con.*, nor did I ever sell, use, or dispose of it, or so much as saw a grain of it in my life, only was cautioner for the first, being my old master, a standing man then ; and Bogusie, like an honest man (as am sure he is not), coaxed me to bond a cargo of salt with him in October 1737, which he had then lying in Ferguson's. and, believing him to be what he was not, I generously did the thing with him. But its to be observed there's a snake in the grass, for you see none of them are touched, and I, the cautioner, harassed right or wrong ; the Commissioners would not give any credit even for the vouchers sent up, so that it is most evident that my processes at Edinburgh are the occasion of this bad treatment I meet with, for Mr Brodie wrote me more than once that my adversaries on that account made all the interest, not small, to oppose my relief ; nor indeed is it practicable or advisable, as I am situate, to make my escape out of prison as he proposes, for our Bailies would write east, and I would be taken up by a summar warrant by Burdsyards or somebody else, at my first appearance, when the proof comes to be led, which would play the devil and all with me, as it would be a large field for my adversaries ; so in that event all the ignominy would be used that the law could impose, and, this being the case, I believe you will readily be of my opinion, for I am not for giving a handle to designing men since I have the laws to protect me, and to redress my grievances. Nevertheless, it might be confessed my confinement bears hard upon me, and the more so because my father's process will miss me much when the proof is examined, and it is a thousand pities it should be durked after all. No doubt my friends will do all in their power, but I would not fail to go through with greater concern than perhaps they chose to show ; and if my father could be a lyon in his own cause, I would not be concerned, but that he is not, nor has he brass or sense to manage it with life, unless what may be put in him, and even that I know he would fall short, for I am sorry his intellects are not fit for managing law matters of such importance. This being too true, we must depend the less upon him.

I beg forgiveness for troubling you with this long letter, but as its at a time when my case merits the compassion of worthy good men, as such I trouble you, and I beg you give me all the help in your power by writing the great folks in above manner on receipt of this, which I expect in course.—I salute you, and am, with greatest esteem and respect, honoured sir, your most obedient servant,

Tolbooth, Inverness, 2d Sept. 1740.

JOHN LESSLIE.

[NOTE.—The industry of Mr Dunbar Dunbar has elucidated that John Leslie was son of Alexander Leslie, tenant in Windyhills of Gordonstown, under Sir Robert Gordon. In some papers examined, the tyranny and oppression of Sir Robert is exhibited in a strong light. For a trifling offence Alexander Leslie was, in the words of a Memorial, "Dragged and carried a prisoner to Gordonstown, and put in a prison, which, in place of being a civil prison (that is, a prison for debtors), is a most nasty dark vault with an iron grate, having neither door, window, nor chimney, and where he lies in a cold and most miserable condition, and is in much danger of his life ; for if it were in the winter time, he behoved to have a foot or two of stones for keeping him from the water, because the vault is under ground about two feet." The Memorial goes on to say that "Moreover it is too well known in the country, by the many and almost constant acts of Sir Robert Gordon's conduct in the shire of Moray, especially amongst his own tenants, that he is known, habit and repute, to be a known oppressor, and it is not possible to enumerate the whole instances and acts of slavery he puts poor tenants to. But, however, the following facts are informed on, which, if necessary, can be proven, viz. :—It is Sir Robert's ordinary custom, that when a tenant refuses, upon a call, although they had never so just an excuse, they were imprisoned, and sometimes fined, poulded, and sometimes appointed double services. 2d, Although the tenants pay their custom fowls, and are received by the family and made ready for the

table, and are eaten, Sir Robert not only causes the tenant pay them over again, but also their horses are pounded, and die in the pound fold, where the tenant does not relieve them. 3d, Janet Grant, servant to James Forsyth in Crosshill, was, without any reason, put into the pit of Gordonstown, who died in short time after coming out, as was William James, some time in Plewlands, the same day. 4th, Margaret Collie, spouse to Alexander Grant, in Muir of Drainsy, was incarcerated, without any warrant, for taking the head of a ling out of a midden or dunghill, which the woman thought was good for curing the gout. William Macgowan, some time Sir Robert's tenant in Dallas, was fined in forty pounds Scots, for not spreading three heaps of burnt ground. James Marshall, James Robertson, and William Robertson, three skippers in Covessa, a Fishertown of Sir Robert's, were appointed and kept in the stocks a whole night, without any just cause assigned, and had not the privilege of a house, but were confined in the open air in a back close, in a wild and stormy night, and the said James Marshall was thereafter put another time in prison, in a most nasty pit, far below the ground, where he lay several days, and a short time thereafter died, and upon death-bed declared the imprisonment to be the reason of his death, which happened about a fortnight thereafter; and James Marshall, his son, was also imprisoned without any cause, and died also some time thereafter; and William Forsyth, in Roseale, was plundered and robbed of his whole bestial in one day, without any warrant in law. Many more particular acts of oppression could be condescended upon, and it is particularly observable that a judge was not called to one of ten of them, but all hurried off by Sir Robert's orders, and thrown into pits and vaults, as said is. This may be made such use of as the lawyer thinks fit, and these facts can be all proven. *Nota.*—Although it be noticed in the advocacy, yet is again here informed that all Sir Robert's tenants pay eightpence upon the boll in name of service money, and yet the services continue more oppressive than before; that yea, generally speaking, a tenant will not have above a day of the six at his own work and labour." Making every allowance for an *ex parte* statement, there remains sufficient to show that the civilised Moraylander stretched his baronial powers fully as far as any Highlander.—C. F. M.]

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### XXXIX.

#### ABBREVIATE RENTAL OF THE SCOTTISH BISHOPRICKS, 1692. (D.)

Upon the abolition of Episcopacy at the Revolution, the whole rights of property, vested in the Bishops, Deans, and Chapters, were annexed to the Crown.

The document after-quoted is an abbreviate of the money and victual rents of the Bishopricks, and, though incomplete, of some interest. We are in possession of detailed rentals of the Bishopricks of Moray and Ross, which, as being of immediate interest in the north, we shall publish on a future occasion. (Notes 33, 75, 76, 77.)

By the liberality of some of the earlier Scottish Kings,

particularly David II., and the gifts of the nobility and others, a great part of Scotland was held in feu from the clergy. After the Reformation, however, when so many of the laity got their hands on church property, it was a constant struggle on the part of the clergy to retain their possession, and in many cases they had to yield for very inadequate considerations.

In these times, however, it was usual, when granting charters, to restrict the annual feus to the party and his heirs. Thus purchasers, or, as the law terms them, "singular successors," would have to pay a year's rent of the lands at entry.

Had Episcopacy not been abolished, and the feus stood on their original footing, the rents of the Bishops at the present day would have been of very respectable amount, and this would especially rule where a considerable portion of the rents arose from victual. The money-rents, even of the Primacy, would now go but a little way, but 1575 bolls of victual rent would not be amiss, particularly when the casualties of superiority from the constant transfer of land going on, fell to be added.

Fortunately for those vassals who held of the Bishops with untaxed entries, they had in the Crown a merciful Superior, placing heirs and assignees on an equal footing, and, upon being satisfied that the annual feus or Bishops' rents were not in arrear, granting charters on payment of certain fees in the Seal Office.

It will be noticed that the see of Ross, in point of victual rent, was six times as valuable as that of Moray.

The document after-quoted is titled on the back "Rentall of ye Bishopricks," and is as follows:—

Ane abreviat of the Rental of the Bishoprick of St Andrews, &c. :—

Item of victuall—two hundred and eighteen bolls, 1 firloft, 2 pecks	B.	F.	P.	L.	Scots	£5181	19	11
Itt. off bear	...	...	...	...	402	2	1	2
Itt. off oats	...	...	...	...	767	0	1	2
Itt. off halfe oat	...	...	...	...	120	2	0	0
Itt. off meall	...	...	...	...	066	2	0	0
					1575	0	1	0

EDINBURGH.			
Itt. of money in all	...	...	4916 08 04
		Victuall wheat.	
Itt. of wheat	...	054 0 1 1	
Itt. of bear	...	470 0 3 2	
Itt. of oats	...	088 1 1 0	
Itt. of meall	...	039 2 2 0	
		652 0 3 3	
ABERDEEN.			
Itt. of money in all	...	...	3454 12 10
GALLOWAY.			
Itt. of money in all	...	...	6261 13 02
DUNKEL.			
Itt. of money in all	...	...	1662 17 06
BRINCHIN.			
Itt. of money in all	...	...	2135 00 10
		B. F. P. L.	
Itt. of victuall, twentie bolls	...	20 0 0 0	
CAITHNES.			
Imp. of money in all	...	...	1564 16 00
Itt. of victuall	...	204 01 02 0	
ROSS.			
Itt. of money in all	...	...	2740 16 03
Itt. of victuall	...	659 2 0 0	
MORRAY.			
Itt. of money	...	...	1788 10 0
Itt. of victuall	...	105 00 0 0	

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 XL.

**SOME ACCOUNT OF THE BAYNES OF TULLOCH, AND  
SALE OF THEIR ESTATE, 1762. (D.)**

For a period of better than two hundred years the Baynes of Tulloch made a considerable figure in the county of Ross. In 1507 James IV. had the ward of a merk's worth of land of old extent of the Tulloch, in the Lordship of Ross, in his hands, in consequence of the death of Farquhar Oure's son. Whether this Farquhar was of the Baynes we cannot positively affirm, or connect them with Tulloch, until the year 1542, when James V. granted the lands of Tulloch and others to Duncan Bayne. Duncan was succeeded by his son Alexander, who lived about 1563, and who married Agnes Fraser, grand-daughter of James Fraser, first of

Guisachan, brother to Hugh, fifth Lord Lovat. This Alexander had lands in Sutherland, for, in the year 1563, he granted to Robert Munro of Fowlis certain lands in Sutherland in exchange for lands in Ross, and for infesting him in Fowlis' arable lands in the burgh of Dingwall. Alexander was succeeded by his son Duncan, who lived about 1611, and the latter by his son Alexander, who succeeded about 1635.

Notwithstanding their position in the county and warlike habits, the only member of the family who was knighted was Sir Donald Bayne—a very noted man in his day, but who unfortunately involved the estate in great embarrassment, and it was in 1762 judicially sold. About the year 1695, Sir Donald appears to have been in easy circumstances, for he mortgaged a sum of money for the support of three bursars at the University of St Andrews, payable out of the property of the Magistrates of Cupar Fife; and same year made another mortification for the support of three bursars at the University of Edinburgh, payable out of the revenues of the city of Edinburgh. The right of patronage to these bursaries was sold along with the lands. According to the old statistical account, the office of Constable of the Castle of Dingwall was said to be hereditary in the family of the proprietor of Tulloch, and had attached to it a salary of 20 merks Scots.

The following is a description of the lands as contained in a document of 1761 titled "Letters of Publication and Intimation of the Roup and Sale of the Lands and Estate belonging to Kenneth Baine of Tulloch," viz. :—

"All and hail the lands and barony of Tulloch therein comprehending the particular towns and lands underwritten—viz., all and hail the town and lands of Tulloch, extending to an fourth of an davoch land; the town and lands of Easter and Wester Drynies; the town and lands of Bellafrieth, extending to an fourth of an davoch land; all and hail the town and lands of Strathskia, and forest of Strathannoch, with the manor place of Tulloch, houses, biggings, yards, orchards, mosses, muires, meadows, grazings, pasturages, outsets, insets and hail parts, pendicles, and pertinents of the said lands, and sicklike all and hail the mill of Inah, with the astricted multures of the towns and lands of Davochcairn, Wester Drynies, Tulloch, Bellafrieth, Easter Drynies, Strathskia, Four Glacks, Little and Meikle Kinnairdies, with the suckens knaveships and other rents and services of the said lands, as the samen are astricted and thirled to the said mill, and dissolved from the mill of Ussie; and sicklike, all and hail the said mill of Ussie, with the croft called "The Alehouse," croft of the

samen ; together with the astricted multure and suckens of the lands of Drumglass, Tollie, and Brachan, and other multure, rents and emoluments, used and wont, any ways pertaining to the said mill, all lying within the Earldom of Ross, and of old within the Sheriffdom of Inverness, but now within the Sheriffdom of Ross ; and also all and hail the town and lands of Four Glacks, and Meikle and Little Kinnardies, with houses, biggings, yards, orchards, and hail other pertinents thereof whatsoever, together also with the said mill of Strathakia, multure, sequels, rents, profits, and emoluments of the same, all lying as said is, and united and erected in a hail and entire barony called the barony of Tulloch.

And all and hail the town and lands of Leubs and Fiernessir ; the lands of Corrie and Mackerran ; the lands of Corryrennoch ; the lands of Craigdow, and Corryhendran ; the lands of Millaligrennan ; and the lands of Inchbea, Teashorr, Bellasholly, and Leadchaitach ; the lands of Rennoch ; the lands of Doebolly, and the lands of Tolly ; and all and hail the lands of Auchnaclearach, some time possessed by Ronald Baine of Knockbain and his tenants, lying within the Lordship of Dingwall, and of old within the shire of Inverness, but now within the shire of Ross, and bounded according to the original and late infestments of the same, with houses, biggings, yards, mooses, muirs, marshes, grazings, pasturages, woods, fishings, both in fresh and salt waters, as well salmon as white fish, forests, parts, pendicles, and universal pertinents of the said whole lands and others, with the teinds, both parsonage and vicarage, of the same ; and also all and whole one rood and one half rood, and three tenements of land, lying within the burgh and territory of Dingwall, and shire of Ross, and specially bounded in the rights and infestments of the same, as also the tenements of land in the said Burgh of Dingwall, called Macqueen's tenement, and Macurohies tenement, and the borough roods and acres lying in and about the said burgh, Scottie, Croftgown, and Sendrach, and all other tenements within and about the same anyways pertaining and competent to the said Kenneth Baine."

After the death of Sir Donald Bayne, the estate was hopelessly embarrassed, but it was not actually sold until 13th January 1762, in the time of Kenneth Bayne, cousin to Sir Donald. As the lands held of the Crown, the proprietor was a freeholder, and the vote of Tulloch, in consequence of the lands being in possession of creditors, and otherwise, was frequently before the law courts on appeals, there having been, after Sir Donald's death, severe struggles for the representation of the county of Ross.

Upon a report to the Court of Session, the latter found the free rental to be £2250 1s 11d Scots, worth twenty-five years' purchase, £56,477 7s 11d Scots.

The estate, however, fetched a much higher price, and seems to have surprised those connected with the sale, as the following letter addressed to a creditor in the north, shows :—

" Dear Sir,—I am glad to inform you that this day Tulloch's estate sold at £10,500, which is £4900 above the Lord's price. The estate sold to Mr Robt. Gardner at £10,200, and the burseries at about £800, so that poor Tulloch, as I

believe he really was, will have about £2000 sterling of reversion. I wish another estate would sell in proportion. This is all from, Dear Sir, your most obedient servant,

(Signed) JOHN SUTHERLAND.

Edinburgh, 13th January 1762."

About eighteen months after, the creditors were being paid up, and we give the judicious and kindly letter of old Delvine to the same creditor, in which reference is made to the new proprietor :—

"Sir,—The creditors of Tulloch have been the best paid in general of any I ever knew out of a bankrupt estate, and at the same time, most of them had the most slovenly led diligences, for scarce an adjudication of the whole but might yet be reduced to a security for principal and interest, and your own among the rest. Harry Davidson, who bought, is a worthy, honest, industrious lad, but not the rich man represented, or figured to you, and being a relation of the family, Highland ideas made him stretch a point to buy this estate, and heavily has he paid, and dealt generously by the old possessor. It was in his power to embarrass the matter for a life-time, and as he did not choose it, has been treated ill by several hungry agents, and by others like a gentleman—some to relieve both themselves and him of further expense, have clubbed a share of the past by giving him down some two years, some one, and some a year and a half's interest, and without second accumulating took the interest of their adjudged sum from the date till payment. The medium of a year and a half is what I should wish you to follow, and on returning the deed subscribed, your money will be paid without waiting schemes or any other expenses than that of writing the paper. Were the case my own I would accept. You will do as you think proper, but I seldom see benefit from attempting to screw to the height, and have often seen inconveniences that people are not aware of till they feel them.

Your son, I continue to think well off. He is a modest, discreet, and well-disposed young man; and I am convinced will give us all some satisfaction, and I use the full freedom of a pedagogue, however ill qualified for the task. I continue, Dear Sir, your most obedient servant,

(Signed) JO. MACKENZIE.

Edinburgh, 19th November 1763."

Many of the Baynes are buried at Dingwall, and we believe that there are several who claim descent from this old family in the female line; but are not aware that any descendants in the male line exist. Roderick Bain, who was long at Dochmaluag, and died a few years ago, was probably of the family.

## XLI.

THE MACKINTOSHES OF CONNAGE—An. 1640, *et subsequen.*

### PART FIRST. (D.)

The Mackintoshes had, for a long period, a strong hold on Petty and Ardersier. In the former parish the chiefs

had and still have their burial place, and the occurrence of one of the chief's sons, Duncan, fifth son of Lachlan Mor, and the first of the Aberarders, being buried in the year 1651 at Dunlichity, is thus noticed in the MS. history of the Mackintoshes as follows:—"He died at Brin in the year 1651, and was buried in the kirk of Dunlichity, which fell furth upon this occasion, that a great part of the English army (who had usurped the government of the kingdom) were come the length of Petty the very day of the buryall, so as there was no safe passage to bury Duncan in his father's sepulchre."

With regard to Ardersier, which has been in possession of the family of Cawdor since the year 1575, the history is very severe on John Campbell of Calder for his treacherous behaviour to Mackintosh. The Mackintoshes had possession by tenantry and otherwise for upwards of two hundred years; and about 1574 a favourable opportunity of purchase from Leslie, then proprietor, occurred. Lachlan Mackintosh, the chief, in consequence of some disputes about rent, was not on good terms with Leslie, and thought it therefore prudent to request Calder to negotiate for him. This Calder agreed to do, but instead of this, characteristically of his descent—for what says one of the numerous songs about the race of Mac-Cailean Mor—

"I wadna kiss ye, *foues* Argyle,  
Tho' ye left na a stannin' stane in Airlie"—

bargained for himself. This conduct was doubly deceitful, because Calder was not only Mackintosh's neighbour, but his near connection by marriage. Angus, the young chief, eldest son of Lachlan, was married to Lady Jean Campbell, daughter of the Earl of Argyle, but died at Padua at a very early age. His widow shortly afterwards married Calder's son, Donald. Lachlan Mackintosh instantly resented Calder's treachery by harrying the lands of Ardersier. Criminal letters were applied for, and the proceedings lasted for several years, but in the end Mackintosh had to yield, and a mutual acquittance by and between Calder and himself was granted in the year 1581. This, however, did not put an end to the resentment felt against the Campbells,



for as late as 1603 Lachlan's second son, William, afterwards of Borlum, seized the Castle of Dunachton, where Donald Campbell and his wife resided;—she having the castle and lands as her jointure. Donald was taken prisoner, and made to pay a heavy ransom, and several of his men were killed. Some of these papers about Ardersier are quoted in “The Book of the Thanes of Cawdor,” published by the Spalding Club, but the editor, the late lamented Mr Rennie, has omitted to state how Campbell manœuvred until he got the lands of Ardersier for himself, and the well-tochered relict of the young chief of Mackintosh for his needy son. This Donald, upon his wife's death, soon got notice to quit Dunachton, and, turning his back on the north, married secondly an illegitimate daughter of the Earl of Argyle, and, by the latter's influence, became Dean of Lismore, and afterwards a Baronet with the title of Ardnamurchan.

The family which heads this paper was of good standing in the county of Inverness during the greater part of the seventeenth century. The Earls of Moray at this time appear to have been much pinched, for they granted a great number of bonds and wadsets; and Mr Dunbar Dunbar is in possession of a renunciation by the Countess of Moray in 1653 of certain claims she had on the estates, on the narrative that the embarrassments of the house were then so great as to endanger its standing.

In the year 1646, James, Earl of Moray, wadsetted to Hector Mackintosh “of Easter Urquhill,” the lands of Connage and others, on the narrative that Hector had advanced him the sum of eight thousand merks usual Scots money “payed and delyvered to him, by the said Hector Mackintoshe, of and long tyme bygone.” The wadset is dated at Castle Stuart, the 22d June 1640. By a feu contract 'twixt the Earl and Hector, dated at Elgin 4th January 1653, witnessed, amongst others, by Sir Robert Innes of that Ilk, Sir Alexander Brodie of that Ilk, and William Mackintosh of Kyllochy, and registered at the “Channonrie of Ros” the 12th of that month, the Earl, on

the narrative that Hector Mackintosh had paid him 12,000 merks over and above the foresaid 8000 merks, discharged his right of reversion under the wadset, and sold and annalizied to Hector Mackintosh, and his heirs male and assignees whatsoever, the lands of Connage and Kerrowgair, and that in feu farm for payment of certain feu-duties and services therein expressed.\*

We conclude at present by giving the description of the lands from an official extract of the feu contract in 1653, which is interesting on account of the singular minuteness of the descriptive bounds :—

“ All and hail the town and lands of Connage and Kerrowgair, extending to three ploughs of land of auld extent, with the alehouse and alehouse croft thereof, smiddie, and smiddie croft of the same, killhouse, killhouses, biggings, yards, tofts, crofts, parts, pendicles, setts, sheillings, grassings, mosses, muira, and universall pertinents pertaining thereto, used and wont, with the fishings both of salmon and white fish upon the waters, sea, and stells adjacent and belonging thereto, with power to the said Hector Mackintosh and his foresaids to big, uphold, and use cobills, with waiths, spars, boats, yards, and all other rigging, required, necessar, and commodious, for taking of the said fishes, to their own use and utility ; and also the said miln of Connage, milnlands, multure, bannock, and sequels thereof, with the parsonage and vicarage teinds, great and small of the said lands above written, and pertinents of the same, with the multure, bannock, and knaveship of all and hail the said lands of Kerrowgair and Connage, four plowis of Dalziel croft called Island Macmartin, twa plowis land of Tighshortoun, and plowish of Lonnie, with the parts, pendicles, and pertinents, all thrall and bound sucken to the said kiln, to be taken up at the miln eye of Connage according to use and wont (excepting farm and seed allenarly) with the millhouse of Connage, and shelling or winnowing hill of the same, with the mill-wards, house-yard, barn, and kiln and milnboys house, and universall pertinents of the foresaid lands, miln, and others, with court, harrow, and plough of the said lands and others above disposed, as the said lands of Connage and Kerrowgair, miln, fishings, and others above written is more particularly bounded, methed, and marched in manner following :—To witt, beginning at the east at the sea syde, as divides between the lands of Ardersier and Connage, and fra thence west all along the shore-side to the yellow stane called Clachbuy, and fra thence fair and upward to the edge of the sea-bank and thence lyand east by the edge of the said sea-bank and top thereof until it come round the land commonly called ‘ The Piper’s Land,’ being a part of the property of Connage, and from the said Piper Land south be east, along the east of the hill called Drumnardich, then east outwith the edge of the muir by the moss-side until it come aent the Pronis moss east, and from thence south until it come to the little hill called Shian Buy, and thence lyand east at the stank that divides between the lands of Connage, Coull, and Coullblair, and thence eastward as the marks used and wont divides between the lands of Connage and the lands of Bracklie, and thence as the lands of Connage is divided by the marshes and stank used and wont betwixt the Laird of Calder’s lands of Broeckly, and the Laird of Kilarvock’s lands of Flemington, and the Laird of Calder’s lands of Balnagown, and thence north as the lands of Connage are divided from the lands of Ardersier

\* Among the interesting papers of Mr Robertson of Innes, is a deed bearing date 1st May 1619, showing Hector’s parentage. It is granted by Alexander Mackintosh, Hector’s son, in Wester Leys; Isobel Ross, his spouse; and Hector Mackintosh, of Easter Urquhill, their son.

till it come to the sea-side where the said march began ;—with wrack, waif, and wair, with powers and privileges to the said Hector Mackintosh and his forefairs to toil, ryve in, and win new lands, and to hayn and labour at their pleasure upon any bounds within the ditches, mooses, stanks, and marshes above-written as the righteous property of the said lands of Connage and Kerrowgair, and to have commonty and common pasturage, and liberty of arresting, winning and leading of fuel, feal, flag, and divot in the said muir out with the said Pyper's land and hill of Drumnardich toward the west, with liberty of casting of peats and fuel in the common moss of Pettie, according to use and wont, freely and without any impediment to be made thereanent, with free ish and entry thereto, forbidding always the said Hector Mackintosh and his forefairs from any liberty of commontie outwith the said stanks upon the grounds belonging to the said noble Earl his lands of Coull, Coullblair, and Breackly, all lyand within the lordship of Petty and Stratherne, and Sheriff-dome of Inverness."

(To be continued.)

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## XLII.

### THE MACKINTOSHES OF CONNAGE—An. 1640, *et subsequen.* PART SECOND. (D.)

By a contract of wadset, dated at Castle Stuart the last day of June 1658, Alexander Earl of Moray, son of Earl James, in respect of five thousand merks paid to him by Alexander Mackintosh, fiar of Connage, wadsetted to Alexander the feu-duties of victual and money stipulated by the feu-contract under which Connage was held. This wadset was recorded in the Sheriff Court books of Inverness, on the 20th day of October 1658, as an extract under the hand of George Leslie, then clerk of Court, shows. It is thus seen that no less than twenty-five thousand merks were paid by the Mackintoshes to the Earls of Moray, within no very long period.

They also had the lands of Coulclachie, the two Dalcrombies and Lettercullen, and the Barony of Kincardine. Alexander, fiar of Connage, well known in his day, was infest in Connage on 6th March 1680 ; but had disponed the two Dalcrombies to Donald and William Macgillivrays, the younger sons of Farquhar Mac-Allister of Dunmaglass, about the year 1668. He was dead by the middle of the year 1681, and appears to have left great debt, judging from

the mass of adjudications and diligences against him and his heirs at law. Who his representatives were, is shown in the following extract from a summons of mails and duties in the year 1694, at the instance of David Gordon, son and heir, served and retoured to the deceased Mr Thomas Gordon, writer to the signet, and Mr James Lessly, advocate, his sole curator for his interest, against the tenants of Connage, proceeding upon a decree obtained some time before against—" William and Hector Mackintoshes, brothers-german to the deceased Alexander Mackintosh of Connage; Margaret, Anna, and Emilia Mackintoshes, daughters to the said deceased Alexander Mackintosh; William Fraser of Foyers, spouse to the said Margaret; Hugh Fraser of Beltishane, spouse to the said Anna; and John Sheviz, burgess of Inverness, spouse to the said Emilia." This particular description of the heirs is such as would rejoice the hearts of tracers of pedigrees in their often perplexing searches.

The fate of William Mackintosh, the immediate younger brother of Alexander Mackintosh of Connage, was most unhappy. He was imprisoned for debt, at the instance of Sir George Mackenzie of Rosehaugh, upon the 3d August 1681, as appears from the following extract of an instrument taken by Robert Barbour and Hugh Robertson, two of the Bailies of Inverness, bearing that, in terms of warrant directed to them, they—" went to the gate and door of John Stuart, merchant burgess of the burgh, his dwelling-house in the Bridge Street of this burgh, accompanied with their burgh officers, under arms as use is, and there received the said prisoner (after apprehending of him) of the said messenger, his hands, and conveyed him to their jail and Tolbooth and warding place, and there delivering the said Wm. Mackintosh prisoner to their jailor, William Ross, officer, who secured and imprisoned him in ye Inner House of the Tolbooth (the ordinary place appointed for prisoners for debts), as being the surest prison, and made staked and closed gates, doors, and windows on the said prisoner, as use is."

William Mackintosh died in 1691, and may have been in prison since 1681. A detainer was lodged against him then in prison on 9th October 1685; and at all events, he was a prisoner for upwards of four years prior to his death, as appears from a precept of arrestment from the Sheriff Court books of Inverness, dated 20th February 1694, at the instance of John Baillie, tailor and burghess of Inverness, against James, Lord Doune, proceeding upon the narrative that, of that date, he, Baillie, had obtained decret against his Lordship, "decerning and ordaining him to make payment to the said complainer of the sum of three hundred and forty-three pounds six shillings and eightpence Scots money as yet resting and due on account of William Mackintosh of Connage, his maintenance within the Tolbooth of Inverness, from the 7th day of April 1687 till Martinmas 1691, being four years and a-half, at the rate of one hundred pounds Scots per annum, extending during that space to four hundred and fifty pounds, whereof there being paid twenty bolls oatmeal, at eight merks per boll, is one hundred and six pounds thirteen shillings and fourpence Scots, remains the said sum of three hundred and forty-three pounds six shillings and eightpence, and which the said noble Lord obliged himself to pay to the complainer against Martinmas 1691, as an account subscribed by his Lordship did instruct." Doubtless, on account of the relations which subsisted between the families, Lord Doune wished to befriend the poor prisoner, who might have starved;—as the merciful statute, known as the Act of Grace, compelling incarcerating creditors to maintain destitute debtors in prison had not then passed; but it was rather shabby of his Lordship to allow this "Taylor Burgess" of Inverness to be out of pocket for years, and after all to litigate.

The creditors of Alexander Mackintosh kept possession of the estate for some time, as is seen by a rental in the year 1700, to be hereafter quoted, but ultimately the lands were redeemed by the family of Moray.

Alexander had also a brother, Angus, who, in a deed of 14th February 1680, is described as "Angus Mackintosh,

brother-german to Alexander Mackintosh of Connage." This Angus was extensively engaged in business in Inverness, and about the beginning of last century, well known as Angus Mackintosh of Coulclachie, which had been bought in, and under this title he and his descendants represented the Mackintoshes of Connage. Of them it is proposed giving some account in the concluding notice.

(*To be continued.*)

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### XLIII.

#### THE MACKINTOSHES OF CONNAGE—An. 1640, *et subsequen.* PART THIRD. (D.)

Angus Mackintosh possessed Coulclachie under feu from the Earl of Moray, the principal messuage having the quaint name of "The Meikle Plough of Culclachie;"—and Craggie under heritable tack. He had also a good deal of property in Castle Street, Inverness, which street of old was called "Domesdale." By his first wife he had several children, amongst others his son and successor John, married to a daughter of William Mackintosh of Aberarder, and two daughters, Marjory and Janet. The eldest, Marjory, married in the year 1711 William Mackintosh, senior, merchant in Inverness, son of Lynvuilg, and grandson of the second Borlum, who amassed considerable wealth; his male descendants, determining in the person of that most hospitable gentleman, the late Mr Phineas Mackintosh of Ballifeary.

Some notice of this William and of his brother Angus, on account of the extraordinary influence they and their descendants possessed in Inverness for nearly a century, may not here be out of place.

William Mackintosh and his brother Angus Mackintosh, junior, merchant in Inverness, were so fortunate in the world, that it is matter of tradition they received their first

start from having by mistake received, about the time of the troubles of 1715-16, a cask of gold coin for a cask of nails. On account of his brother's connection, Angus must have been a good deal about the Culclachies, and married Janet, the second daughter, in the year 1718. Being of provident disposition, Angus fancied his wife because she could, her father having many in his service, bake a *firlo*t of meal before breakfast time. A remarkable portrait of this clever lady, taken shortly after her marriage, is in possession of a descendant, Mrs Mackintosh of Holm. Her dress is of light blue, and the colour singularly brilliant. The artist was not Gainsborough, but we think the colouring—brilliant, yet delicate—far before that of the famous "Blue Boy," so much admired among Lord Westminster's pictures.\*

Though Angus Mackintosh, who afterwards acquired the lands of Drummond in Dores, was so successful in business, he was unfortunate in his children, several dying in infancy. A son having been born in the year 1725, it was resolved by the parents not to name him after one of the family, but to take a name out of the Bible; and it having been opened at random, "Phineas" was found in the page. The boy, christened accordingly, was the notable Provost Phineas Mackintosh of Drummond. Two daughters were afterwards born, the eldest of whom (Martha) married in 1748 William Mackintosh of Holm, and the youngest (Marjory) married in 1752 Charles Maclean of Dochgarroch. Angus Mackintosh purchased from the Cuthberts, or those in their right, the property in High Street, Inverness, whereon now stands the Caledonian Bank, and "The Grocery," and it may be incidentally noticed that the whole ground, from the top of the east side of Church Street to Baron Taylor's Lane, also belonged to the Cuthberts.

Provost Phineas Mackintosh founded the manufactory at the Citadel, and the business of The Grocery; in which concerns large sums were made, the partners always ranking

\* "A thing of beauty is a joy for ever." This portrait has been in the writer's temporary custody for about two years, and as he is revising this paper, she, in all youthful bloom, looks pleasantly upon her descendant of the fourth generation.

in the highest class of Inverness merchants. For the lands of Drummond, formerly Drumdivan, and crofts of Altnaskiach—the then rents being £11 6s 6d—the Provost paid £300 (1784), and for Killochy £9000 (1801). He had been to some extent bred to the law, as we find him in the year 1744 clerk to William Fraser of Belnain, writer to the signet, grandfather of the late Sheriff Tytler; and as an illustration of his vigour and business habits, he, when in his 87th year, wrote out his will, extending over several sheets of stamped paper, and had it regularly attested and completed without an error. This reference to wills leads us to mention that the late Mr Baillie of Dochfour, who died at the age of 95, wrote a codicil to his settlements within a month or two of his death.

Reverting to the Culclachies, we proceed to say that John, the second proprietor, having died in 1770, was succeeded by his eldest son, Captain Alexander Mackintosh, who never married, and was killed in the attack on Fort Washington, 17th November 1776. Alexander had a brother Duncan, but on the narrative that he had gone abroad, and not been heard of for many years, the Court of Session appointed a factor upon the estate in December 1777. Some time afterwards it was discovered that Duncan, who had gone abroad at a very early age, “had been for many years settled in the city of Las Palmas, in the Island of Grand Canary,” and held rank in the Spanish service as “Lieutenant-Colonel Sir Peter Dyonisius Mackintosh.” Sir Duncan never came home; but curious stories reached of his adventures before he settled down in the Canaries, bearing some analogy to the story of “Captain Dangerous,” by Mr Sala. The property was managed by his cousin, the Provost, until the death of Sir Duncan on 30th May 1788. He left a widow, “La Contessa Anna Shannachan,” and an only child, Jean Mackintosh, but the young lady did not succeed to the estate, because, though held on a defeasible destination, the lands were destined to “heirs male.” A contest, which lasted for ten years, arose as to the heir male, all the male descendants of Angus being admittedly



extinct. "William Mackintosh, overseer to Francis Humberstone Mackenzie of Seaforth," was first served heir male in general to Sir Duncan, and got himself infert; but "Hugh Mackintosh, musical instrument-maker in Glasgow," successfully pursued reductions of William Mackintosh's titles, which landed in the House of Lords. Hugh Mackintosh, having had to pay great law expenses, was forced to sell the lands, which he did in 1798 for the sum of £5000, to Robert Macbean, late of the Island of Tortola. Culclachie, for some time known as Nairnside, now belongs to Mackintosh of Raigmore. Two sisters survived Sir Duncan, and died in Inverness at an advanced age. There are some still alive who recollect these eccentric ladies, "Miss Peggy" and "Miss Jenny Culclachie," who were much talked about in their day in Inverness gossip.

We conclude by giving a copy of the rental of Connage in the year 1700, which is titled on the back—"The Rentall of Connadge as it was given up to Grant":—

At Connage, the seventeenth day of October, one thousand seven hundred years, in presence of Mr David Polson of Kinmylies, Sheriff-Depute of the Sheriffdom of Inverness, sitting in a fenced Court, holden at the said place the foresaid day—The rental of the lands of Connage was given up in manner following, videlicet:—

The Mains of Connage possessed by Angus Mackintosh of Kyllachie, younger, given up at four-score bolls ferme bear is £ Scots 080 00 0

Item.—The lands of Easter Connage, possessed by James Dunbar of Dalcross, late Bailie of Inverness, and author to the Laird of Grant, given up the rent thereof to be three score bolls, and three score marks of money rent, besides two crofts, to witt, the croft bewest the miln-town, which paid four bolls, and the other croft, called east part, which paid three bolls three firlots, but all Easter Connage, including the crofts restricted to 060 00 0  
And the money rent to forty pounds is . 040 00 0

Item.—That parts of the lands of Wester Connage lately possessed by Sween Macqueen, paid in his time eighteen bolls ferme, eighteen merks of money, and three parts of a two-year-old, and a year-old wedder, and that his neighbour, Alexander Mackintosh, alias Mackeachan, who possessed six bolls pay of the said land, paid the said six bolls, and the fourth part of a two-year-old, and a year-old wedder, and fowls conform, and the said possessor declared that they were in possession of the said lands, and paid the said duties by the space of 14 years preceding Whitsunday last, and William Macpherson, present possessor of that same part of the lands, whereof the said Sween Macqueen and Alexander Mackintosh were formerly possessors, paid the same dutie of 24 bolls ferm, and 24 merks money rent, with one two-year-old and a year-old wedder, two dozen of fowls, two hooks in harvest, or ten merks of money for them, and a foce of peats at 14 foot over way, and the price of the two-year-old

wedder under fleece is two pounds, and of the year-old one pound ten shillings, payable alternative; inde. the victuall rent of that part is . . . . . 024 00 0

And of money rent sixteen pounds that is attour the custom . . . . . £ Scots 016 00 0

Item.—That part of the lands of Connage possessed by Malcolm Mackintosh is given to pay and to have paid yearly 20 bolls ferme, and twenty merks money, and a year-old and a two-year-old wedder price foresaid, two lambs or a merk for each, one hook in harvest, or five merk for it, twenty fowls, and a face of peats; inde. . . . . 020 0 0

And the money rents attour customs . . . . . £ Scots 018 06 8

Item.—The part of the said lands of Connage, lately possessed by James Reid, and now by Alexander Machutchen, pay yearly 12 bolls of ferme, 12 merks money rent, one two-year-old, and a year-old wedder, a lamb, a dozen of fowls, a face of peats, and a hook in harvest, the price foresaid for them, with carriage according to use and wont, inde. victuall is . . . . . 012 00 0

And money attour custom is . . . . . Scots 006 13 4

Item.—That part of the lands of Connage now possessed by Lieutenant George Macpherson and Magdalene Macpherson, his spouse, paid yearly twenty bolls of ferme bear, twenty merks of money rent, twenty fowls, a year-old, and a two-year-old wedder, two lambs, and a hook in harvest, and a face of peats with carriage conform to use and wont, inde. of victuall . . . . . 020 00 0

And of money rent attour custom is . . . . . Scots 018 06 8

This of Lieutenant Macpherson's is Kerrowgair.

Item.—The lands of Wester Kerrowgair now possessed by Sween Macqueen, Lachlan Mackintosh, William Simpson, and Alexander Macgillivray, paid 20 bolls ferme bear, 20 merks of silver maill, twenty fowls, one-year-old, and a two-year-old wedder, a face of peats, two lambs, two hooks, or the price foresaid, for the custom, &c., with carriage, according to use and wont, inde. the victuall rent yearly is . . . . . 020 00 0

And the money rent attour custom is . . . . . Scots 018 06 8

Item.—That part of the lands of Connage possessed by William M'Gillandrish, smith there, paid yearly 4 bolls ferme bear, four merks money rent, one-year-old wedder, a load of peats, being the third part of a face, one harvest hook, inde. . . . . 004 00 0

And of money rent attour custom is . . . . . Scots 02 13 4

Item.—That part of the said lands possessed by John Sinclair, there, paid yearly one boll ferme, a year-old wedder, and hook in harvest, and eight loads peats, inde. attour customs . . . . . 001 00 0

Item.—William Hood in Connage, who formerly paid only a lamb, is given up to pay a half boll bear is . . . . . 000 02 0

Nota.—The said Hood was not present to make faith on that pay.

Item.—The lands of Fishertown, given yearly to be five bolls, against which the Laird of Grant objected that the said rental was formerly allowed to the fishers for their service, and past from be Bailie Dunbar, the said Bailie Dunbar, being present, acquiesced, but protested that the Laird of Grant might allow it him till there were fishers there.

Item.—That part of the said lands of Connage called Drumnardich, formerly possessed by Donald Reoch and John Macbean, the Long Officer, paid yearly five bolls and a-half ferme bear, five merks and an half merk money, six hens, a year-old

wedder, a hook in harvest, and a load of peats, for the said James Dunbar is liable, inde. the victuall rent is	.	005	02	0
And of money rent attour custom is	Scots	003	13	4
Item.—The miln of Connage, ale-house, and ale-house croft, pay yearly forty bolls agreed into by the minute 'twixt the Laird of Grant, the purchaser, and Bailie Dunbar is	.	040	00	0

## XLIV.

**LIST OF THE WRITS OF JAMES DUNBAR OF  
DALCROSS, 1712. PART FIRST. (D.)**

James Dunbar, Bailie of Inverness, commonly called James Roy, who purchased Dalcross from Major Bateman, son-in-law of Sir James Fraser of Brae, was for a long time one of, if not the leading merchant in Inverness, in the end of the seventeenth and beginning of the eighteenth centuries. He continued the business of Alexander Dunbar of Balmuckattie, the well-known Provost of Inverness, his uncle, held several public offices, such as collector of cess and of excise, and had transactions with most of the principal men in the North. A good number of his papers have been fortunately preserved, and are in possession of Mr Dunbar Dunbar. A full inventory of his principal papers was taken after his death, the first portion of which is given in this publication, and, when the whole is read, some idea will be had of the magnitude and diversity of Bailie Dunbar's transactions.

About seventy letters addressed to him have been preserved, but there are very few of any importance, as they nearly all relate to matters of trade. Amongst others, there are letters from the following gentlemen of the time—viz., Lord Lovat, Glengarry, Clanranald, Mackintosh, Keppoch, Dochgarroch, Dochfour, Dunmaglass, Dunean, Balnagown, Belladrum, Struy, Macdonald of Sleat, Morar, and Corriemony.

The two letters from Maclean of Dochgarroch are of

great importance in disproving the objections in Browne's History of the Highlands in regard to the title of "The Chisholm," and conclusively show that it is not a modern assumption. At pages 500-1, vol. 4 of this history, it is said:—

"The Chisholms, notwithstanding their great desire to be considered as a Gaelic clan, are undoubtedly of Lowland origin. \* \* \* \* The head, or representative of the family, affects the denomination of 'The Chisholm'—a title not remarkable either for its modesty or good taste, and which is apt to provoke a smile when it first meets the eye or the ear of persons not accustomed to such definite and exclusive appellations. Longinus informs us, however, that the Greeks called Homer *par excellence* 'The Poet,' and probably this is considered as a sufficient warrant in the north for a laird styling himself 'The Chisholm.'"

The learned Browne in the foregoing quotation betrays a want of temper and research unbefitting an historian, for the letter after given demonstrates that the title was in use nearly two hundred years ago. Dochgarroch's elder brother had married Agnes Chisholm, daughter of Alexander Chisholm of Chisholm, and he had thus the best means of knowing, and giving to his near connection the latter's proper title. One of the letters is as follows, the italics being our own. It is addressed thus—"For James Dunbar of Dalcross, Bailie of Inverness;" and is docketted by Bailie Dunbar — "Dochgarrioch's letter, 2 Decembre, 1693":—

"Much honoured,—I received yours, and it was not the unmindfulness of your affairs made me to be so long in seeing you; but *The Chisholme* having adoes and his rents being far spent, and he does also expect favour of your hands for this term; and if not you shall have your money. And as for my own part, you shall see me this night week, and whatever I am able to do shall be ready at your service, which is all just and right.—Much honoured, your assured friend and servant,

Erchless, 2d December 1693."

(Signed) JO. M'LEAN.

The modern assumption by any party of the indefinite "The," which has been occasionally attempted, cannot be too strongly censured, and merits the laughter which irresistibly followed the bearded Celt, who gave himself out in certain southern society as "The Inch."

Such inventories as the one after-quoted are of importance, referring as they do to records which do now exist. The records of Inverness-shire are very defective, not going further back than 1700, and even for some time after that period are incomplete.

No. 5 shows that the Darien scheme, that darling of the Scottish heart, had its promoters as far north as Inverness.

No. 31 must have been a very serious business, as the amount is so large, and the law proceedings appear to have lasted for ten years. The men of Glenmoriston were famous about this period for invading their neighbours. In the year 1699 a number of them were indicted at the Circuit Court for a regular "creach," and assault with arms, upon William Baillie of Dunearn and his tenants. The matter was remitted to arbitration, and some time afterwards John Grant, younger of Glenmoriston, had to pay a considerable sum to Dunearn for the doings of his men.

Follows the first part of the inventory of Baillie Dunbar's writs :—

Inventory of the moveable debts, household furniture and others, pertaining to the deceased James Dunbar, late Baillie of Inverness ; inventoried by warrant of the Commissar thereof, dated the 8th day of September, 1712 years.

*Imprimis*.—Bond.—William Hardie in Newton of Pettie to the defunct, dated 14th day of July 1693 years, for eleven firlots bear payable at Martinmas thereafter, or five firlots for each boll thereof, under the faillie of five pounds for each undelivered boll.

Item.—Decreet the said James Dunbar against the late Lord Lovat for the sum of 875 pounds Scots money of ceases, due furth of his lands preceding Martinmas 1685 years, obtained by him as late collector of supply for the shire of Inverness, before the Commissioners thereof, dated the 24th day of April 1708 years.

Item.—Obligation.—David Stewart, now collector of the Excise of Inverness, heir served and retoured to umquhile John Stewart, his father, obliging him to warrant two severall rights made by him to the said James upon the estate of Connage, and of a debt due by the Lord Down, dated the 5th day of May 1700 years.

Item.—Bond.—John Macdonald, messenger in Beauly, to the said deceased James Dunbar, for the sum of 100 merks Scots money, with penalty and annual rent, dated the 10th day of April, 1695 years.

5. Item.—Back bond.—James Dunbar, younger, to the said deceased James Dunbar, for the sum of £60 sterling money, assigned by the said defunct to him, of the Darien money, dated the 9th day of May 1707 years, with some receipts relative thereto.

Item.—Horning against Ranald Macdonald, elder of Glengarrrie, for the sum of £82 18s 4d Scots money, and against John Macdonald, his son, for the sum of £51 8s 10d, with £60 of expenses of plea, which horning is raised upon a decret before the Sheriff of Inverness, and is signed the 27th day of March 1699 years, and registered in the Sheriff Court books the 14th day of July thereafter.

Item.—Bundle of papers, consisting of 21 pieces, being registered bonds, hornings, and captions, at the instance of the said James Dunbar, against David Baillie, messenger, for severall sums of money.

Item.—Captain the said James Dunbar, against Thomas Fraser of Beaufort, for the sum of £93 2s Scots of principal, with penalty and annual rent, dated and signed December the 29th, 1693 years.

Item.—Ticket—John Cuthbert, merchant, burges of Inverness, to John Cuthbert of Aulturries, then in Uralust of Petty, for the sum of £50 Scots money, with annual rent and penaltie, dated the 24th day of April 1708 years.

10. Item.—Assignment—the said John Cuthbert to the said James Dunbar of the foresaid debt, principal annual rents and expenses, dated November the 4th, 1703, with ane instrument of intimation on the back thereof of the same date.

Item.—Precept of pointing upon a deed of furth-coming, the said James Dunbar against John Fraser, son to Culduthel in Bellinloan, Robert M'Coil-Oig there, Alexander M'William-dhu, there, and William M'Wirrich in Bellinrich, tenants to John Fraser, Errogie, for severall sums of money, arrested in their hands as tenants foresaid, obtained before the Commissary of Inverness and dated the 9th day of Dec., 1698 years.

Item.—Horning, pointing, *idem contra eodem*.

Item.—Precept of pointing upon a decret before the Sheriff of Inverness, the said James Dunbar against the deceased Donald Mackintosh of Kellochie, for the sum of thretie pounds Scots of principal as price of malt, with four pounds of expenses of plea.

Item.—Account of disbursements with horning and caption the said James Dunbar against William Baillie, commissary of Inverness, all in the 1701 years.

15. Item.—Horning and pointing the said James Dunbar, as assignee of Provost Dunbar and James Barbour, against James Maclean, merchant in Inverness, for the sum of four score two pounds twelve shillings six pennies Scots money, contained in a bond granted by the said James M'Lean to the said Provost, dated 12th August 1685 years, the horning, dated and signed the 27th of March, 1701 years.

Item.—Horning the said James Dunbar against Mr Robert Ross, minister of Tain, and Andrew Ross of Pittogarty, son and heir of the deceased Alex. Ross, sometime clerk of Tain, for the sum of £20 of principal, and ten merks expenses of plea, for the part of the said Mr Robert Ross, and other twentie pounds of the said Andrew Ross, together with ane execution of the said horning, which is dated and signed all on the 15th and 20th days of February, 1695 years.

Item.—Bond—Kenneth, Earl of Seaforth, to Dame Margaret Thomsom, Lady Dunkell, for the sum of 2000 merks, with annual rent and penaltie, dated the 19th day of January 1685 years; registered in the books of Council and session the 25th of May 1691 years.

Item.—Horning and pointing following thereupon, *eodem contra eundem*, registered all on the 10th of June 1691 years.

Item.—Deed of suspension, *eodem contra eundem*, upon the same ground of debt, dated the 9th day of July 1691 years.

20. Item.—Caption following thereupon, dated in August thereafter.

Item.—Assignment from the said Dame Margaret Thompson of the said whole debt and diligences in favour of Mr John Falconer, minister of the Gospel, dated the 14th of February 1699 years.

Item.—Translation of the whole from the said Mr John Falconer in favour of the said James Dunbar, dated the 12th of February 1699 years.

Item.—Bond—Alexander M'Rae, designed at Castle Stewart, to the said James Dunbar of Dalcross, for the sum of £100 Scots money, with annual rent and penaltie, dated the 2d of December 1700 years, registered in the Sheriff Court books of Inverness, the 28th of February 1704 years.

Item.—Bundle of papers, consisting of tacks, horning, and captions at the instance of the said James Dunbar, against several of the tenants at Connage, consisting of eleven pieces of paper, and dated in the years 1695, 1697, 1699 years.

25. Item.—Bond—William M'Bean, in Kinchyle, and John M'Bean, writer in Inverness, principal and cautioner, to the said deceased James Dunbar, for the sum of 14 merks three shillings and four pennies Scots money of principal,

four merks of liquidate expenses and annual rent, with one other bond by the said William, for the principal sum of £43 7s 8d with penaltie and annual rent, dated the 4th day of July 1685, both registered in the Commissary Court books of Inverness, the 16th of June 1692 years.

Item.—Horning and poiding at the said James Dunbar's instance against the said William M'Bean, dated and signed in July and October 1703, registered at Inverness the 15th of January 1704 years.

Item.—Caption *Eodem contra eundem*, dated in February 1704 years.

Item.—Mutual discharge betwixt the said deceased James Dunbar and Alexander Forrester, now of Culnald, as heir to the deceased John Forrester of Culnald, his father, of all and sundry bonds, obligations, contracts, dispositions, clags, claims, and others, which either of them could ask of the other in any manner of way, dated at Cromartie the 27th of September 1711 years.

Item.—Bond—The deceased Robert Neilson, merchant burges in Inverness, to the deceased James Dunbar, for the sum of £80 Scots money, dated the 28th of July 1696 years, registered in the Burgh Court books of Inverness-shire, the 29th of Feb. 1697, with an execution, under the hand of John Ross, burgh officer.

30. Item.—Decreet before the Sheriff of Inverness, the said James Dunbar against Ranald Macdonald and John Macdonald, his son, viz. :—The said Ranald for the sum of £82 18s 4d Scots money, and the said John, for the sum of £51 8s 10d money foresaid, dated February 14th 1699, with a horning *contra eosdem*, dated in April 1702, registered in Inverness, 2d September 1703 years, with caption in February 1704.

Item.—Caption, the said James Dunbar proceeding upon a decreet of spulzie, before the Sheriff of Inverness, upon the 4th of July 1693, and horning thereupon against Archibald Grant, *alias* M'Conchie, Vic Phadrick, and others in Glenmoriston, for the sum of £1224 17s 4d of principal, with £60 of expenses of plea, dated the said caption in Oct. 1703 years.

Item.—Back bond—John Barbour, Baillie of Inverness, to the said James Dunbar, obliging him to satisfy the said James for the right of some roods of burgh bigged land on the Kirk Street of Inverness, under the penaltie of 100 merks Scots money, dated the 17th of June 1707, registered in the books of Council of Session, the 4th of July 1710 years.

Item.—Horning and inhibition following upon the said back bond, both registered in the Sheriff Court books of Inverness, in the said year 1710.

Item.—Bond—James Maclean, merchant, thereafter Baillie of Inverness, to Alexander Dunbar, late Provost of the said burgh, for the sum of four score two pounds twelve and sixpence Scots money of principal, with penaltie and annual rent, dated the 12th day of August 1685 years, registered in the books of Council of Session, the 24th of March 1701 years.

35. Item.—Bond—Captain Robert Hunter and Lieutenant James Gordon, of the Viscount of Kanmoor's regiment, to the said James Dunbar for the principal sum of £87 12s Scots money, with failzie and annual rent, dated the 14th day of Oct. 1690 years, registered in the books of Council and Session the 11th of December 1691 years.

Item.—Obligation—William Leitch, son to Jas. Leitch in Nairn, to the said Baillie Dunbar, for three and a-half bolls oatmeal, and ane-half boll pron, under the penaltie of 8 merks per boll, dated the 9th of April 1712 years.

Item.—Obligation—Alex. Maclean, messenger, to the said Baillie Dunbar, for five friots of victual, dated 23d July 1708 years.

Item.—Decreet before the Magistrates of Inverness—the said Baillie Dunbar against Donald Duff, gardener in Inverness, and several other persons, his tenants, for several small debts and sums of money, dated the 7th, and 28th days of November 1707, thereupon horning and caption.

Item.—Bond—Mr Alexander Denoon, parson of Pettie, to the said deceased James Dunbar, for the sum of 100 merks Scots money of principal, with annual rent and penaltie, dated the 3d of June 1698 years, registered in the Commissary Court Books of Inverness, the 30th of May 1700 years.

40. Item.—Horning and poiding, following on the said registered bond, registered in the books of Council and Session, the 6th of September 1700 years.

Item.—Renewed caption on the said debt in the present reign, dated the 30th June 1711 years.

Item.—Horning pointing—the said James Dunbar against Duncan Roy, son to the late tutor of Glenmoriston, for the sum of £59 Scots money, dated in April 1702 years, registered in the Sheriff Court books of Inverness, the 22d of December 1703 years.

43. Item.—Account of disbursements for diligences and discharges—John Macbean, messenger to Bailie Dunbar, dated 24th March 1712 years.

(To be continued.)

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## XLV.

### LIST OF THE WRITS, &c., OF JAMES DUNBAR OF DALROSS, 1712. PART SECOND. (D.)

Bailie Dunbar was connected with the firm of Duffs, who, for a long time, were wine-merchants in Inverness. The quantity of claret imported into Inverness at this time can hardly be credited, even after making allowance for the portions going to the other northern counties.

We here give copy of an invoice of wine shipped at Bordeaux on the 28th January 1716, for Messrs Alexander Duff and Company, and any curious reader may for himself convert into imperial gallons the contents of this single invoice to one firm in Inverness, and will doubtless be startled at the thousands of gallons which will be found to be the result:—

“Bordeaux co., 28 January 1716.

Invoice of 13 tuns of wine shipped aboard the *Mary Jean* of Lisle dens, to be reloaded at St Martins aboard the *Alexander* of Inverness. Alexander Stewart, master, for account of Messrs Alexander Duff & Company, merchants in Inverness, viz. :—

D. C., No. 1.—4 tuns of Monferran, at 53 v. per tun	...	£686	0	0
2.—4 tuns of St Eteph at 55 v.	...	660	0	0
3.—4 do. do. 50 v.	...	600	0	0
4.—1 do. of do.	...	190	0	0
13 tuns, Custom at 21s 7d	...	£277	11	0
Brokerage and country charges	...	29	5	0
Rebattage	...	52	0	0
Cellarage, rolling, shipping, stowage, poor money, and benvant	...	30	11	0
			389	7
Errors excepted	...	...	£2475	7
	(Signed)		ROBERT GORDON."	



The second part of the list of Bailie Dunbar's papers is given in this publication. If a guess might be hazarded who was the "Cornet John Whitefoord," referred to in No. 77, it might be said that he was in all probability a stranger in some regiment stationed at Inverness, who, getting into debt, or some scrape, would have got Culloeden and Borlum, to whom he might have had introductions, or become acquainted with during his stay, to become his sureties. In any case, it was very ungentlemanly to allow the cautioners to be harassed about the debt some ten years after it was incurred. One of the "nine compt books" referred to in No. 88 has been preserved, and some extracts from it may be given hereafter.

Follows the second part of the list:—

44. Item.—Discharge—Alexander Munro, writer in Inverness, to the said James Dunbar, for the sum of ninety pounds Scots money, and annual rent thereof, dated the 23d of June 1712 years, with four pieces of paper as the ground of the said debt, which was originally due to Robert Fraser, collector of the Bishoprick of Caithness.

45. Item.—Accepted bill, Alexander Baillie of Davochfour, and his wife, to the said James Dunbar, for 20 merks Scots money, dated the 18th of Dec. 1700 years.

Item.—Mutual discharge betwixt the said Bailie Dunbar and Alexander Ross, messenger, dated the 23d of March, 1712 years.

Item.—Bond—George Mackenzie of Killdun to the said James Dunbar, for the sum of six score merks Scots money, with penalty and annual rent.

Item.—Another bond of the same date for threttie-nine pounds, three shillings, eight pennies, with penaltie and annual rent, both registered in the Commissar Court books of Ross, the 9th day of Dec. 1691.

Item.—Horning *idem contra eundem*, dated the 17th of February 1692, registered in the Sheriff books of Ross, the 19th of May thereafter.

50. Item.—Two inhibitions *idem contra eundem* of the same date and registrations.

Item.—Discharge—David Fraser, late Bailie of Inverness, to the said James Dunbar, for the sum of nine hundred and thirty pounds Scots money of principal contained in a bond granted by the said James Dunbar to the said David Fraser and James Dunbar, younger, merchant in Inverness, dated the 20th of June 1706 years, and of letters of horning and caption following thereupon, which discharge is dated the 4th of Januarie 1722 years.

Item.—A bundle of personal diligences, consisting of seven pieces of paper at the instance of the said deceased James Dunbar, against Fraser of Culbokie.

Item.—Caption the said James Dunbar against John Grant of Resolis, for the sum of twentie-six pounds four shillings Scots money of principal, with annual rent and penaltie, dated the 14th of June 1704 years.

Item.—Bond—Hugh Fraser of Struy to the deceased Alexander Dunbar, Provost of Inverness, for the sum of twentie-six pounds, twelve shillings, four pennies, Scots money, with penaltie and annual rent, dated the 1st of Feb., 1685 years.

55. Item.—Decree of constitution—The said deceased James Dunbar against Thomas Fraser of Struy, as representing his said deceased father, dated before the Sheriff of Inverness, the 17th of July 1704 years.

Item.—Ane bundle of personal diligences, consisting of four pieces of paper, the said James Dunbar against the said Fraser of Struy, and Frasers of Bruisach and Denl.

Item.—Precept of poinding upon three bonds—Alexander Dunbar, Provost of Inverness, against William Grant of Achmonie; Alex. Grant, broyr to Corriemonie; and Mr Hugh Fraser, minister of Kiltarlity, for three small sums of money whereupon personal diligence.

Item.—Decreet of constitution, the said deceased James Dunbar, assigney therein mentioned, against John Macdonald of Castletown, eldest lawful son to the deceased Donald Macdonald of Castletown, for the sum of one hundred and eightie-seven pounds, thirteen shillings, and four pennies, Scots money of principal, dated before the Sheriff of Inverness the 20th of Nov. 1706.

Item.—Horning following thereupon, dated the 14th of Februarie 1707 years, with ane account relative thereto, all in one bundle.

60. Item.—Two extracts of a decreet of furthcoming at the instance of the said deceased James Dunbar against Sir Donald Macdonald of Sleat, for the sum of 844 pounds, five shillings, Scots money of principal, resting by him to the Laird of Morar, and arrested in his hands at the instance of the said James Dunbar, as creditor to the said Morar, which decreet is dated the 14th of Februarie 1699 years.

Item.—Horning and caption following upon the said decreet of furthcoming, dated in the years 1699 and 1703 years.

Item.—Bond—John Fraser, of Wester Borlum, to the said deceased Alexander Dunbar, Provost of Inverness, for the sum of eleven pounds, six shillings, six pennies, Scots money, with annual rent and penalty, dated the 22d of July 1674 years, regratt in the Commissar Court books of Inverness at the instance of the said James Dunbar, as executor to the said Provost Dunbar, the 18th of June 1703 years, wherewith is bundled horning and caption for the said debts and accounts relative thereto.

Item.—Bond—Allan Macdonald of Kytra, to the said deceased Alexander Dunbar, Provost of Inverness, for the sum of fourtie-eight pounds Scots money of principal, with penaltie and annual rent, dated the 12th of Februarie 1659 years, regratt in the Sheriff Court books of Inverness, the 23th of Nov. 1672 years, thereupon horning and caption followed.

Item.—Decreet of constitution, the said deceased James Dunbar, as executor to the said Provost Dunbar, against Alexander Macdonald, now of Kytra, as representing the said Allan Macdonald, whereupon also horning and caption.

65. Item.—Bundle of personal diligence, consisting of bonds, hornings, and presentations, with ane account, being in all seven pieces of paper, the deceased James Dunbar against Grant of Achmonie.

Item.—Discharge—Robert Grant, writer in Edinburgh, to the said deceased James Dunbar, anent Thomas Gordon, son to Mr Thomas Gordon, writer to the signet, containing several clauses dated the 28th of September 1706 years, with a factory relative thereto.

Item.—Bond—Dame Margaret Macdonald, Lady Macdonald, to the deceased Alex. Dunbar, Provost of Inverness, for the sum of threttie-two pounds seventeen shillings Scots money of principal, with failzie and annual rent, dated the 11th of July 1670 years, regratt in the Commissar books of Inverness at the instance of the said deceased James Dunbar, executor to the said Provost, the 6th day of Januarie 1699 years.

Item.—Ane other bond by the said Lady Macdonald to the said James Dunbar for the sum of one hundred and twentie-seven pounds nine shillings Scots money, with failzie and annual rent, dated 5th August 1686, regratt in the Commissar Court books of Inverness 15th Nov. 1689.

Item.—Horning, poinding, *idem contra eundem*, dated in Februarie 1699, regratt in the Sheriff Court books of Inverness the 27th of March thereafter.

70. Item.—Caption *idem contra eundem*.

Item.—Subscribed account by the said Lady Macdonald for twentie-five pounds six shillings Scots money.

Item.—Bundle of papers, being bonds, assignations, hornings, captions, and

accounts, at the instance of the said James Dunbar, Bailie of Inverness, against the deceased Malcolm Fraser of Culduthel, for several sums of money, being in all ten pieces of paper, and bundled and marked number 66.

Item.—Bond—Taviah Fraser, *alias* M'Conchie, in Little Garth, to the said James Dunbar for the sum of £20 Scots money, with penalty and annual rent, dated the 23d day of June 1696 years, registered in the Sheriff Court books of Inverness, the 15th of December 1703, thereupon horning and caption.

Item.—General discharge—William Baillie, Commissar of Inverness, to the deceased James Dunbar, dated the 20th of Dec. 1704 years.

75. Item.—Horning and two captions, the said James Dunbar, against Dougald Macpherson, brother to Esich, for the sum of £6 4s 8d Scots money, contained in a bond, the 7th of July 1693 years.

Item.—Assignment by Janet Gordon, relict of the deceased Angus Macphail, sometime residenter in Inverness, to the said deceased James Dunbar, to a subscribed account due by the Laird of Balnagown to her, dated the said assignment, the 30th day of Sept. 1689 years.

Item.—Bond—Cornet John Whitefoord as principal, John Forbes of Cul-loden and William Mackintosh of Borlum, as cautioners, to the said deceased James Dunbar, for the sum of 100 merks Scots money, with penalty and annual rent, dated the 11th of May 1683 years, registered in the Commissary Court Books of Inverness, the 5th of December thereupon.

Item.—Horning and poiding thereupon, registered in the Sheriff Books of Inverness the 10th of March 1692.

Item.—Articles of agreement betwixt John Ross of Auchnaolich and James Dunbar, dated the 21st of Nov. 1710.

80. Item.—Bundle of papers, the said deceased against John Grant of Glenmoriston, consisting of bonds, assignments, hornings, captions, and accounts, consisting in all of 13 pieces of paper, and bundled and marked with the figure 23.

Item.—Subscribed account for £47 15s Scots money due by George Munro of Newmore, dated August 29th, 1690 years, with several other all accounts and letters of Newmore's in a small bundle, numbered 24.

Item.—Account due to the said deceased James Dunbar, upon the estate of Lovat, extended to £1853 1s 6d Scots.

Item.—Bond—Thomas Mackenzie of Ord to the said defunct James Dunbar for the sum of £26 16s Scots money, and a ne other bond by Alexander Ross, chapman in Kilravock, both registered in the Sheriff Court books of Inverness the 20th of March 1684, thereupon horning and caption.

Item.—Bond—Ranald Macdonald of Achindych to the said defunct James Dunbar for the sum of £24 Scots money, dated the 21st day of December 1691, registered in the Sheriff Court books of Inverness the 21st of December 1703 years, thereupon diligence.

85. Item.—Bond—Ranald Macdonald in Bunloit to the said deceased James Dunbar for the sum of £36 Scots money, with failie and annual rent, dated the 30th day of June 1692 years, with other two bonds by Donald Macdonald of Lundie and Allan Macdonald of Dangen, for the sum of £241 12s 6d Scots, all registered in the Commissary Books of Inverness the 22d day of Dec. 1693 years, thereupon letters of horning and caption.

Item.—Bond—David Ross of Balnagown to the said deceased James Dunbar for three score bolls meals and fifty bolls bear, deliverable on demand, under the penalty of £8 Scots for ilk undelivered boll, dated the 12th of May 1696 years, with a discharge of the price of the said victual, both in a ne bundle.

Item.—Two hornings—The said deceased James Dunbar against Donald M'Ian-dhu, in the Green of Muirton, and Elspet Kerr, in Bught, for 9 bolls of malt, proceeding on a decret before the Commissary of Inverness, dated the 4th of July 1698 years.

Item.—Nine compt books belonging to Provost and Bailie Dunbars, containing several accounts, all inspected.

Item.—Precept drawn by John Macdonald in Beaully and Jean Chives, his spouse, in favour of the said deceased James Dunbar, upon Simon Fraser of Bruiach, tackman of their lands of Muilie and Bandera, for the sum of seven score merks Scots money at Martinmas, for the years 1695, 1696, and 1697, which is dated the 19th Nov. 1694, and accepted by the said Simon Fraser.

(To be continued.)

## XLVI.

### LIST OF THE WRITS OF JAMES DUNBAR OF DALROSS, 1712. PART THIRD AND LAST. (D.)

The officials engaged in inventorying Bailie Dunbar's papers, also took a list of his household furniture and stock, and, as many would doubtless like to see the furnishings of the house of a wealthy Inverness merchant a hundred and fifty years ago, the list is now subjoined:—

Inventory of the Domiciles and Household Plenishing within the House of the deceased James Dunbar, late Bailie of Inverness.

*In the Defunct's Dining-room and Chamber.*

- Imprimus.—Ane large wainscot press.
- Item.—Ane small do. with drawers, wanting locks.
- Item.—Ane small looking-glass.
- Item.—Ane large fir press.
- Item.—Ane wainscot folding-table and woollen cloth.
- Item.—Ane half-dozen chairs, covered with brown cloth.
- Item.—Nine chairs covered with Russian leather, qrof three old.
- Item.—Ane arm chair, mounted with carpet.
- Item.—Three timber chairs and three cushions.
- Item.—One small bed, mounted with green; large feather bed and other furniture.
- Item.—One chamber-box.
- Item.—Three chests and three trunks.
- Item.—Two fir tables and small chest and wainscot cabinet.
- Item.—Two volumes of commentaries on the Holy Scriptures.
- Item.—Burgess on the first of Corinthians.
- Item.—Three paper count-books.
- Item.—One large tablecloth in the dining-room.
- Item.—Five silver spoons and ane silver tumbler, marked with the letters J. D.
- Item.—Eight pewter plates with two ashets, and a basin with fifteen tumblers, one quart stoup, two pint stoups, and chappin stoup, and mutchkin stoup, and an half-mutchkin stoup, with ane salt, all marked with the letters J. D.
- Item.—Two drinking cups, one of which mounted with silver.

*In the Closet of the Dining-room.*

Ane chest, large, with a less chest, with several timber boxes wherein are old papers.

- Item.—Ane green tablecloth, with old red hangings, about an old bed.  
 Item.—One small wainscot box with drawers.  
 Item.—One dry stool.  
 Item.—One gun.  
 Item.—One broadsword.  
 Item.—One shearing sword.  
 Item.—One small sword.  
 Item.—Three cushions, with some saddle old furniture not worth.  
 Item.—One snuffers, five candlesticks.  
 Item.—One small cedar table, with one tablecloth and a glass and mounted bed.  
 Item.—Nine pair plaids, including the bed furniture already counted.  
 Item.—One pair of sheets, with two bed waves.  
 Item.—One check-reel wheel, with one ward-chest with seven large timber boxes.  
 Item.—Three old bowes.  
 Item.—One lathe and stone with some small weights.  
 Item.—One old saddle-cloath and cloak-case and basket and cloak.  
 Item.—One old coloured tablecloth.  
 Item.—Provost Dunbar's picture, set up in the dining-room.

*In the Hall.*

- Item.—One large table, with a less table; one old standing-bed and a foot-gang.  
 Item.—One long form and three stools.  
 Item.—One large wainscot chest, wherein the relict has her best clothes.  
 Item.—Two spinning wheels.  
 Item.—One old box-bed, with ambrie above it, and water say, with two old pans.  
 Item.—Three pots, whereof one is a small copper pot.  
 Item.—One wainscot press, with one small fir chest.

*In the Mistress's Room.*

- One furnished bed.  
 One oaken chest for holding of the relict's clothes.  
 Item.—One old trunk, with two old arm-chairs and one broken timber chair.  
 Item.—One fir small table with two folds, with ane looking-glass, and carpet, pot, and four fineing combs, an old pewter tankard, with two cushions.  
 Item.—One brewing vatt in Widow Maclean's possession.

*Within the Cellar.*

- Four barrels, two tubs and a sea, two girdels, and three chests, with a loupin-stane at the door.  
 One hundred and thirteen threave of bear upon the field of oats, rye and pease in the kiln be-west the water, as is computed at fifteen bolls or thereby.  
 Two work horses.

It will be observed that there are only two books, and both on religious subjects. Captain Burt speaks of the paucity of books in the houses of the people of Inverness, but refers to one well thumbed at the particular page, noticing "the pretty town of Inverness." This was "Macky's Journey," 3d volume, published in 1723, and it is questionable whether many copies are now to be found in Inverness, as the book is getting scarce.

Of the whole contents, we should prefer to have "the timber-boxes wherein are 'old papers.'"

Even if extant, it might perhaps now be difficult of identification, but it would be very desirable if the picture of Provost Alexander Dunbar, which is so formally described as "set up in the dining-room," could be recovered and placed in the Town Hall of Inverness. His name will ever be gratefully remembered in the town, and this opportunity is taken of expressing an earnest hope that as the time—which appears shortly inevitable—comes when the old hospital must be taken down, the greatest care will be taken of the numerous stones carved with dates and inscriptions; also, if the gateway entering from School Lane cannot be conveniently rebuilt, that drawings will be made of it. The kirk-session of Inverness, to whom belongs the building (in mortification) is from its constitution a Conservative body, and its acting otherwise than has been suggested cannot be anticipated.\*

We do not recollect of having ever met in before with "a loupin' stane" inventoried amongst a man's goods and gear, though appropriately enough it may be said to fall under the category *impedimenta*, and it may also be said *pedimenta*.

Follows the third and concluding portion of Bailie Dunbar's writs:—

90. Item.—Assignment by the said John Macdonald and Jean Chives to the said James Dunbar of the said tack duty, dated the 26th of February 1695, registered in the Sheriff books of Inverness, the 8th day of February 1704, with the extract of the said tack, and several other accounts relative to the premises in one bundle, marked with the figure 1, upon which right the said deceased Bailie Dunbar raised letters of horning and caption, which seems to be in some messenger's hands.

Item.—Bond by Captain Alexander Stern to the said Bailie Dunbar, for the sum of £50 Scots money with annual rent and penalty, dated the 8th of August 1699, registered in the burgh court books of Inverness, the 16th of March 1704 years, with letters of horning and caption following thereupon bundled.

Item.—Bond—Donald Forbes, merchant in Inverness, to the said deceased James Dunbar, for the sum of £300 Scots money of principal, with penalty and annual rent, dated 29th of February 1679.

Item.—Ane other bond by the said Donald Forbes to the said James Dunbar, dated the 17th day of April the said year 1679, for the sum of four score eleven pounds, seven shillings, Scots money, with penalty and annual rent; both of the bonds are registered in the commissary books of Inverness, the 16th of February 1680 years.

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\* Since the foregoing was written, the Hospital has undergone a change in its tenancy—a beer-shop, school, and carpenter's yard taking the place of the Poor-house.

Item.—Horning and caption following thereupon, all in the said year 1680.  
 95. Item.—Gift of the said Donald Forbes, his single and life-rent escheat, dated the 4th day of August 1680.

Item.—Decree of general and special declarator following upon the said gift, dated in anno 1683, the bonds are not come to hand.

Item.—Bond—Robert Dunbar appearand of Westfield, to the said deceased Alexander Dunbar, Provost of Inverness, for the sum of £500 Scots money, with penalty and annual rent, dated the 11th of April 1651 years, thereupon letters of horning, inhibition, and caption, all bundled.

Item.—Bond by John Hepburn, late Bailie of Inverness, as principal, William Rose of Markness, and Alexander Cuthbert James'son, burghs of Inverness, as cautioners, to John Macpherson of Benchar, for the sum of 3000 merks, payable at the term of Whitsunday 1687, bearing annual rent from the Martinmas preceding, with 1000 merks of penalty, dated the 15th of January 1687, registered in the burgh court books of Inverness, the 27th of June 1688, thereupon letters of inhibition followed, duly executed and registered, and assigned by the said John Macpherson of Benchar, to Evan Macpherson, his brother-german, by his assignation, dated the 18th of October 1688 years, thereupon the said Evan Macpherson raised horning and caption against the said William Rose of Markness, and by his translation of date, the 9th day of June 1701 years, transferred and assigned to the said bond sums therein contained, and diligence following thereupon in favour of the said defunct, bundled, and marked 5th.

Item.—Two principal bonds, granted by Patrick Dunbar of Sidera to the said deceased James Dunbar, the one dated the 21st of November 1695, for 100 merks of principal, with penalty and annual rent, and the other the 23d of December thereafter, for the sum of one other hundred merks of principal with penalty and annual rent, together also with several other bonds of victual, letters, and accounts due by the said Sidera to the said defunct, and that by and attour the debt contained in the deed of adjudication, all bundled and marked with the figure 6.

100. Item.—Bond—Angus Mackintosh in Midcraggie as principal, and Alexander Ross, Bailie in Inverness, as cautioner to the said deceased James Dunbar, for the sum of 16 merks, dated the 18th of June 1688 years, registered in the Commissary court books of Inverness, the 13th of February 1693.

Item.—Bond—James Ross in Ballamuckie to the said deceased James Dunbar, for the sum of £50 2s 2d of principal, with penalty and annual rent, dated the 26th of June 1693 years, registered in the Commissary books of Ross, the 15th January 1695 years, thereupon horning, &c.

Item.—Bond—William Ross, burghess of Tain, now in Bellintraid, to the said deceased James Dunbar, for the principal sum of £95 1s 4d, with penalty and annual rent, dated the 26th of June 1693, registered in the Commissary court books of Ross, the 15th of January 1695, thereupon horning, marked 9.

Item.—Obligation—Henry Bain in Caithness to the said deceased James Dunbar, for the sum of 20 merks Scots money, with annual rent and penalty, dated the 4th of July 1693 years, marked 10.

Item.—Bond—John M'Rae, smith in the Invercoul of Redcastle, and Donald Provost, in Drumnamaing, to the said James Dunbar, for the number of 4 bolls victual of crop 1684, or £6 Scots as price of ilk boll thereof, dated the 18th of May 1685, registered in the Commissary books of Ross, the 15th of January 1695, marked 11.

105. Item.—Four several accounts of debts, owing to and by the said deceased James Dunbar, upon the 1st of February 1690, all in one bundle, marked 12.

Item.—Confirmed testament testamentar of the deceased Alexander Dunbar of Balmuckattie, Provost of Inverness, in favour of the said deceased James Dunbar, containing all his debts and legacy, dated the 2d day of January 1691, marked 13.

Item.—Obligation—Hector Mackintosh in Connage to the said James Dunbar, for the sum of £28 Scots money, with annual rent and penalty, dated the 8th day of June 1699.

Item.—Bond—The said Hector Mackintosh to the said deceased James Dunbar, for the sum of £3 Scots money, as the price of certain quantity of victual, dated the 20th of July 1699, both together marked 14.

Item.—Horning, poinding—James Dunbar, late Bailie of Inverness, as assignee, by John Baillie, tailor there, for the sum of £843 6s 8d Scots money contained in a decret, obtained by the said John against the deceased Lord Down, before the Sheriff of Inverness, which horning is registered in the Sheriff Court books of Inverness, the 2d of Feb., 1695, with caption thereupon, 15.

110. Item.—Horning—The said deceased James Dunbar against Hector Mackintosh, brother-German, and heir to the deceased Alexander Mackintosh of Connage, Margaret, Ann, and Emilia Mackintosh, daughters and heirs portioners to the said Alexander, and their husbands for their interests, for the sum of £200 Scots money of principal, dated the 12th of September 1702 years, caption following thereupon, 16.

Item.—Decreet before the Commissary of Ross, the said James Dunbar against Robert Innes, Provost of Fortrose, and several other persons for sundry small debts, dated the 7th of Feb., 1692.

Item.—Inhibition—Idem against the said debtors, registered at Fortrose the 17th day of May 1692.

Item.—Bond—Donald M'Conchie, in Croara, as principal, and John Fraser, in the Green of Muirtown, as cautioner, to the said deceased James Dunbar, for the sum of three score twelve merks Scots money of principal, with penalty and annual rent, dated the 23d day of April 1686, and registered in the Commissary books of Inverness, the 11th of Aug., 1693.

Item.—Horning—Idem contra eundem, registered in the Sheriff Court books of Inverness, the 8th of Dec. 1693, marked 18.

115. Item.—Horning the said deceased James Dunbar, against Mary Fraser, spouse to Donald M'Andrew, Ferrier at Lovat, as principal, and Mr Thomas Fraser, brother to the Minister of Kilmorack as cautioner, for the principal sum of 100 merks Scots money, registered in the Sheriff Court books of Inverness, the 28th day of December 1698, marked 19.

*(Conclusion of Bailie Dunbar's writs.)*

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## XLVII.

### CHURCH PATRONAGES OF THE FAMILY OF GORDON, 1764. (D.)

Along with other valuable property which had belonged to the Church, the Gordons had contrived to acquire a great number of patronages and right to surplus teinds. The family was Roman Catholic until the death of Alexander, the second Duke, in 1728. He had married Lady Henrietta Mordaunt, daughter of the Earl of Peterborough, a lady whose name is still remembered for her great improvements in the way of planting, &c., in the north. The Duchess, left a widow when her children were very young, brought them up in the Reformed religion without challenge.



The opportunity was favourable, there being none of the collateral branches of the family powerful enough to interfere; and since the revolution of 1688, the tide, in the shape of penal and restrictive enactments, flowed strongly against Roman Catholics. Even a Shrewsbury became a Protestant and a Duke.

George, first Duke of Gordon, having been in great favour with Charles II. and James VII., had comprehensive charters granted to him, including grants, or rather confirmations of previous grants of rights of patronage to numerous churches in the counties of Inverness, Nairn, Elgin, and Forres, Banff, and Aberdeen, of which a detail is hereafter given.

After the revolution, an Act of Parliament had passed (still operative) preventing patrons professing the Roman Catholic faith, from exercising the right of patronage. This struck at Duke Alexander; and his son, Cosmo George, third Duke, though a Protestant, possessed the estates for so short a time, and at so disturbed a period, that in 1764, Alexander, the fourth Duke, who had succeeded in 1752, was on the point of losing his rights of patronage from two causes—viz., negative prescription running against him and his predecessors, and positive prescription rearing up in favour of the Crown and others.

The guardians of Alexander, fourth Duke, were compelled, therefore, in the year 1764 to institute an action of declarator for the vindication of the rights which existed in the person of his great-grandfather, George, first Duke. It will be observed that the summons does not specify how and why the right had not been exercised, but cautiously states "by reason of some circumstances attending the more immediate predecessors of the pursuer and his father and the family." In this action a vast number of defenders were called, and the Gordons succeeded in some cases in reclaiming their right. With the exception of Alvie, Kingussie, and Laggan, the Duke of Richmond has no patronages in the counties of Inverness, Nairn, and Elgin.

Considering that the Gordons were long looked up to as

head of the Roman Catholics in Scotland, in the same manner as the family of Norfolk in England, and had in consequence such intimate relations with the French and other Roman Catholic Courts, it was a singular instance of the changes brought about by time, that the venerable lady, the last in all likelihood destined to bear the title, should have been so conspicuous and earnest a Protestant.

Several patronages in the neighbourhood of Gordon Castle are not included.

Follows the summons referred to, being the copy served upon Dunbar of Thundertoun :—

George, by the grace of God, King of Great Britain, France, and Ireland,  
Defender of the Faith,

To messengers at arms, our sheriffs in that part, conjunctly and severally, specially constitute, greeting.—Forasmuch as it is shown to us by our cousin and councillor, Alexander Duke of Gordon, with consent of his curators and commissioners, that where the pursuer stands heritably infeft and seized as heir in special served and retoured to the deceased Cosmo George, Duke of Gordon, his father, who in like manner was heir in special, served and retoured to George, Duke of Gordon, great-grandfather to the pursuer, and grandfather to the said Cosmo George, Duke of Gordon, in the patronages and teinds after-mentioned, conform to the special service and retour of the pursuer extracted forth of the Chancery, bearing date the 9th day of February 1754 years, and infeftment following thereon, dated the 3d day of April thereafter, and registrate in the general register at Edinburgh, the 17th day of the same month, to wit, the advocation, donation, and right of patronage of the parishes and parish kirks of Martinkirk and chapel of Easter Elobies, lying within the sheriffdom of

Item.—The advocation, donation, and right of patronage of the parish and parish kirk of Dumbleat. Item.—The advocation, donation, and right of patronage of the parish and parish kirk of Inveraven. Item.—The advocation, donation, and right of patronage of the parish and parish kirks of Kilmanivock, Kilmakzie, Ialawood, and Kyllarchar. Item.—The advocation, donation, and right of patronage of the several parishes and parish kirks following, which belonged originally to the Chapter of Moray, viz. :—The parishes and parish kirks of Auldearn and Nairn, formerly belonging to the Deanery of Moray; the parishes and parish kirks of Alves and Longbrude, formerly belonging to the precentor of Moray. Item.—The parishes and parish kirks of Kinnaider and Essile, formerly belonging to the Treasury of Moray. Item.—The parishes and parish kirks of Inveraven, Knockando, Urquhart, and Glenmoriston, belonging formerly to the Chancery of Moray. Item.—The parishes and parish kirks of Forres and Edinkillie, formerly belonging to the Archdeanery of Moray. Item.—The parish of Dallas and vicarage of Auldearn, formerly belonging to the sub-deanery of Moray. Item.—The parishes and parish kirks of Raphoch or Rafford and Ardclouch, formerly belonging to the sub-chantor of Moray, including the chaplainry of Altyre. Item.—The parishes and parish kirks of Bonach, Aberlour, Skirduston, Advie, Cromdale, Dipple, Ruthven, Invercaathney, Lindochty, Moye, Spynie, Croy, Moey, Duthale, Unthank, called the chapel of Duffus, Boleaskine, Kincardine, and Duffus. Item.—The advocation, donation, and right of patronage of Altyre, Alloury, Brearlen, Firmanvey, Abernethy, Ardin-tillie, and Birneth—all lying within the respective sheriffdoms of Elgin, Forres, Nairn, Inverness, Banff, and Aberdeen—together with the hail rights and privileges belonging to the said patronages of the foresaid hail kirks above

written. And true it is that by reason of some circumstances attending the more immediate predecessors of the pursuer and his father and their family, the exertion of their rights of the said patronages has been neglected, and the pursuer being now resolved to exert his right of the same, therefore it ought and should be found and declared by decret of our Lords of Council and Session that the pursuer has the only good and undoubted right to the several patronages of the respective parishes and parish kirks above-mentioned, with the hail rights and privileges belonging to the same, and to settle and present ministers to the said respective parishes and parish kirks or churches whenever any vacancy shall in them happen, and to intromit with and dispose of the tains and vacant stipends within the same as he shall think fit, and to do all and everything in and anent the premises that by the laws and practice of Scotland belongs to a patron to do in the like cases after the form and tenor of the laws and Acts of Parliament made in that behalf, and the daily practice and custom of this realm in the like cases in all points our will is herefore, &c.

By virtue of a libelled summons of declarator, whereof the above and preceding page is a full double to the will, dated and signet the 27th March 1764, raised at the instance of the above Alexander Duke of Gordon, with consent of his curators and commissioners, I, Alexander Duffus, messenger, in His Majesty's name and authority, summon, warn, and charge you, Alexander Dunbar of Thunderton, Esq., to compare before the Lords of Council and Session at Edinburgh the 12th and 28th days of June next for first and second diets, in the hour of cause with continuation of days, to answer at the instance of the pursuer in the matter libelled, with certification as effairs. This I do upon the 16th day of April, in the year one thousand seven hundred and sixty-four, before these witnesses, John Smith and Alexander Allan, both residents in Fochabers.

(Signed) . . . ALEX. DUFFUS, Messenger.

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## XLVIII.

### THE HON. THOMAS MACKENZIE OF PLUSCARDINE, 1649-1655. PART FIRST—PLUSCARDINE AND THE TOWN OF INVERNESS. (D.)

Kenneth, first Lord Kintail, had five sons—the eldest, Colin, first Earl of Seaforth, and the second, John, both died without male issue. George, the third son, and second Earl, carried on the line of the family. Thomas of Pluscardine, whose name heads this paper, was the fourth, and Simon of Lochslyne, the fifth and youngest son. Mr Dunbar Dunbar, who is the lineal\* descendant of Pluscardine, lately favoured us with some papers of interest regarding his ancestor—and one of these being the minutes of a Committee of War, held at Inverness in 1649,\* is hereafter quoted.

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\* There are many lineal descendants of Pluscardine, amongst others, through Sibella Mackenzie, his daughter, Robertson of Inshes.

The family of Seaforth having been shown such marked favour by the Stuarts, in their rapid promotion from Commoners 1608, to the position of Barons 1609, and Earls 1623, it was but natural they should take a leading part in all movements for the restoration of the Royal Family. Thomas Mackenzie of Pluscardine had seen a good deal of service abroad, and was at one time Governor of Stralsund. He appears to have had the chief control of the Seaforth affairs from 1640 to 1660, and to have conducted them with zeal and ability. The lands of Pluscardine were erected into a regality, and included in a charter to Lord Kintail in 1595.

Montrose, after the execution of Charles I, and while abroad, never lost sight for a moment of his purpose of again carrying on the war in Scotland. It may be safely stated that Pluscardine was at this time (1649) looked up to in the northern counties as the chief leader, not only on account of his own merits, but the great territorial influence he represented.

Before Montrose's landing, Pluscardine—his brother George, the second Earl of Seaforth, being then in Holland—took the field, and on the 22d February 1649, possession of the town of Inverness. Four days afterwards, on the 26th of February, the meeting took place. The minute is in a fair state of preservation, and the signatures of the ten gentlemen attached, perfectly distinct.

The 11th order regarding the demolition of the fortifications of Inverness was carried out. Considering the position in which John Forbes, second of Culloden, stood to the committee and the Stuarts, the courteous way in which he is referred to in the 12th order, is highly to the committee's credit.

Upon the approach of General Leslie, Pluscardine had to retire to the North, and though a temporary success occurred at Chanonry, the ultimate surprise of the flower of his followers at Balveny, on the 8th of May, put an end to an attempt, which, if delayed until Montrose's landing, and he been fortunate enough to join it, might have had most

important results. Wishart, in his memoirs, refers to Pluscardine, but we are not aware that the minutes of 26th February 1649 have been before published.

Follows the minute referred to:—

Apud Inverness, 26th Feb. 1649.

CONVENERUNT—

Pluscarden Preses, Dominus de Cromartie, Collonellus Fraser, Lemlair, Craighouse, Gairloch, Castlehill, Redcastle, Davochmalnok.

The Committee of War did sit and enacted,

1. That David Cuthbert, clerk of the town of Inverness, Robert and Hugh Munro, his collectors, bring and deliver to the Committee of War all the rolls which they have in custody of the valuation of the shires of Inverness, Sutherland, Cromarty, and Caithness, Nairn, and Elgin, under the pain of an arbitrary punishment, as shall seem most fitting to the said committee.

2. Alex. Dunbar, being examined anent the excise, depones that of three months pay of the excise of two hundred and fifty merks monthly, he paid to John Forbes, before his way going, five hundred merks, which is all he finds has been collected of the excise due to the said John Forbes, there remaining yet six weeks unpaid.

3. Item.—It is ordained by the said Committee that the collectors of the monthly maintenance of the foresaid six shires be examined, and their depositions taken upon oath of what they have received for the six months payments from August to January inclusive.

4. It is enacted that the lands and readiest goods of those that have received any of the foresaid maintenance be charged therewith till an account be made thereof.

5. It is likewise enacted that the said John Forbes, Provoest, be made accountable to the said Committee for all the money which, under name of excise, has been taken up in any of the foresaid shires since his intrusions with the office of excise taking.

6. Item.—The Committee desire that Duncan Forbes be pleased to advance money upon the security which the Committee will grant to him in assisting him to be repaid thereof out of the readiest of the foresaid maintenance and excise.

7. Item.—That an inventory of all the ammunition of the garrison be taken up.

8. It being thought expedient by the said Committee that the house of Cromarty be put in posture of defence, and that for the doing thereof it is requisite some fall be cast and led, the said Committee ordains all Sir James Fraser's tenants within the parochins of Cromarty and Cullicudden, together with those of the Laird of Findrassie, within the parochin of Rosemarkie, to afford from six hours in the morning to six hours at night, one horse out of every oxengait daily for the space of four days to lead the same fall to the house of Cromarty.

9. It is enacted that what ammunition be put into garrison houses, received under inventory, shall be made forthcoming when occasion offers.

10. It is likewise enacted by the said Committee that from the day and date hereof that no man of any of the foresaid six shires shall be bound to pay any monthly maintenance for the said garrison, or any money of excise, till they be further advised by the said Committee.

11. The Committee finding it expedient for their safety that the works and forts of Inverness be demolished and levelled with the ground, it is ordained that each person appointed to that effect complete his proportion thereof betwixt the date hereof and the fourth day of March under pain of being quartered upon, ay and until the said task be performed.

12. It is enacted for the furtherance of His Majesty's service, by the said

Committee, that a garrison be put in the house of Culloden, which the Committee is not desirous of for any intention of harm towards the disturbance of the owner, but merely because of the security of the garrison of Calder, which, if not kept in good order, is like to infest all the well affected of the country circumjacent.

(Signed)	THO. MACKENZIE off Pluscarden.
"	THO. URQUHART (Sir Thomas of Cromarty.)
"	H. FRASER (of Belladrum.)
"	JO. CUTHBERT (of Castlehill.)
"	R. MACKENZIE (5th of Dochmaluak.)
"	K. MACKENZIE of Gerloch (5th.)
"	R. MACKENZIE of Reidcastel (3d.)
"	J. MONRO (of Lemlair.)
"	S. FRASER (of Craighouse.)
"	ALEX. MACKENZIE off Sudie.

(To be continued.)

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## XLIX.

### THE HON. THOMAS MACKENZIE OF PLUSCARDINE, 1649-1655. PART SECOND—PLUSCARDINE AND GENERAL MONCK. (D.)

Upon the death in 1816 of Francis Humberstone Mackenzie, Lord Seaforth, without surviving male issue, all the heirs-male of William, fifth and attained Earl of Seaforth, undoubtedly failed. As the estates of the family, however, were not limited to heirs-male, it was not a matter of pecuniary importance to any claimant to establish the position of heir-male. Though not of pecuniary interest, still there was honour, and some twelve years after Lord Seaforth's death, the late Mr Mackenzie of Allangrange presented a brieve of service, and a jury at Tain served him heir-male, as descended from Simon of Lochslyne, the fifth and youngest son of Kenneth, first Lord Kintail. It is by no means certain, however, that there are not nearer heirs-male.\*

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\* We have copy of the pedigree of a Captain Murdoch Mackenzie of London, dated in 1825, claiming descent through the Honourable John Mackenzie, second brother of Kenneth, fourth Earl, and thus older than the Honourable Alexander Mackenzie, grandfather of Francis Lord Seaforth. The Captain says of himself that "He was born at Beadnall, county of Northumberland, 1763, married in 1781 Miss Elinor Browne of the same place, and has issue. He commanded the ship "Essex," transport of London, 81 guns, during the war. Being desirous to see his clan in the north, in 1790 he visited the late Francis Lord Seaforth, who, in the true spirit of Scottish sincerity, hospitably and nobly received him with demonstrations of pleasure. *After talking over family matters, his Lordship candidly said that Captain Murdoch ought to have been the Peer in point of primogeniture.*" The italics are our own.

Extinction of the male descendants of John and Alexander, younger sons of Kenneth, the third Earl, of Doctor George Mackenzie, son of the second Earl, as also of his son Colin, not mentioned in Douglas, but certainly alive in 1694, would bring the representation to Thomas of Pluscardine, who was elder brother of Simon, predecessor of Allangrange.

The rich lands of the Abbey of Pluscardine were, after the Reformation, granted by Queen Mary, 1565, to the seventh Lord Seton. Alexander, younger son of Seton, was an extraordinary favourite of James VI. He got the lands of Pluscardine, was made one of the Lords of Session by that title, and afterwards President of the Court. In 1591 he was raised to the peerage by the title of Lord Fyvie, and in 1605 created Earl of Dunfermline, Lord Urquhart, &c., and Chancellor of Scotland. His daughter Margaret married Colin, first Earl of Seaforth, but as early as 1595, Lord Kintail had a charter of Pluscardine, and in 1607, he, together with his second wife, got another charter. The MS. history of the Mackenzies by John Mackenzie, third of Applecross (an. 1669), says that Thomas got Pluscardine from his brother-german George, not from his father Kenneth. The lands now pertain to the Earl of Fife.

Thomas Mackenzie of Pluscardine was twice married; first, to Jean Grant, daughter of John Grant, 14th of Grant, relict of William Sutherland of Duffus, and mother of the first Lord Duffus; secondly, to Jean Cockburn of Langton. Thomas had sons by both marriages. In a deed of 1674, in possession of Mr Dunbar Dunbar, the parties are "Thomas Mackenzie of Pluscardine, as principal, Colin Mackenzie, my eldest lawful son of the first marriage, and Thomas Mackenzie, my eldest of the second marriage." The above Colin was married to Margaret Heatley, daughter of the Laird of Barrfoot, and he had three sons. If there be any male descendants of Thomas, then, in however humble a position they may be, they are nearest.

Sir Thomas Urquhart, 11th of Cromarty, was, it would have been observed in last number, one of the Committee

of War, and got his house put in a posture of defence. It must have been a pleasant duty for the Committee to order this to be done by Sir James Fraser's tenants, he being such a bitter Parliamentarian, and opponent of the Stuarts in the North. Sir Thomas, who was knighted by Charles I. in Whitehall gallery 1641, was very zealous for the royal family, and taken prisoner at Worcester.

This family, which for so long a period were powerful in the Lordship of Ardmearoch, and hereditary Sheriffs of Cromarty, have now dwindled down in the Black Isle to one small proprietor. The representative is probably to be found in some of the east country Urquharts. Our copy of Douglas Baronage must have been in possession of one of them, as it is largely annotated and corrected, and reference made to very old charters, apparently in possession of the annotator, from their mode of reference thus:—A charter from William, Earl of Ross, to Adam Urchard (2d) of the lands of Inchrory 1338, is marked No. 4. Another charter, by the Earl of the lands of Bray 1349, is No. 5. Precept John Urchard (3d) to himself 1416, is No. 7. Service of Thomas (6th) as heir to his father, Alexander 1586, is No. 17, and so on. The absurd pretensions to antiquity put forth by the family have to a great extent covered them with ridicule, but still they are very old, and a valuable document has lately been discovered by Mr Dunbar Dunbar, which on a future occasion will be published. It is yet unfortunately incomplete, but this may be remedied by further search, and is pages 1 to 4 and 9 to 12 of an inventory of the writs of Cromarty made 200 years ago.\*

All the other gentlemen of the Committee were of good standing, the whole Mackenzies being of the House of Kintail, and Castlehill and Belladrum, nearly connected by marriage.

It is stated in the baronage that Kenneth, the third Earl of Seaforth, was excepted from pardon by Oliver Cromwell, and his estate sequestrated, without the least provision being allowed for the subsistence of his wife and family, and that

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\* See Notes 58, 59, 60, and 61.



he was apprehended and thrown into prison, where he remained until released at the restoration;—but the document after-quoted shows that in 1655 Pluscardine had Monck's protection for his nephew's lands, and forgiveness granted, particularly for the affairs of 1649.

The seal of the General is in beautiful preservation, and the protection is as follows:—

“ These are to certify all whom these may concern that by virtue of articles made and concluded the 10th day of January last, between myself, for and on the behalf of His Highness on the one part, and Thomas Mackenzie, Laird of Pluscardine, for and on the behalf of the Right Honourable Kenneth, Earl of Seaforth, on the other part: It is agreed that the said Earl of Seaforth shall enjoy his estates, both real and personal, without any trouble or molestation, any part or thing by him done in reference to the late warrs between England and Scotland since the year 1649, notwithstanding.

Given under my hand and seal at Dalkeith the 24th day of July 1655.

(Signed) GEORGE MONCK.”

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## L.

### WHO WERE THE COMBATANTS AT THE NORTH INCH OF PERTH, 1396?

Volumes having been written on this subject, it may be deemed presumptuous to offer a satisfactory solution of this *questio vexata* within the limits of a column. We have, however, often considered it, and Sir Walter Scott says in his preface to the Fair Maid of Perth, “ It is perhaps impossible to clear up thoroughly this controversy, little interesting in itself, at least to readers on this side of Inverness.” So we have the highest authority for holding that in and north of Inverness the subject is of interest.

The Mackintoshes, Macphersons, Davidsons, Camerons, Mackays, and others, have all been named as parties, and have had supporters. Wyntoun calls the combatants “ Clanwheyl” and “ Clachinya;” another writer, “ Clanquhele” and “ Clancay;” Boece and Leslie, “ Clanchattan” and “ Clankay;” and Sir Walter suggests that Clanquhele may be a corruption of Clan-Lochiel. This may be at once dismissed, because at the period in question the Clan Cameron were not identified with Lochiel in the indissoluble

manner they have been for a long period. It was not until about 1426, in the time of John X., that the Camerons were styled of Lochiel, and it was not common for some time thereafter.

As to the Mackays, except for the supposed identity of *name*, there is no reason whatever to suppose that they were combatants. On the contrary, they were neither neighbours of the Clan Chattan, nor likely to have quarrel; and Robert Mackay, in his history of the House of Clan Mackay, while his conclusions as to the Camerons being parties are unsound, does establish satisfactorily that his own clan had nothing to do with the battle.

Two leading considerations should be kept in view in arriving at a safe conclusion:—1st, That each of the combatants were powerful septs, or clans. 2d, That the losing party were entirely subdued, and never again made any figure in history. The former proposition is evident from the fact that the parties were so powerful as to disturb the general peace. Nobles of high rank failed to pacify them, and the unprecedented character of the proposed settlement is described by Fordoun as having for object “to put an end to the strife of the clans, *and the land enjoy peace.*” The second proposition is abundantly shown by the circumstance that the losing combatants, sometimes called Clanquhele, Clachinya, and Clancay, sunk into such obscurity as to make it matter of question who they were. This of itself, when their subsequent brilliant history is considered, disposes of the Camerons and Mackays. The question is therefore narrowed to the Mackintoshes, Macphersons, and Davidsons.

Shaw, whose work will always be looked to with respect, is, nevertheless, very often wrong. He makes the combatants to be the Macphersons and Davidsons, and that it arose from the jealousies and heart-burnings caused by the decision of Mackintosh, as Captain of the Clan Chattan, in favour of the Davidsons forming the right at the battle of Invernahaven in the year 1380. He also describes Mackintosh as umpire; and it might be a sufficient answer to

Shaw's hypothesis to say that Mackintosh as captain could easily control disputes between two of the tribes of Clan Chattan.

It may be well to examine the position of the three tribes at this period (1396), and we first take the Mackintoshes. Angus, sixth of Mackintosh, whose mother was Mora, daughter of the Lord of the Isles, married in 1292 Eva, only child and heiress of Dowal Dal, or Phaol, Macgillcattan, chief of the Clan Chattan, and with her got great possessions and the chiefship. If it were a matter of necessity that none but males could succeed to the latter, and no doubt great favour was shown to heirs-male, then it is strange that the lands should have gone without question to the heiress of line. Is not the Duke of Sutherland looked up to, held, and considered as the head of the Sutherlands, and representative of the traditionary Freskyn, though there are at least three breaks by female descent? Be this as it may, however, from and after 1292 no party or tribe had any right to go into the field *under the name of Clan Chattan* without Mackintosh commanded, and any assertion to the contrary cannot be substantiated. This Angus, from descent, by marriage, and personally, was one of the most important men in the Highlands, and as one of Sir Thomas Randolph's principal captains, rendered important service to Robert Bruce at Bannockburn. William, the seventh of Mackintosh, married to Florence, daughter of the Thane of Kalder, was succeeded by his son Lachlan, married to Agnes, daughter of Lovat. Lachlan, though present at the battle of Invernaven, was well advanced in life in 1396. About 1380 or 1381, Robert II. granted him the chiefship, the bond of 1609 after referred to, renewing the compact "according to the King of Scotland's gift of chieftainrie granted thereupon, in which they (the hail Clan Chattan), are and is astricted to serve Mackintosh as their Captain and Chief." We assert that at this time, inheriting the position of Chief, fortified by a hundred years' possession, and confirmed by the King, it was impossible for *public writers*, when referring to Clan Chattan, to mean other than

under Mackintosh, whatever the feeling of any of the tribes might be. We arrive, therefore, at the conclusion that the winning combatants at the North Inch of Perth were the Clan Chattan under Mackintosh.

Secondly, the Macphersons. As no object is aimed at but the elucidation of truth, we must protest that none of the name has any occasion to take offence at our remarks or conclusions. The Macphersons have most honourable traditions, and are independent of the absurdities collected by their "ingenious" advocate, Sir Eneas Macpherson. It is painful to read of a gravely stated descent of some sixteen generations without a single authentic document in verification. It is proper to say, however, that this may arise from two causes—videlicet, the loss of documents in the troubles of '15 and '45, and the circumstance that the lands of the Macphersons were held from the Gordons, and not from the Crown. Had the latter been the case, charters would have been referred to on record. The account given for the Macphersons, besides being apocryphal in its early parts, is frequently incorrect. Thus, Andrew, the fourteenth of Cluny, is said to be succeeded by his brother John, who died in 1600, succeeded by his son John, while it can be established that Andrew was alive in 1609. Errors of a graver and more serious character could be pointed out if this were a necessary occasion for doing so.

There are different versions of the descendants of Gillicattan More, before whose time tradition itself is silent; and, prior to the time of Eva, it is impossible to give any authentic proof—it is mere groping in the dark. Seven generations are said to have elapsed 'twixt Gillicattan More and Dowal, father of Eva. Dowal was an only child, but had an uncle, Ewen Bane. This Ewen, grand-uncle of Eva, had three sons—Kenneth, said to be the first of Clunie, John, ancestor of Pitmean, and Giles, first of Invereshie. The descendants of Kenneth, eldest son of Ewen Bane, up to the year 1396, are stated to have been his son Duncan, who was succeeded by his son Donald Phaol, and the latter by his son Donald Mor.

Shaw confesses that he was unable to give a complete list of the Macphersons, and accordingly he does not go further back than 1660, the time of Andrew Macpherson, who, he says, was father of Ewen, who was father of Duncan; and, with regard to this Duncan, it is well to keep in remembrance that he, the immediate descendant of the chieftain who tried to get from the Lord Lyon the arms of chief of Clan Chattan, considered he could gift his estate and leadership to his daughter Ann and her husband, Calder's son, though the attempt was happily frustrated by the clan, who mustered in force around William of Noide, whose son Lachlan became chieftain in 1722.

Third, the Davidsons, or clan Dai, sons of David. This tribe were undoubtedly at one time very powerful. All accounts agree that they are descended of a David Dhu, Black David, but they are not agreed who David was. Shaw makes him younger brother of Gilli-cattan, third in descent from Gilli-cattan More. The Macpherson's account is that he was youngest son of Murdoch, fourth in descent; while the Mackintosh's account describes him as son of Slane, second daughter of Eva. It is not perhaps of much importance which of these accounts is correct, as in any case the Davidsons were either of the old, or later Clan Chattan. We have no difficulty in concluding that the losing combatants, the clan Kay, Cay, or even Clachinya, really meant clan Dai. Even at a much later date, writers of the English language spelt Highland names most barbarously; our good Celtic name Donald, properly spelt in Gaelic "Domhnall," is generally found thus, "Col," or "Coil," and so on. That there was a clan Dai does not admit of question, nor that they were of Clan Chattan. Their subsequent history is obscure, but their existence, not much above a century ago, is testified by Shaw, whose evidence on the point was founded on personal knowledge. He says—"The posterity of David Dow of Invernahaven were called clan Dabhi in my time."

It is difficult to say, with any degree of certainty, what the causes of quarrel may have been. The clan Dai may

have wished to become independent, or been dissatisfied under Mackintosh. Mackintosh might have found a difficulty in getting the other tribes to assist in putting them down, though, as beforesaid, if the dispute were between two of the tribes, Mackintosh could, by throwing his weight on one side, speedily settle difficulties. It is impossible to say who had the honour of leading the clan Dai, but there is a struggle for the leadership of Clan Chattan.

Shaw stands up for his own tribe, and says that the leader was Shaw of Rothiemurchus, son of a James, and further that the Shaws were long prior settled in Rothiemurchus. All this is incorrect. The Mackintoshes possessed Rothiemurchus, and charters on record establish it. In particular, William, seventh of Mackintosh, got a *new* lease of Rothiemurchus in the year 1347, a former lease having been granted in the year 1236 by Andrew, Bishop of Moray, to Shaw, fourth of Mackintosh.

The Macphersons claim the leadership, but without authority in support. No doubt as interesting a relic as even the Fairy Flag of Dunvegan is among the valued chattels of Cluny—viz., a chanter, said to be that of the piper of Clan Chattan on the occasion of the combat, but the most zealous asserter of the claim of the Macphersons cannot found much upon this. The history of the Mackintoshes, besides positively asserting that they were the victorious party, and indirectly indicating the Clan Dai as their opponents, is singularly distinct upon the point of leader. It says that Lachlan, the chief, being prevented from appearing in person, delegated the command to his cousin, Shaw Mackintosh, and that in consequence of his success, Lachlan granted him the lands of Rothiemurchus, which his posterity who called themselves Shaws enjoyed for a long period. This is clearly the truth; Lachlan had the lands to give, and Shaw was the first of the old family of Rothiemurchus. One of the old writers calls the leader—"Scha-beg," another, scotticising the Highland patronymic—"Christi Johnson." Now, Shaw's pedigree was this—he was the son of *Gilchrist*, who was the son of *John*, which John was second son of Eva.

Before concluding, we have to express our great surprise and regret that of the numerous offspring of Eva, who brought such wealth and dignity to the Mackintoshes, none of the females, so far as we know, received her poetic name. The same may be said of the Campbells of Cawdor; they owed everything in the north to Muriel, the heiress of the famous Thanes of Calder; but until the present generation, we believe none of the ladies of the family received a name so appropriate and so worthy of perpetuation.

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LI.

**ENQUIRIES BY A GUARDIAN REGARDING HIS NIECE'S  
SUITOR, AND THE ANSWERS. 1676. (D.)**

In addition to the numerous courtesies of Mr Dunbar Dunbar, he has permitted us to include in the present series some of the contributions by him to the *Forres Gazette*, not only on account of their intrinsic interest, but their more immediate connection with the county of Inverness. The first of these, thus to be made use of, is now given.

We think the earnest and capital letter after-quoted should be dated from "Rosehall," not "Rosehaugh." At Rosehall, the Baillies had a hold for some time, and an Alexander Baillie of Little Tarrel appears as late as the year 1783. They sprang from the family of Dochfour. David Baillie,\* first of Dochfour, was second son of Alexander, seventh of Dunain, and acquired Dochfour by purchase about the year 1657, and we think the writer, William Baillie, was his brother. His worldly caution did not desert the Baillies in after times.

The query whether James Robertson had been in suit of

\* The vitality of unwritten Gaelic verse is shown by some stanzas of a satirical poem on this David, known and now repeated two hundred years after his death.

any other lady, and if so, the terms, is exquisite. Bailie Dunbar's letter confirms what has been more than once stated, that before the revolution the maltster business was a very lucrative one in Inverness.

What follows is exactly as published in the *Forres Gazette*:—

[The caution of the Bailie's friend, Mr Baillie, on the delicate subject of a projected matrimonial alliance, will amuse our old, and may instruct our youthful readers, of both sexes. What a loss posterity would have sustained by the burning of the epistle as suggested !]

BAILIE JAMES,—Knowing ye are my frind, and presuming upon experience of former curtis, I mak bold wt yow to requist this favor off yow in behallff of a frind of myn. That ye wold tak your owen secret and prudentiall way, to be trewly informd how James Robertson was lefft be his unqll father! what his father was! whither what he had was his owen purchas, or lefft him by his parents! iff he was in burding qn he deied, either by his owen contracting or cautione for frinds! how he lefft his wyff and childring provoyded! who exersd the ofece off executor, and how its dischargd! how this yowng man hath demend himself since his father's deth! what childring yr is besyds himself! what he was really lefft to, be his father, and how he hath improven it since his deth! what his mother lyff-rents, and iff shee be securd and satisfyd yrin, and of the pts off movabls! what her nem is, and whose dochter! iff he hath beine in sute of aney other befor, and what terms was offred or desird! what (his father and also himself), folows in ordinary imployment and treding! what thos tennements ar that he hath, and how they ar employd! what yr rent may be worth besyd what's his mother lyff-rents! what's reported he hath besyds, and off his owen purchase, and how he is to bestow it or lay it forth! Bilie, it's likly ye know much of this yer sellff, but qt ye know not I pray you in as gryt secesie as can be, inform yer sellff, and be at pains to give me ane particular accompt. I doe not quistion but the young man mit be ingenious to satisfye me him sellff, and I could trust his owen word, but not thinking it fitt to intertine him wt interagate, and heaving the happenes of yer good aquantance, resolvid, for my owen and others, hir frinds, satisfaction, to lay the trubler heroff upon you, knowing, as ye are wise, will wialy goe about it. Be intreted, Lett no bodey know off it; but when ye heave perused the leter burn it. The young woman he seeks for is Lillias, my wyff sister dochter, that's wt,—dear Bilie, yor afecteonate Reall frind,

Rosehaugh, this 7th of Jary., 76.

WILL BAILLIE.

Pray let not the barer know his erand to you, and dispatch him so sone as possible. If ye wold favor me wt what ye know of his natural inclinations, his cristian way, and converse, ye wold grytly oblidg me, for if that be good, some want as to the other wold be the easir past.

[Addressed]—for His Worthie, Estemed, Good frind, James Dunbar, Merchand Inn Inverness.

[When the above enquiries respecting so many important pecuniary matters were so particularly made, is it not a little singular that the state of the bodily and mental health of the young man's family should have been entirely overlooked? A sound constitution should be reckoned of more value than broad acres and a family name !]



[Answer to the above.]

INVERNESS, 26th Jan. 1676.

SIR,—Yors I Received and hes considered the contents yrof. For answer, I cannot in ane short tyme give yow so particular and exack acct. of yt gentleman as you desyre, onlie of what I know, I shall, as followes:—1st, his father dyed one of the bailles of this burgh, ane gentleman of good credit & respect, and most of what he haid was his owin purchasse, as I am informed. 2d, as to his burdin when he dyed, I heard little or nothing of it of his owin contracting; and as canr for his freinds, I know no freind heir he would engaidge for, but such as were in good conditione, so yt he nor his could suffer no loss yrby. 3d, as to the provisione of his wyf & children and how they ware left; of that I cannot give ane acct, but as I am informed yr vas no provisione to the children, but what James pleases; and as to his wyfe she is infest but in one tenement of land. 4thlie, know yt James did enter det, and how it's discharged I know not. 5thlie, as to his cariadge since his father's death, I know nothing, nor heard, but yt he hes demend himself Christianlie & soberlie, and of ane frugall & wetewous dispositione. 6thlie, as to the children, they are two boys besyds him, but no daughters. 7thlie, as to his mother's name, its margarat patirsonne, daughter to ane tounes man heir, whom I did not know. 8lie, as to his being in suite of ane other befor, that I heard nothing of. 9lie, as to what was his father's and his owin ordinaire employement; his father was ane mert., and yrafter turned ane labourer, wictuall buyer, and kept ane malt kilne, qch employement his sone followeth, being the onlie best with uss in this place. 10th, as to these tenements he hath, I cannot give any particular acct. what they are worth or what rent they pay, but sure I am they are considerable, and he improvs ym to the best. 11thlie, as to what he hes besyds—as to that I cannot give ane acct., only yt he is in credit and follows his employment. This is the greatest acco. I can give at the time; only yt in my judgement ane gentlewoman may like weill to be his wyfe, havinge the blissing of god, I add no forder but yt I am, &c.,

• JAMES DUNBAR.

## LII

LIST OF OLD WRITS OF THE LANDS OF RHINDOUN  
IN URRAY, 1572-1770;—AND SOME ACCOUNT  
OF THE CHISHOLMS.

Mr Hugh Bain of Inverness has favoured us with the perusal of an old inventory of the writs of the lands of Rhindoun, sold in the year 1770, by John Mackenzie of Tarradale, to Alexander Chisholm of Chisholm, the first portion of which is now given.

These lands, which lie in the united parish of Urray and Kilchrist, of old belonged to the Priory of Beauuly.

In the year 1568, Walter, Abbot of Kinloss and Prior of Beauuly, leased for 19 years to John Clerk in Beauuly, and

failing him to Alexander Clerk, his lawful son, and to their heirs of no higher degree than themselves, the eighteenth part of the town and lands of Reyndoun, in the Barony and Priory of Beauly, and Sheriffdom of Inverness; as also another piece of land; the tenants paying for Reyndoun twelve shillings and six pence Scots, two bolls two pecks of ferme, one firloft of oats, one-fourth of a mart, three-fourths of a mutton, six poultry, one kid, and twenty-four eggs valued at a penny.

Shortly thereafter, the said Abbot of Kinloss made an extensive grant to Hugh, the 7th Lord Lovat, of the barony, town, and lands of Beauly, including the village and lands of Ardnagrask, Rewindoun, Inchrorie, Craigscurrie, and others too numerous here to be repeated. In 1572 Lord Lovat sold Rhindoun to Alexander Bayne of Tulloch, and Agnes Fraser, spouses, and their son, Alexander, according to No. 1 of the inventory. This Agnes was a near relative of Lord Lovat's. The Baynes do not seem to have retained the lands any time, for they were sold in 1574 to Colin Mackenzie of Kintail, though the latter does not procure himself infest until the year 1590. The subsequent transfers by Kintail, Artafellie, afterwards Redcastle, Applecross, &c., may be traced in the inventory. No. 16 shows that the Bishop of Ross, with consent of the chapter, "as having right to the Priory of Beauly by grant from King Charles I.," gives a charter as superior in 1688.

In 1770 the lands were sold to The Chisholm, in whose family they still remain, and, in connection, we propose giving some account of The Chisholms since their connection with the north.

Sir Robert Chisholm, married to the grand-daughter of Sir Robert Lauder of Quarrelwood, was Governor of the Castle of Urquhart, in the time of David II. With his wife he received large possessions, and his daughter, Janet, was married in 1364 to Rose of Kilravock. Sir Robert had a son John, which John left only a daughter. Sir Robert's second son, Alexander, married in 1368 Margaret "of the Ard," and it was by this marriage that the Chisholms got

their first hold in Strathglass. In the same year, Alexander of Chisholm, Portioner of the Ard, did homage to the Bishop of Moray for the lands of Ess and Kintallirgy. Margaret survived her husband, and was succeeded by her eldest son Thomas. In 1401 Margaret, with consent of her son Thomas, gives with her daughter Margaret, in marriage portion to Angus, the son of Goffred of Ile, 15 merks lands, being the davoch of Crochel, and the half-davoch of Comar. In the indenture of marriage Margaret is styled, "Margaret of the Arde, lady of that Ilk," and it shows that she laid claim to lands in Strathnaver and in the Earldoms of Sutherland and Caithness. In 1403 Margaret, styled of the Ard and of Erchless, enters into a submission with William Fenton of Baky, regarding their lands in the Sherifffdoms of Perth, Forfar, Lanark, Aberdeen, and Inverness, to which they had right as heirs portioners. These deeds show the extent of Margaret of the Ard's possessions.

In 1443 "Wylandus" de Chisholm is witness to a charter by the Lord of the Isles. This was a favourite name in the family, and is still to be found among the Clan Chisholm, under the spelling of "Valentine." In the years 1498-1517 appears the name of Welland Chisholm of Comar. In 1498 Wyland Chisholm is party to a raid upon Kilravock's lands in Ardmannoch. In 1499, on a warrant by George, Earl of Huntly, the King's Lieutenant, Duncan Mackintosh, Captain of Clan Chattan, John Grant of Freuchie, and other leaders, with three thousand men, passed against the Clan Mackenzie, the King's rebels, and at his horn for the slaughter of "Harrald of Schescheme," dwelling in Strathglass, and for diverse other herships, slaughters, spuilzies, committed on the King's poor lieges and tenants in the Lordship of Ardmannoch.

The above Wyland in 1513 received from James IV. grants of Knockfin, Comar More, Invercannich, the two Breakachies, and was succeeded by his son John, who in the year 1539 received a royal charter of extensive lands in Strathglass. John Chisholm was dead in the year 1555, and succeeded by his son, Alexander, who married Janet,

sister to Colin Mackenzie of Kintail, and died before 1590, leaving three sons, John his successor, Alexander his second, and Wyland, his youngest son. In 1584, Alexander, and his youngest son Wyland, had grants from John, Bishop of Ross, of the lands of Kinkell, in Logie Wester. John Chisholm was served heir to his father Alexander in 1591, married the eldest daughter of Murdoch, second of Redcastle, and appears upon record in the years 1610-1621. He was succeeded by his son Alexander. In a deed of 1656, which belongs to us by inheritance, Alexander Chisholm of Comar, and his son Alexander Chisholm, "apparend of Comar," are parties. Alexander, the elder, was married to Margaret Mackenzie, daughter of Alexander, first of Coul, and was succeeded by John Chisholm, who appears in record in 1699, who had at least two sons, Roderick Chisholm, afterwards of Chisholm, and Alexander Chisholm, styled of Muckrach.

As these two deserve detailed notice, we conclude for the present by giving the first portion of the list of writs of Rhindoun:—

1770.—Inventory of the Writs and Evidents of the Lands of Rhindoun, with the pertinents lying in the united parishes of Urray and Kilchrist and shire of Ross, sold and disposed by John Mackenzie of Tarradale to Alexander Chisholm of Chisholm, Esq., by disposition of the date of the docquet hereto subjoined.

Bundle 1st, containing old writs—

Imprs.—Charter of alienation by Hugh, Lord Fraser of Lovat, of the said lands of Rhindoun, in favour of Alexander Bain of Tulloch and Agnes Fraser, his wife, in life-rent, and Alexander Bain, their son, and his heirs male in fee, to be holden feu of the Abbot of Kinloss and Prior of Beaully, for payment of the feu-duty therein specified. This charter bears date the 10th of July 1572, but it is supposed it should have been the 10th of June that year, as the relative writings after-inventoried refer to a charter of the 10th June.

2. Procuratory, by way of instrument, by the said Alexander Bain for taking infeftment upon the said charter under the hand of Martin Logie, dated the 13th June 1572.

3. Instrument of sasine on the said charter, dated 18th June 1572.

4. Charter of confirmation of the said charter by Walter, Abbot of Kinloss and Prior of Beaully, with consent of his Chapter, in favour of the said Alexander Bain, dated the 12th and 25th of August 1572.

5. Another charter of confirmation by the said Abbot in favour of the said persons of the said charter, dated 12th August 1572.

6. Charter *a me* granted by the said Alexander Bain, younger, of the said lands of Rhindoun, in favour of Colin Mackenzie of Kintail and his heirs male, proceeding on a contract of sale betwixt them, dated the 10th March 1574. This charter is dated the 10th of July 1590.

7. Two instruments of sasine following thereon in favour of the said Colin Mackenzie, dated the 3d of October 1590.

8. Contract of alienation of the said lands of Rhindown by the said Colin Mackenzie of Kintail in favour of Roderick Mackenzie of Ardefillie, his brother-german, and his heirs male, dated the 10th July 1590.

9. Charter *de me* in implement of the said contract by the said Colin to the said Roderick, dated the 20th October 1590, by which charter the lands are to be holden blench, and for relieving Kintail of the feu-duty and services payable to his superiors.

10. Two coppers instrument of sasine thereon in favour of the said Roderick Mackenzie, dated the 29th of December 1590.

11. Precept under the quarter seal, dated the 5th January 1591, for infesting the said Roderick Mackenzie in the lands of Rhindown upon a charter thereof under the great seal by King James the 6th after the general annexation of Kirk lands, dated the 5th of January 1591.

12. Instrument of sasine upon the said precept in favour of the said Roderick Mackenzie, dated the 12th of February 1591.

13. Two copies of instrument of sasine of the said lands of Rhindown in favour of Colin Mackenzie, younger son of the said Roderick Mackenzie in security of his patrimony of 2000 merks, dated 17th September 1614.

14. Renunciation of the said lands of Rhindown by the said Colin Mackenzie in favour of Murdoch Mackenzie of Redcastle, his eldest brother, upon payment of his said 2000 merks, dated the 14th August 1619.

15. Procuratory of resignation of the said lands by the said Murdoch Mackenzie, in the hands of Colin, Earl of Seaforth, his immediate lawful superior thereof, for new infestments to be granted to Roderick Mackenzie, his second lawful son. This procuratory is dated the 16th November 1625.

16. Charter of confirmation of the said lands of Rhindown by James, Bishop of Ross, with consent of his Chapter, as having right to the Priory of Beauly, by grant, from King Charles the First, in favour of Alexander Mackenzie, eldest son of John Mackenzie of Applecross (which John had purchased the said lands from the said Colin Mackenzie, afterwards of Redcastle), containing a confirmation of the said John's rights from the said Colin of Redcastle, dated 19th April 1688.

(To be continued.)

### LIII.

#### LIST OF THE WRITS OF THE LANDS OF RHINDOWN IN URRAY, 1572-1770;—AND SOME ACCOUNT OF THE CHISHOLMS. PART SECOND.

Roderick Chisholm lived in critical times, and when a youth took part in the rising in 1715. The clan was not sufficiently numerous to form a regiment; hence, and from their long and intimate connection, by marriage and otherwise, with the Mackenzies, the Chisholms naturally attached themselves to Seaforth.

William, fifth and last Earl of Seaforth, made extraordinary exertions for the Stuarts. From all parts of his

extensive lands men were summoned, the fires on Tullochard ceased not night nor day, and the Castle of Eilean Donan rang with preparations for war. The Castle, which had a leaden roof, was destroyed in 1719.

A view, clear and vivid, of this long ruined and deserted building, when in its glory, is conjured up in the mind's eye by the following incident. Writing in 1792, seventy-seven years afterwards, the worthy minister of Kintail relates—"The oldest inhabitant of the parish remembers to have seen the Kintail men under arms dancing on the leaden roof just as they were setting out for the battle of Sheriffmuir, where this resolute band were cut to pieces." One of the finest of the Reverend John Thomson's paintings, recently sold in Edinburgh at a high figure, is a representation of the ruined Eilean Donan; and is not this incident well worthy of commemoration by painter and poet?

The Chisholms, under the young chief, highly distinguished themselves at Sheriffmuir, and, after the suppression of the insurrection, Roderick was attainted and his estate sequestrated. He was married to Isabel, second daughter of Sir Kenneth Mackenzie, second of Scatwell, which Isabel was relict of Kenneth Bayne, younger of Tulloch.\* The Commissioners disposed the estates to James Baillie, writer to the signet, who conveyed them to George Mackenzie, and the latter to Alexander Chisholm of Muckerach, brother of Roderick.

It was almost a miracle that the estates were not lost to the family at this time. Lord Lovat was all-powerful; some of the Chisholms' lands held of his Lordship, to which he laid claim under the Clan Act, and he also exerted himself strenuously to buy up encumbrances affecting the estates, in order that he might adjudge the lands. All his Lordship's attempts were, however, frustrated by the skill and vigour of Alexander of Muckerach, who never allowed himself to be entangled in the embroilments of the time.

General Wade made himself very popular with the Jacobites in the north, and succeeded in inducing many to make

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\* He was also married to the sister of Gilengarry.

their peace with Government. Amongst others, Roderick Chisholm, who appears to have lived in comparative safety in his own country, *signed* the following letter, which we are satisfied he never composed, as it and the letters of the other gentlemen submitters, bear undoubted marks of having been all composed by one hand:—

“SIR,—The success your undertakings have always had has been owing more to your courteous and affable behaviour than to the terror of arms. I presume to throw myself under your protection, fully confident that so much goodness cannot decline representing my unhappy case to the best of Kings—I mean rebellion, which I now detest; and, Sir, I hope that my repentance will be judged the more solid, that I am now in a mature age, whereas I had not attained to the years of manhood when unnaturally I allowed myself to be led to bear arms against His Majesty King George. I have disposed my clan to disarm, and for myself and them I promise faithfully henceforward to behave ourselves as becomes dutiful subjects to His Majesty King George, begging, in the most profound manner, his most gracious pardon for my life (my estate having been sold), which I dare assure myself of from former instances of his Majesty’s clemency to those of equal guilt with myself, though of the highest nature.

Pardon, Sir, this trouble which your great and universal good character draws upon you, and alter not from yourself in neglecting the distress of one who is proud of being, Sir, your most obliged and most obedient, &c.

(Signed) ROD. CHISHOLM.

Strathglass, 30th August 1725.”

In 1742 Muckerach conveyed the estates to Alexander, eldest son of Roderick, and fortunately;—for three years after, on the landing of Prince Charles, the attachment of Roderick to the Stuarts could not be restrained, and he, with his clan, took the field. At Culloden the Chisholms were in the left division of the front, under command of the Duke of Perth, and suffered severely. As nothing could be laid hold of, and the previous attainder had not been removed, Roderick Chisholm, after some time, was left undisturbed, and died in peace. In the general act of indemnity passed in 1747, however, he is one of those specially exempted; and part of the Castle of Erchless was destroyed at the time the whole of the Aird and Strathglass was ravaged by the soldiers of the ever-infamous Cumberland.

Alexander Chisholm, the eldest son of Roderick, married a daughter of Roderick Mackenzie, fifth of Applecross, and was the purchaser of Rhindoun in 1770. In the year 1777, he executed an entail of the estates, limited to the heirs-

male of his body, whom failing, to the heirs-male of his uncle Muckerach, and died prior to 1786, leaving five sons and two daughters. The eldest son, Alexander, died without male issue, and was succeeded by his second brother William, who, by his wife Elizabeth, sister of Colonel Alexander Macdonell of Glengarry, left two sons, Alexander William Chisholm, M.P. for Inverness-shire, and Duncan Macdonell Chisholm, who both possessed the estates in succession, and died without issue. Before the death of the last Chisholm, all the male issue of Roderick, except himself, had failed; and thus, in terms of the entail, upon the death of Duncan Macdonell Chisholm, the succession opened to the nearest heir-male of Alexander Chisholm of Muckerach.

Alexander of Muckerach's eldest son, Archibald, was well known in Strathglass as "Gillespie Ban," and also marked out from others by wearing a wig, which seems to have been then an uncommon thing in the district. He married the daughter of Matheson of Attadale and Fernaig, grand-aunt of Mr Matheson of Ardross, and left three sons. The eldest son, Roderick, left Strathglass with many of the Chisholms for Canada more than eighty years ago, when quite young. Long, however, since Roderick left, there were, within the last five years, at least four people living who had seen him, and who could describe his appearance. From circumstances unnecessary here to be alluded to, this testimony was deemed by those who conducted the proof of propinquity, of great importance. Had the succession—a very probable circumstance—not taken place until a few years later, this important evidence was irreplaceably lost.

The present Chisholm possesses under happy prospects a magnificent estate;\* and the male descendants of old Roderick Chisholm having failed, it has rightly eventuated, after the lapse of 150 years, that the heir-male and of line of Alexander Chisholm, who preserved the estate, should enjoy the lands and honours.

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\* The foolish attempt to detach the valuable lands of Knockfin has been happily defeated in the most signal manner in the Outer and Inner Houses of the Supreme Courts of Scotland.



## Follows the concluding part of the writs of Rhindoun :—

Bundle 2d, containing the later writs—

17. Decree of transump before the Bailies of Canongate, dated the 5th of January 1742, wherein are transumed the following writs :—

1. Disposition, dated the 22d August 1724, of the whole estate of Applecross, comprehending the said lands of Rhindoun and pertinents, granted by the commissioners and trustees for the forfeited estates in Scotland, in favour of Roderick Mackenzie of Applecross, therein designed of Kinwhillidrum ; the said estates having been forfeited by the attainder of the said Alexander Mackenzie of Applecross for accession to the rebellion in the year 1715. By this disposition the whole estate of Applecross, comprehending Rhindoun, is ordained to be holden blench of the Crown for payment of a penny Scots yearly if asked alienarly.

2. Charter of resignation under the great seal, dated the 26th July 1725, following upon the said disposition in favour of the said Roderick Mackenzie, and by this charter the whole lands and estate of Applecross, comprehending Rhindoun, are to be holden blench of the Crown for payment of a penny Scots money.

3. Instrument of sasine thereupon in favour of the said Roderick Mackenzie, dated the 12th October, and registered at Fortrose the 4th November, both in the year 1725.

4. Retour of the special service of John Mackenzie, now of Applecross, as heir of the said Roderick Mackenzie, his father, in the said lands and estate of Applecross, before the Sheriff of Ross, dated the 13th of January 1732.

5. Precept furth of the chancery for infetting the said John Mackenzie in the said estate, dated the 6th of April 1732.

6. Instrument of sasine following thereon in favour of the said John Mackenzie, dated the 25th, and registered at Fortrose the 28th day, both of the months of April 1732.

18. Disposition, dated the 21st of September 1741, granted by the said John Mackenzie of Applecross to the now deceased Alexander Mackenzie of Lentrane, of the lands and estate of Tarradale and Rhindoun, comprehending the particular towns and lands therein specified.

19. Instrument of sasine upon the precept of sasine contained in the said disposition in favour of the said Alexander Mackenzie, dated the 24th Nov., and recorded in the general register, the 3d of December 1741 years.

20. Instrument of resignation of the said estate of Tarradale and Rhindoun, in His Majesty's hands, as superior thereof for new infettments of the same to the said Alexander Mackenzie. This instrument proceeds on the procuratory of resignation in the said disposition, and is dated the 22d June 1742.

21. Charter of resignation and confirmation under the great seal of the said lands of Tarradale and Rhindoun, comprehending the particular towns and lands therein mentioned in favour of the said Alexander Mackenzie of Lentrane, proceeding on the said disposition, and resignation also in his favour. This charter is dated the 22d of June 1742, and by it likewise the lands are to be holden blench of the Crown for payment of a penny Scots yearly as aforesaid.

22. Instrument of sasine thereon in favour of the said Alexander Mackenzie, dated the 31st day of May, and recorded in the particular register of sasines for the shire of Ross and others kept at Inverness, the 10th day of June, both in the year 1743.

23. Ext. disposition, dated the 28th January 1743, registered in the books of Session the 27th of February 1743, granted by the said Alexander Mackenzie of Lentrane in favour of Roderick Mackenzie, his eldest son of his second marriage, of his said lands of Tarradale and Rhindoun, and other lands therein mentioned, containing procuratory of resignation and precept of sasine.

24. Instrument of sasine in the said lands contained in the said disposition in favour of the said Roderick Mackenzie proceeding on the precept likewise therein contained, dated the 18th and 21st of November 1754, and recorded in the particular register kept at Inverness, the 10th of January 1755.

25. Disposition of the said lands of Tarradale, Rhindoun, and others, dated the 29th of March 1757, granted by the said Roderick Mackenzie to Mrs Ann Mackenzie, his mother, in order she might convey and dispoine the same at her discretion to the heirs of the marriage betwixt her and the said deceased Alexander Mackenzie of Lentron. This disposition contains procuratory of resignation and precept of sasine.

26. Instrument of sasine thereon in her favour, dated the 6th of April 1758, and duly recorded in the particular register of sasines kept at Inverness, the 22d of May thereafter.

27. Disposition, dated the 10th day of March 1768, granted by the said Mrs Ann Mackenzie to the said John Mackenzie, only son now surviving of the marriage twixt her and the said Alexander Mackenzie of Lentron deceased, of the lands of Tarradale, Rhindoun, and others, in implement of the said trust right in her person. This disposition contains procuratory of resignation and precept of sasine.

28. Instrument of sasine on the precept contained in the said disposition in favour of the said John Mackenzie, dated the 29th day of October, and duly recorded in the particular register of sasines kept at Inverness, the 2d of Nov. thereafter.

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#### LIV.

#### THE FRASERS OF PHOPACHY, AFTERWARDS OF TORBRECK, 1661, *et subsequen.*

It having been suggested that there should be included in these articles notices of some families in the North once of importance, but now extinct or removed, we have on this occasion selected the family whose name heads the paper.\*

From the late Mr John Anderson's interesting and comprehensive history of the Frasers, we give below extract in reference to the early history of the family.

In 1661 James Fraser of Phopachy was ordained minister of Kirkhill, and died in 1709. The ministers of the Aird were about this period men of good position. While the parson of Kirkhill was a landholder, his neighbour, Mr Hugh Fraser of Kiltarlity, had married Anna, daughter of Sir Mungo Murray of Blebo, whose contract of marriage in the year 1676 is dated at Holyrood House.

The Reverend James Fraser had at least three sons—Robert, Alexander, and Simon. Alexander, who succeeded and married Jane Dunbar, was a man of considerable consequence in the Aird, and having assisted Lord Lovat

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\* So many other matters pressed that this request has not been fulfilled.

when in adversity was, upon his Lordship's getting possession of the estates in 1716, appointed Chamberlain. Some time afterwards they quarrelled, and in the time of his son and successor Robert, Lord Lovat redeemed the lands of Phopachie from the wadset under which the Frasers had possessed for upwards of one hundred and fifty years.

The burying-place of the family in Kirkhill is still to be seen, but after they acquired Torbreck, the place of burial was in the chapel-yard at Inverness.

One of Robert Fraser's sons (James) having gone to the West Indies, amassed considerable wealth, and in or about the year 1758, purchased the lands of Torbreck and Balrobert, at a judicial sale instanced by the creditors of John Baillie.

The lands of Torbreck formed part of the Castle lands of Inverness granted to the Earl of Huntly, and under feu from the Earl, became at an early period the property of the Baillies of Dunearn. Alexander Baillie, ninth of Dunearn, married Jane, third daughter of Sir Kenneth Mackenzie, second of Coul, and had a younger brother William, afterwards known as Commissary Baillie of Inverness. William Baillie, son of Alexander, had a daughter Mary, who married her cousin, John Baillie, eldest son of Commissary Baillie. This John was Sheriff-Depute of Inverness, and purchased from his father-in-law and uncle, the above William, tenth of Dunearn, the lands of Torbreck. He held the appointment of local factor for the Gordons, as also factor for certain lands near Inverness, administered by the commissioners on forfeited estates; but notwithstanding, and his being a man of considerable ability as his letters show, left his affairs so embarrassed that after his death, as already said, his estates were sold.

The following is a description of the lands of Torbreck from a deed of 1721 :—

“ All and hail the town and lands of Nether Torbreck, commonly called the Mains of Torbreck, including the peadicle thereof, commonly called Clach-andreggie, with the manor place of Nether Torbreck; as also the town and lands of Upper Torbreck and Balrobert, with the milln of Torbreck, and milln lands thereof, multures, suckens, and sequels of the same, and the teind sheaves

and personage teinds of the said respective lands, and all and sundry houses, biggings, barns, byres, yards, orchards, mosses, mairs, woods, sheallings, grazings, pasturages, commonie, libertie, privileges, parts, pendicles, and universal pertinents thereto belonging; together likewise, and also with the office of Bailliarie of the said lands, and of keeping and holding courts from time to time upon any part of the bounds thereof, with as ample privilege as William Baillie is entitled to by the original and late rights and infestments of the same lying within the regality of Huntly, and Parochin and Sheriffdom of Inverness."

The lands of Merkinch, which belonged to the same Roses who possessed Alturlies, were also acquired by James Fraser, and other lands at Ballifeary, &c., were afterwards purchased.

Alexander Fraser, second of Torbreck, possessed the estate for a very long period, and left two sons, Robert, his successor, Hugh Fraser, afterwards of Stoneyfield, and a daughter Jane, married to Hugh Fraser of Struy. Alexander Fraser managed his concerns with great prudence, was much respected in Inverness, and kept up a good style. There are a few still living who recollect the first coach he used. From its cumbrous construction and divisions, it was known as "Noah's Ark," and as it rolled ponderously along, never failed to excite the attention and admiration of ingenuous youth.

Robert Fraser, third of Torbreck, succeeded prior to 1823, and was, in most respects, the reverse of his father. His elopement with Lady Anne Maitland, daughter of the Earl of Lauderdale, in the style and after the manner of the young Lochinvar, is well known. It is related of this spirited lady that, arriving at an inn, hotly pursued, she threw herself under bed clothes, and Torbreck vainly endeavouring to remove his riding boots, she, with nervous impatience, exclaimed, "Jump in Bob, boots and all!" the baffled pursuers thinking it prudent in these circumstances to desist.

The present generation has no conception of the effects produced in Scotland by the agitation preceding the Reform Bill. No question could, in these times, by any possibility involve such commotion or stir up such feeling. Among others in the north, Torbreck became a violent reformer, and in the great contest for the Inverness burghs in 1832,

stood as a candidate, and incurred great expense. As an illustration of his belief in the effects of "the bill," it may be mentioned that in course of his canvass he called at the house of one of the electors, and happened to be seen by one of the ladies, who often told the writer, her relative, that one of Torbreck's remarks was—"In ten years not a Tory will be able to get a seat in Parliament." The numbers at this election for the various candidates were—Colonel Baillie, 250; Stewart of Belladrum, 243; Cumming Bruce, 192; Torbreck, 6. As it would be a pity to let the names of these undaunted six perish out of remembrance, their names are given:—1, Kenneth Cameron, Academy Street; 2, Harold Chisholm, merchant; 3, Finlay Fraser, Ballifeary; 4, Donald Kennedy, Holm; 5, Robert Macgillivray, upholsterer; and 6, Peter Ross, tailor.

Lady Anne Fraser, though she caused large additions to be made to the old house of Torbreck, was still dissatisfied, and having acquired from the late John Mackintosh of Holm a considerable portion of ground called "The Darroch," built upon it the pleasantly situated house of Ness Castle. When the estates were sold about 1834, Torbreck and Balrobert were purchased for the family of Leys, a branch of the Duneans; and Ness Castle and the lands of the Darroch by that excellent countrywoman, the late lamented Marjory, Lady Saltoun, who considerably beautified the grounds and gardens. All the other lands in and about Inverness were also sold.

Torbreck died in London about 1846 or 1847, leaving a son, Alexander Robert, and two daughters, Eleanor Charlotte and Anne, who were all alive in 1845.

Follows the extract from Anderson's history of the Frasers:—

PROPAGY.—Though not strictly allied to the Lovat family, a brief account of this race may not prove uninteresting. The estates of the family of Fraser of Fruid, a branch of the Frasers of Drumelzier, became the property of an heiress in the reign of James IV. Two potent barons contended for the honour of her hand. Malcolm Fleming, brother to the Lord Fleming, was the one; John Tweedie, laird of Drumelzier, the other. The lady plighted her troth to the first, but Tweedie forcibly carried her off and married her. A long and bloody feud arose between the Flemings and the Tweedies in consequence of this step, in which John, Lord Fleming, lost his life, 1st November 1524.

Agnes Fraser (such was the name of the heiress of Fruid) had an uncle, John Fraser, who bequeathed to his widow the care of a numerous and youthful family. This lady of the house of Craigie-Wallace beheld the dissensions of her native country with alarm, and to avoid them she came north and threw herself on the beneficence of John Fraser, Bishop of Ross, her deceased husband's uncle. He received her with open arms, and provided for her family. Fraser of Phopachy was the fruit of the alliance between James, grandson of this lady's third son and Elizabeth, daughter of William Fraser of Struy, anno. 1599. From Phopachy sprung Fraser of Merkinch, which appears to have been the patrimony of the eldest son of this house. Phopachy long since reverted to its ancient proprietors, the family of Lovat, and the Frasers of Phopachy are represented by Robert Fraser, Esq. of Torbreck, an estate which was purchased by a son of Phopachy at a judicial sale in 1758. Hugh Fraser, Esq., at Ness Side, is a younger branch of the family of Phopachy.

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 LV.

**PROCLAMATION REGARDING THE STATE OF THE  
HIGHLANDS, 1678. PART FIRST. (D.)**

As early as the year 1333, in reference to the battle of Halidon Hill, an English poet describes the Highlanders as "wild Scots," and the Lowlanders "and also of tame." There can be no question as to the generally disturbed state of the Highlands prior to 1747. The records of Parliament are full of laws and acts passed to regulate their peace and government. A few of the more curious may be referred to.

By the 93d of James VI., Parliament 11th, it was ordained "that all landlords and bailiffs in the Highlands where broken men have dwelt or do dwell, should be charged to find sufficient caution and surety of landed men *in the in-countray* under the pain of rebellion." The 102d of said Parliament is directed against the practice of levying black mail. The 109th statutes "that such interposed persons as take upon themselves to sell the goods of thieves and disobedient persons and clans, *that dare not come to public markets in the Lowlands* themselves, whereby the execution of the acts made against sorners, clans, and thieves is greatly impeded," shall be punished in manner therein contained. By the act of 1594, c. 227, it is ordained "that in order

that there may be a perfect distinction, by names and surnames, betwixt *those that are, and desire to be esteemed honest and true men*, and *those that are, and are not ashamed to be esteemed thieves, sorners, and resettlers of them in their wicked and odious crimes and deeds*; that, therefore, a roll and catalogue be made of all persons, and the *surnames* therein mentioned, suspected of slaughter, &c." By the 6th, Chas. II., session 2d, it is *inter alia* statute "that the inbringer of every robber and thief after he is outlawed, and denounced fugitive, shall have two hundred pounds Scots for every robber and thief so inbrought."

When any chief found himself unable to crush his enemy, a favourite scheme was to make complaints to the King, and upon *ex parte* statements, which often succeeded, a commission and letters were procured, whereby frequently the greatest injustice was committed.

In the year 1678 the state of the Highlands required particular attention, and a proclamation of great length was issued on the 10th of October of that year. From a copy in Mr Dunbar Dunbar's possession, we see that it proceeds on the narrative that the Lords of the Privy Council had been obliged not only to order that all landlords and chiefs of clans should give bond and caution for the security of the peace and quiet of the Highlands, but also that the leaders of the several branches of the families of these clans should give like bond of caution for themselves, and all of their name descended of their house. It further narrates that, notwithstanding all the laws and orders passed, the inhabitants and broken men within the Highlands and Islands, being inured and accustomed to liberty and licentiousness upon occasion of the late troubles, still presumed to sorn, steal, oppress, and commit other violences and disorders.

The proclamation, therefore, ordained that the landlords and chiefs of clans contained in a roll annexed, should compare at Edinburgh on the last Tuesday of February 1679, and yearly thereafter upon the second Thursday of July, in order to give security, and receive instructions as to the peace of the Highlands. In order to prevent any excuse for

non-attendance, all those journeying to Edinburgh for the purpose, were declared free from caption for debt, or otherwise, for the time.

It also declared that all other ways would be taken that should be thought necessary or expedient to the end, and until the Highlands would be finally quieted, and all these wicked, broken, and disorderly men utterly rooted out and extirpated.

The numerous smaller barons, who had only to appear at Inverlochy, and the not very complimentary reasons why, mentioned in the proclamation, will be given next week, and it is chiefly that our readers may note those whom the King classed in each category, that this and the paper to follow are given.

The laird of "Mackfarland" and the laird of "Mackfarlane" appears curiously enough in both lists:—

A list of the names of the Landlords and Chieftains of Clans that are to compare before the Council upon the last Thursday of February next, and upon the second Thursday of July yearly thereafter.

The Laird of Luss, the Laird of Buchanan, the Laird of Mackfarland, the Earl of Perth, the Marquis of Athol, Robert Campbell of Glenlyon, Alexander Robertson of Strowan, Sir Alexander Menzies of Weyme, John Campbell of Fordell, Campbell of Glenfalloch, the Earl of Argyle for himself and his whole feuders and vassals, the Laird of Maclean, Maclean of Lochbuy, the Captain of Clan-Ronald, the Lord Macdonald, the Marquis of Huntly for himself and his whole feuders and vassals, the Laird of Mackintosh for his whole feuders and vassals, the Laird of Grant, the Lord Reay, the Earl of Seaforth, the Earl of Sutherland, Sir James Macdonald of Sleat, the Laird of Macleod, the Earl of Moray, the Earl of Mar, the Lord Lovat, the Earl of Airth, the Earl of Aboyne, the Earl of Airlie, the Earl of Caithness, the Laird of Lochiel, the Laird of Edzell, the Laird of Altyre, the Laird of Balnagown, the Laird of Fowles, the Laird of Pluscardine, the Laird of Tarbet, the Laird of Cromarty, the Laird of Macgregor, the Laird of Mackmartin, the Laird of Lawers, the Laird of Grandtully, and the Laird of Drum.

*(To be continued.)*

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## LVI.

### PROCLAMATION REGARDING THE STATE OF THE HIGHLANDS, 1678. PART SECOND. (D.)

The proclamation of 1678 goes on to state that the King, by advice of the Lords of his Council, had thought fit, and did thereby require and command the persons after men-



tioned, heads of the several branches of clans, *who, by reason of their mean condition, are not able to come in to Edinburgh, and find caution*, to come to Inverlochy betwixt, and the 20th day of November next, and there to give in bonds of caution for themselves, their men tenants, servants, and indwellers upon their lands, and all of their name descended of their family, to the Earl of Caithness, Sir James Campbell of Lawers, James Menzies of Culdares, or any two of them, who are thereby commisionate for receiving of the said bonds, conform to the list subjoined, with certification in regard to their absence, and under the protection therein specified.

The minor list contains excellent names, the descendants of some of them holding a high position, while the descendants of many of the greater barons, whose names were given in last number, possess not an inch of Scottish soil. We repeat that, notwithstanding the depreciatory reference in the proclamation, there are good families in the list, many whose names are historic, and we offer a few observations on some of them as they occur in their order:—

1. Macgregor of Ruara. Dr Norman Macleod says of Highland music in his “Reminiscences of a Highland Parish,” portions of which are touching enough to melt the sympathising reader to tears, “They (the ladies of the manse) could sing their own Highland ditties, wild but yet as musical as mountain stream, or summer wind, sweet and melodious as song of thrush or blackbird in spring, going right to the heart of the listener, and from his heart to his brimming eyes.” Who among the musical Gael does not know the air, “Macgregor of Ruara,” and its companion, “The Song of Clan Gregor.” We give these two a high place, not only from their intrinsic merits, but from being endeared by early and happy recollections. There are, alas! now no Macgregors of Ruara\*—it is long since they were dispossessed by Campbells, Murrays, &c.—but so long as song exists, so long will their name remain. Well might Lord Chancellor Campbell grieve that, notwithstanding

\* Though there is yet a Macgregor at Lochs of Roro, he is but a gamekeeper.

the great power and number of his clan from an early period, only one popular air connected with the name was to be found.

2. Cameron of Callart. The grave has just closed on the heir-male of this house,\* one of whom was destined to confer lasting honour on the name. There are a great number of Camerons in the list. Have not times changed when there are only two proprietors of the name in Lochaber? and it is believed not a single tacksman of the name of Cameron on all Lochiel! Equally changeful is the fact of the descendant of the cavaliers Lochiel possessing the manors of Hampden.

3. Macdonell of Keppoch. This family sunk after 1715. The lands consisted of two glens, Glen Spean and Glenroy, the former becoming the property of the Gordons, and the latter of Mackintosh. A very curious work was published at Montrose in 1815 by John Paul Macdonald, a teacher in Stonehaven, entitled "A Keppoch Song." This Macdonald claimed, through his mother, to be representative of Keppoch, and his denunciation of the Gordons for taking the lands under the Clan Act is the raving of a mind unstrung by ever dwelling on an idea of wrong. Here is a specimen:—"Cock of Huntly, dost thou summon or challenge me. I know thee not. Hie thee home, and crow upon thine own dunghill. But thou callest thyself a Duke. Hast thou changed thy genus? Well; it is possible thou mayest fly to my border; thou mayest bathe thyself in the waters of Loch Laggan; thou mayest survey the capacious basin, the circumjacent woods. Thou mayest deposit thy eggs in its islands, and bring forth thy brood. But know that thou dost so at the hazard of thy life, *for it is possible I may slay and eat thee.*" The italics are ours. For the sake of the amusement his work afforded, we hope Mr Macdonald lived long enough to see Glen Spean sold, and the virtual extinction of the Gordons in Inverness-shire.

4. Stewart of Ardvoirlich. This name brings up the person, the tragic incident in whose life forms the foundation

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\* The late Sir Duncan Cameron of Fassfern.

of "The Legend of Montrose." The representative of the family wrote in explanation to Sir Walter Scott, and in the preface to the edition of 1829 the communication is quoted, which to some extent places in a satisfactory position Ardvoirlich's share in Lord Kilpont's death.

5. Grant of Glenmoriston. From the time of Patrick, son of John, first of this family, they were almost independent of Grant of Freuchie, afterwards of that Ilk. In the struggles which prevailed during the whole of the seventeenth and first half of the eighteenth centuries, the Grants of Glenmoriston invariably supported the royal cause, while the chiefs as firmly ranged themselves on the other side. This much tended to support the independence of Glenmoriston, and many of Grant's people, particularly in Urquhart, were enthusiastic for the Stuarts. The cruel treatment of several of the Urquhart men after Culloden has been commented on already (Notes No. 2.) There is little danger of the Duke of Cumberland being forgotten in the north. A too common and noxious weed, more aspiring than the lowly though objectionable docken, unknown in the Highlands until Culloden was fought, bears, with a not flattering adject, his name; and there are songs innumerable. We give two verses of one, well known, bearing to be composed when intelligence of the Duke's death was being circulated:—

"Ken ye the news I hae to tell,  
Bonnie laddie, Highland laddie;  
Cumberland is awa' to ———,  
Bonnie laddie, Highland laddie.

The deil wi' hatchet in a neuk,  
Bonnie laddie, Highland laddie;  
Was rievin' sticks to roast the Duke,  
Bonnie laddie, Highland laddie."

Follows the list referred to:—

A list of the names of the Heads and Branches of Families that are to come to Inverlochy, and give bond to the Commissioners of Council betwixt and the twenty day of November next:—

Archibald Macnab of Aucharne, Patrick Macgrigor in Braichlich, Finlay Macnab of Inshewen, Donald Glass Macgregor, now in the Brae of Balquhidder, Dowgal Macgregor in Kyletten, Duncan Roy Drummond, *alias* Macgregor in Dindorn, Gregor Macgregor of Rora, Ewen Cameron of Calort, Angus Campbell in Innerlochie, Donald Cameron of Teirlundy, John Cameron of Tomacharich, Cameron of Letterfindlay, Angus Cameron in Kenlochlyon, Angus Cameron of Ratolichmoir, Donald Cameron of Ratolichbeg, Angus Cameron in

Balscherne, John Cameron of Inshrie, Donald Cameron of Blairmaulich, Dowgal Macclauchlane in Coronan, Ewin Cameron of Lindallie, Cameron of Eracht, John Cameron of Stron, Donald Cameron, tutor of Lochyel, John and Ewin Camerons, his sons, Ewin Macphie *alias* Vic-Ian, Vic Donachie, Vic Ewen, in Glendessary, John Cameron, *alias* Macewen in Murlagen in Locherkek, Alex. Cameron in Innerwallie, John Cameron *alias* Mackoneil, Viccan-dui in Drumnasyle, John Cameron of Glenevis, Sorley Cameron in Finnart, Archibald Macdonald of Keppoch, Macdonald of Therait, Macdonald of Bohantin, and his eldest son, Macdonald of Killihonat, Macdonald of Tullich, Macdonald in Innersimoir, Angus Kennedy in Rynathen, Macdonald of Moy, Macdonald of Teirnadish, Macdonald of Annat, Macdonald of Inach, Macdonald of Auchnacochan, Macdonald in Polvig in Glenco, Macdonald of Auchtriatin, Macdonald in Breckled, and his son, Macdonald in Killisneyoon, Macdonald in Larich, Macdonald his brother's son, Alexander Ferquharson of Wardhouse, Ferquharson of Monaltrie, John Ferquharson of Innerey, Duncan Macpherson of Cluny, John Macpherson in Shira, Duncan Stewart of Appin, Dowgal Stewart of Inscherich, Robt. Stewart of Ardvorlich, Duncan Stewart of Bellachallen, Alexander Stewart of Annat, James Stewart in Glenbukie, William Mackintosh of Borlum, Alexander Mackintosh of Connage, Donald Mackintosh of Killachy, the Laird of Mackfarlane, Malcolme Mackfarlan of Glentiren, John Buchanan of Lenie, Thomas Frazer of Ardachy, Thomas Frazer of Little-glendo, John Frazer Fiar thereof, Hugh Frazer of Kilbokie, James Frazer of Dunballoch, Donald Frazer of Drummond, Donald Frazer of Little-garth, Hugh Frazer of Strowie, Donald Frazer of Erchit, Malcolme Frazer of Culduthal, John Frazer of Knockehyllalen, William Frazer of Foyers, Donald Macgillivray, tutor of Dumnaglass, Paul Mackbane of Kinchyle, William Forbes of Skellater, Thos. Grant of Balmakain, John Mackintosh of Farr, James Grant of Rothiemurchus, Robert Grant of Bedivoehil, John Grant of Coneschen, John Grant of Glenmoriston, John Grant of Corrimony, Robt. Grant of Dalvey, John Grant of Glenlochy, Hugh Rose of Kilravock, James Grant of Auchernick, Patrick Grant of Tallochgorum, Grant of Gartnabeg, James Macnab in Kirkton of Straphillen, James Ferquharson of Camdel, John Grant of Carron, and Allan Grant of Talloch.

(Signed) AL. GIBSON, Cls.

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## LVII.

### LETTER, LORD LOVAT TO DUNCAN FORBES OF CULLODEN, 10th MAY, 1716.

The reader of the Culloden papers will see that Lord Lovat was long one of President Forbes's most constant correspondents.

The letter after quoted, never before published, is highly interesting. It narrates Lovat's first interview with the Prince of Wales upon his return from his lengthened exile, and in its mingled flattery and anxious though unobtrusive references to his own concerns, eminently characteristic.

The first part of the letter, down to the sentence commencing "he then turned to Kilravock," &c., is written in French, being considered too private for ordinary readers.

Lord Lovat's pardon very soon after passed the seals, but he was involved in litigation about the estates until the year 1734, when, by the intercession of friends, the questions with Fraserdale were compromised. The printed cases for the litigants are very valuable on points connected with peerage law.\*

"General" was a favourite mode of Lovat's in addressing the President. The letter passed through the post-office, being franked by Brigadier Grant, then member of Parliament for Inverness-shire, and is addressed on the back "To Mr Duncan Forbes, advocat at Edinburg":—

London, 10th May 1716.

My dear General,—This is to inform you that my amiable Duke of Argyle has presented me to my Prince, with his friend Kilravock, in his Cabinet. The Prince received me in a most charming manner. He is one of the most amiable and affable princes in the world. He said to me you have rendered us great services in the north. I replied that we had the good fortune to make some diversion in the north, but that it was the glorious and happy action of the Duke of Argyle which had made the affair miscarry and suppressed the Rebellion, and that for myself since there was a close connection (*etrote liaison*) between my house and that of the Duke of Argyle at all times, that what I had done ought to be attributed to that Duke. The Prince said to me that he knew there was a great alliance between the house of Argyle and mine, and afterwards he said to me that it was the principle of their house to be grateful (or kind) towards their true servants, and that I might consider he would push my affair with the King and Ministers as his own. He then turned to Kilravock, and said very obliging things to him. Kilravock said he had a great desire to come and see His Royal Highness, and I added that all the gentlemen that served the King were desirous to come and tell themselves their services to the King and His Royal Highness, least any person might suppress them. He answered us that he knew them very well, that Brigadier Grant told him the whole, and that he had it in writ. He told that was what we desired. This writ is the account signed by you and the other Lieutenants, and I believe the Prince will give it to the King. George Drum: told me immediately after I had come from the Prince that he was pleased with what I said, and that he could tell me Argyle was personally as well with the King as any man in England. I told this day to my Lord Isla first, and then to the Duke, what passed betwixt the Prince and me. They were both very glad, and the Duke told me that I should have a private audience of the King and Prince, &c. yet, and that this day he would speak to the Prince to speak to the King of me. So that my lordly brothers treat me like a brother. I am to push at first the gift of Fraserdale's life-rent escheat. I wish I had brought a copy of such a gift from you, I would have gotten done in a few days. Send

\* It has been said that Lord Lovat was unkind to his wife. When the writer was at the Edinburgh University 1849-1853, he was acquainted with a very aged gentleman, who in his youth was an apprentice in the law office whence Lady Lovat drew her jointure. This gentleman frequently went with her allowance, she being confined to her room, and generally to her bed; and she invariably introduced Lord Lovat's name reverently, dwelling with pleasure on events in her married life.

me up your thoughts of it in law. But I'll endeavour to have it before your letter comes. That will put Fraserdale to a point. Let me know, my dear General, what is the best way to secure me of that estate, since I believe they are resolved to give it me one way or another, so consult it my dear General.

There is a book printed at Edinburgh by one Crawford. It's the account of the families of the Scots peers. He makes me descended of Sir Peter Fraser's family, and makes my honours resigned by the late Lord Lovat to the King, and given back in favour of his daughter—a most notorious lie. My Lord Isla is very angry at this book, and says he will soundly challenge the author. I beg you may see the book, and do in it as you think fit. I told my Lord Isla this day that my General, besides his wit, has more honour in his soul than all those who were with us at Inverness, and that if things required it they should send for you. He told me they did not care for what the E—— did; but that he loved his honest Duncan, and would never forget him. I told him you wrote to me that my enemies called me Papist, a thief, and Jacobite. He laughed very heartily, and said he was glad to see them at the end of their malice, but bid me carry fair with all people, whether they're friends or foes. The Duke told me that Atholl did not write to him since my pardon is out. They know that Atholl, the Justice-Clerk, and Glengarry, are joined; but I hope all their necks will be soon broken. Let this serve for my dear Lord Provost, Mr Robert Baillie, and Mr Simon Rose. I embrace you all, and I am for ever your own.

(Signed)           LOVAT.

I do not value whether they call me a thief, Papist, or Turk, providing I have peace of conscience, and that my General loves me. You did as much communicate by a priest as any brother.

My service to Mr MacFarlan and his lady. I would wish he would search Fraserdale's right to the estate, and what we can do to find the old papers of the family.

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## LVIII.

### THE TITLES OF THE URQUHARTS OF CROMARTY, 1658. PART FIRST. (D.)

We are enabled, through the kindness of Mr Dunbar Dunbar, to publish an inventory of the title-deeds of the estate of Cromarty made in the year 1658. They were in possession, by way of hypothec, of Sir Robert Farquhar of Mounie, formerly one of the Bailies of Aberdeen, who was a man of considerable consequence and wealth. We have looked through several of his papers, many of which are interesting; one of these being a list of the royalists upon whom fines were imposed, together with the amounts and application, will probably be printed hereafter.

The following is a description of the lands and estates of the Urquharts in Ross and Cromarty shires, as contained in an instrument of sasine in favour of Sir Robert Farquhar in 1644 :—

All and whole the lands and barony of Cromarty, comprehending the lands and dominical lands or mains of Cromarty, with the tower, fortalice, manor, place, houses, biggings, yards, orchards, and pertinents thereof, together with the heritable office of Sheriff of Cromarty, with all the privileges, liberties, fees, casualties, and duties whatsoever pertaining and belonging to the same. The towns and lands of Newtown, Navity, and Neilstoun, and the houses, biggings, yards, orchards, parts, pendicles, and pertinents of the same. The burgh lands, roods, and acres of Cromarty, as also with the advocacy, presentation, and right of patronage of the parish church and parish of Cromarty. The town and lands of Farness, with the mills, mill lands, multure, sequels, houses, biggings, yards, orchards, parts, pendicles, and pertinents of the same, Bostas of Farness and Bannans, the towns and lands of Davidston, Padistown, Ardoch, Bellashellie, Braelangwell, Bellacheerie, Riefillis, Ferrietown, Belblair, Roskobbrechtie, the Milltown of Roskobbrechtie, with the mills, mill lands, multure, and sequels thereof. The ward of Gehuie, Taminich, Auchmartin, and Corrie, the towns and lands of Meikle and Little Braes, with the woods thereof, and the towns and lands of St Martin's, with the mills thereof, houses, and biggings of the same, together with the teind-sheaves, and other teinds, parsonage and vicarage of the whole foresaid towns and lands, with the pendicles and pertinents of the same, as also, with all and singular, the towns, fortalices, manor places, houses, biggings, yards, orchards, mills, mill lands, multure, sequels, woods, fishings, tofts, crofts, outseats, inseats, muirs, marshes, meadows, annexis, connexis, dependencies, tenants, tenantries, and services of free tenants, parts, pendicles, and pertinents of the whole foresaid towns, lands, and barony—all lying within the parish of Cromarty and Kirkmichael, and sheriffdoms of Cromarty and Inverness, respectively aforesaid. All and whole the lands of Udoll, Little Farness, Cullicudden, Culboes, Woodhead, the towns and lands of St Martins, with the mills, mill land, multure, sequels, houses, biggings, yards, orchards, parts, pendicles, and pertinents, with the advocations, donations, and rights of patronages of the parish churches and parishes of Cullicudden and Cromarty. The lands of Edinbachie, with the mill, mill lands, multure, sequels, and pertinents, all lying within the said parishes of Cullicudden and Cromarty respectively, and sheriffdom of Inverness aforesaid. All and whole the towns and lands of Pittogertie, Petuellies, Bellaculkit, Ennerrealhie, lying within the parish, and county of Inverness, aforesaid, together also with the teind-sheaves, and other teinds, parsonage, and vicarage of the whole foresaid towns and lands, with the pendicles and pertinents thereof; likewise, with all and singular, the towers, fortalices, and manor places, houses, biggings, yards, orchards, mills, mill lands, multure, woods, fishings, tofts, crofts, outseats, inseats, muirs, marshes, meadows, annexis, connexis, dependencies, tenants, tenantries, and services of free tenants, parts, pendicles, and pertinents of the whole foresaid towns and lands.

In Innes's Essay, 1729, page 525, it is stated—"Urquhart of Cromarty took a fancy to draw up his pedigree from age to age up to Noah and Adam, and caused it to be printed by the title of 'Pantichronachan, or a Pedigree of the name of Urquhart of Cromarty from the Creation of the World until the present year of Christ, 1652.' I have seen

the book, with many others useful to this work, by the favour of The Honourable Archibald Campbell, in his curious collection of rare books."

The original tract is very scarce, and the same may be said of the reprint of 1772. Sir Thomas Urquhart very gravely gives the whole genealogy by Seth, Enoch, Noah, downwards. The 15th in descent he calls "Esormon," who lived an. mund. 1810, and says "he was Sovereign Prince of Achaia; for his fortune in wars, and affability in conversation, his subjects and familiars surnamed him 'Urochartos' (gr.)—that is to say, fortunate and well-beloved. After which his time, his posterity ever since hath acknowledged him the father of all that carry the name of Urquhart." Sir Thomas also gives full details of Urochartos' *coat of arms*.

Litoboros, 21st in descent, seems to have been a loose character, for he married two wives, "Pusena" and "Emphaneolla," and had besides these several others "as the fashion then was over the whole world, and for the space of about a thousand years thereafter."

Pamprosodos, the 37th, who flourished an. mund. 2326, married "Termuth, who was that daughter of Pharaoh Amenophis, which found Moses among the bulrushes, and brought him up as if he had been her own child."

We conclude for the present by giving the first part of the inventory of titles referred to:—

At Cromarty, the 28th day of May 1658, the inventory of the writs delivered by Sir Robert Farquhar of Mowny, knight to John Urquhart of Cromarty.

1. Item—Imprimus, Sir Robert Farquhar's sasine of the estate of Cromartie, under the hand of William Urquhart, notary public, dated the last of April 1647, registrat at Edinburgh the 4th of June 1647.

2. Item—Ane extract of ane registrat contract betwixt Seaforth and Cromartie, upon the excambed lands in the 1608 years registered in 1621 years.

3. Ane contract betwixt Walter Urquhart of Cromartie, and Alexander Fearn of Pitcallen, dated 1586 years.

4. Discharges by the Laird of Lesnoir of ten thousand merks of tocher with Helen Urquhart.

5. Mr Hendrie Urquhart's receipt of 7000 merks, and renunciation of Cullieudden, 1614 years.

6. Contract betwixt Cromartie and Kinbreaschie, dated 1610 years.

7. David Urquhart's sasine of John Denoon's houses, and acre of Cromarty, dated 1656.



8. William Denoon served heir to William Denoon 1550, and seized in Little Rany and Easter Fearn.
9. William Denoon's sasine of Belasenth, Pitcalny, and Pittogarth, dated 1550.
10. Contract—Laird of Cromarty, with Alexander Denoon of Pittogarth, 1612.
11. Alex. Manson's bond upon the receipt of the writs of Pitcalny and Belasenth, 1641 years.
12. Instrument of the redemption by the Laird of May, of Pitcalny and Belasenth, 1585, and ane other instrument, 1608.
13. Protestation against May's consignment for the redemption of Pitcalny, 1608.
14. Ferryton and his wife's renunciation of teinds and kiln, dated 27th February 1626.
15. Ane other renunciation of Ferryton's of the lands of Resolis, dated 23d May 1618.
16. Bond—Duncan Bayne for Alex. Clunes' valued teind of 55 acres of land, dated the 9th July 1632 years.
17. Mr Thomas Urquhart's bond to warrant the acres and roods of Cromartie, 1617.
18. John Corbett's ticket of receipt of the contract of the wadset of Inve-reath from Sir Thomas Urquhart, dated 1632, and to redeliver it.
19. Banemo, his assignation of the chanter teind to Arthur Urquhart, dated 1608.
20. Blank assignation to Sir Thomas Urquhart to the contract betwixt him and Sir James Fraser, dated 1638.
21. Two subscribed minutes betwixt Sir Thomas Urquhart and Sir James Fraser, the one dated 1637, and the other 1639.
22. Commission by Queen Mary under the quarter seal to serve Alexander Urquhart of the sheriffship of Cromartie, 1557.
23. Ane instrument of sasine of Mr Alexander Urquhart of the lands, barony, sheriffship, and Castlehill of Cromarty, dated 1475, under the sign and subscription of John Kemlock.
24. A precept out of the Chancery for serving Thomas Urquhart of Cromartie in Ardoch, 1607.
25. Thomas Urquhart of Cromartie, his charter, under the great seal of the lands of Cromartie sheriffship, lands of Bray and Fishery, dated 1599.
26. Sir Thomas Urquhart's sasine following thereon, dated 1599, under the sign and subscription of Donald Farquharson, notary public.
27. Mr Alexander Urquhart and Beatrix Innes, their charter upon the lands of Inchrooy and Brae, confirmit 1592.
28. Thomas Urquhart, his sasine of the lands of Ardoch and patronage of Kirkmichael, dated 1609, under the sign and subscription of Donald Farquarson, Nottar.
29. Item—Ane other sasine of the same lands, dated foresaid, under the same subscription.
30. Item—Precept on the new infeftment of Thailie, under the quarter seal for infetting of Thomas Urquhart of Cromartie, dated 1599.
31. Item—Walter Urquhart, Laird of Cromartie, his sasine upon the burgh lands of Cromartie 1564, under the sign and subscription of William Cumming, notary public.
32. Item—Walter Urquhart of Cromarty, his instrument of sasine of the lands of Inchrooy and Brae, 1573.
33. Thomas Urquhart, his sasine of the lands of Cromartie and Fishery, dated 1599, under the sign and subscription of Martin Logan, notary public.
34. Item—Alexander Urquhart of Cromarty, his sasine on the Barony of Cromartie, Moathill thereof, Sheriffship of Cromartie and Anells of the Bruch and Brae 1557, under the sign of Martin Logan, notary.
35. Item—Walter Urquhart's sasine of Cromarty, 1564, under the sign and subscription of Martin Logan.

36. Item—Thomas Urquhart, his sasine of the Barony of Cromarty, Mounthill, Sheriffship, 1599, under the sign and subscription of Donald Farquharson, notary.

37. Item—Ane precept out of the Chancery, for serving the said Thomas Urquhart, dated 1598.

38. Thomas Urquhart's sasine on the lands of Inchroy, &c., dated 1599, under the sign and subscription of Jaspert Cumming, and Robert Waus, notary.

39. Item—Ane charter of confirmation to Walter Urquhart and Elizabeth Mackenzie, of the lands of Brae and Braelangwell, dated 1576.

40. Item—Walter Urquhart, his sasine of Brae, 1564, under the sign and subscription of Martin Logan.

41. Item—Alexander Urquhart, his sasine of Cromartie, and 5 oxgaites of Brae, 1557, under the sign and subscription of Martin Logan.

42. Item—Thomas Urquhart of Cromartie, his charter under the great seal of Ardoch, with the patronage of Kirkmichael upon his own resignation, dated 1607.

43. Item—Ane precept of sasine, granted by Thomas Urquhart for infefting of his son Alexander, and Beatrix Innes in Inchroy, dated 1582, and Alexander Urquhart and Beatrix Innes, their sasine on the lands of Inchroy, dated 1583, under the sign and subscription of David Barthane.

44. Item—Thomas Urquhart, heir to Alexander Urquhart of Cromarty, his sasine 1506, under the sign and subscription of John Maccom, notary public.

*(To be continued.)*

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## LIX.

### THE TITLES OF THE URQUHARTS OF CROMARTY, 1658. PART SECOND. (D.)

According to Sir Thomas Urquhart, in the time of Alypos, 60th in descent from Adam, who lived an. mund. 2930, Scotland was first named Albion, and the promontories at Cromarty, Soteres (Gr.) vulgarly Souters.

Readers in Glen-Urquhart will be happy to learn that the old castle, which stood so boldly on the projecting rock, was erected a trifle earlier than is generally supposed, for Sir Thomas says that Beltistos, the 76th, agnamed Chonchar, who lived before Christ 554, founded the Castle of Urquhart "above Inverness, which being afterwards completed by his posterity, hath ever since been called the Castle of Uickichonchar."

Coming down to a later period, Sir Thomas says that Sir Adam, the 133d in descent, who lived A.D. 1071, was first

of the name of Adam, who was chief of the family of Urquhart. He was knighted by King Edgar at his coronation at Scone 1101. His wife was Marjory, daughter of Griffin, Prince of Wales.

With William (142d in descent, according to Sir Thomas), who succeeded in 1314, commences the reliable history of the family. He was twice married, first to Lillias, daughter of Hugh, Earl of Ross, and secondly, to Violet Cumming, daughter of John, Earl of Buchan, who was also Lord of Strathbogie. The important writs, Nos. 64, 65, and 66 of the inventory, are during the time of William. None of the charters in his own favour seem to be extant, though No. 62 is a charter by him. In it he is styled "de Montealto," a name bestowed from his fierce and successful defence of the Moathill of Cromarty and castle thereon, against the attacks of King Edward. No. 64 is a confirmation by David II. of important lands and privileges to Adam, the son of William, for the latter's services against the English.

Adam Urquhart, the son, lived in more settled times, and got several charters. No. 60 is a blench charter of Cromarty, No. 63 a charter of Bray in 1349, and No. 67 a charter of Inchrory in 1338—all from William Earl of Ross. Nos. 67 and 69 appear to be identical. Adam married Brigidia, daughter of Robert Fleeming of Cumbernauld, one of the oldest and best names in Scotland. Sir Thomas Urquhart's mother was of this family, being Christian, fourth daughter of Alexander, fourth Lord Elphinstone. Her tocher was 9000 merks Scots. The contract is among Mr Dunbar Dunbar's papers, and was signed at the Castle of Elphinstone, the 9th day of July 1606, and subscribed by the parties and the following witnesses:—Alexander, master of Elphinstone; James, Lord Balmerino; Thomas Urquhart of Craigenfintray; George Ogilvie of Coventon; Thomas Ogilvie of Inverquharitie; and David Peart, writer in Edinburgh.

Follows the second portion of the writs of the estate of Cromarty:—

45. Item—Henry Urquhart and Elizabeth Ogilvie, his spouse, their sasine of the lands of Fisherry, Inchroary, &c., dated 1577, under the sign and subscription of Martin Logan, notary.

46. Item—Walter Urquhart, his sasine upon Cromarty, and sheriffship thereof, &c., 1564, under the subscription of Martin Logan, notary.

47. Item—Walter Urquhart, his sasine of the kirkcrofts of Kirkmichell and Cullicudden in 1567, under the sign and subscription of James Butcher, notary.

48. The said Walter Urquhart and Henry, his son, their charter of the said crofts, 1567.

49. Item—A tack of the chanter's quarter teinds of Cromarty and Navitie to Alex. Clunes for three life-rents and nineteen years, dated 1593, disposed to Alex. Clunes, Bailie of Cromarty, in anno. 1635.

50. Item—The letter of pension of the Dean of Ross, granted to the Laird of Cromarty in 1578.

51. Item—A tack set by George Graham of Drynie, to John Urquhart of Ferrytown, upon the teind sheaves of Bray, Saint Martins, &c., dated the 15th March 1605, and the said John Urquhart's assignation upon the tack thereof, in favour of Thomas Urquhart of Cromarty, dated 1608 years.

52. Item—The tack of the chanter's teinds of Cromarty and other lands for three life-rents, and three nineteen years, dated 1608.

53. Assignation of the chanter's teinds of Cromarty, set by Andrew Munro and his spouse, to Simpson of Banemo, for two life-rents and nineteen years, 1608.

54. George Munro, his assignation in favour of Thomas Urquhart of Cromarty of the chanter, his quarter teind of Cromarty, dated 1609.

55. Item—An assignation made by Kenneth Mackenzie of Gillichrist to John Urquhart of Ferrytown to the right of letter of tack, set to David Bailie of Gilston, concerning the teind sheaves of the quarter of the teind of Cromarty and Navitie, dated 1608, and the said John Urquhart, his translation thereof upon tack of the said assignation, in favour of John Urquhart of Cromarty, dated 22d January 1611.

56. Item—Ane assedation of the teinds of Kirkmichell, set by Mr Tho. Marjorybanks, parson of Kirkmichael, to John Urquhart of Culbo, and assigned by him to the Laird of Cromarty.

57. Item—Ane tack set by Mr David Dunbar, parson of Cullicudden, of the teind and sheaves thereof to Robert Graham, the 8th August 1580.

58. Item—A contract betwixt the Laird of Cromarty and George Graham, anent the teinds of the parish of Cullicudden, 1609.

59. Item—An old confirmed charter by King James, the 25th year of his reign, to Adam Urquhart, Wm. his son.

60. Item—Adam Urquhart, his blench charter of Cromarty, from Wm. Earl of Ross.

61. Item—Hugh Earl of Ross, his charter of the Bruch of Cromarty, the 10th year of King Robert the Bruce's reign.

62. Item—Charter from William De Monte-alto, to David Denoon of Farness.

63. Item—Adam Urquhart, his charter of Bray, from Wm. Earl of Ross, 1349.

64. Item—Ane confirmation of the annells of Cromarty, by King David, King of Scotland.

65. Item—King Robert's gift to Hugo De Ros of the sheriffdom of Bruch and Cromarty.

66. Item—The King's letter of warrandice to Hugh Ross of the sheriffship of Cromarty.

67. Item—William Earl of Ross, his charter to Adam Urquhart of the lands of Inchroary, dated 1338.

68. Item—The gift of King James to William Urquhart of Cromarty of the Moathill, with power to build ane Castle, dated 1470, under the great seal.

69. Item—A charter of Inchroary, by William Earl of Ross, to Adam Urquhart, of date 1338.

70. Item—David, Bishop of Ross, his confirmation of the excambed lands, dated 1608.
71. Item—The charter of the feu lands of Kinbeachie to Walter Urquhart of Cromarty, and Henry Urquhart, his son, by John, Bishop of Ross, dated 1568.
72. Item—David, Bishop of Ross, his charter of confirmation to Thomas Urquhart of Cromarty of the lands of Kinbeachie, Udale, and Saint Martins, dated 1607.
73. Thomas Urquhart, his sasine of the excambed lands, dated 1609, under the sign and subscription of Donald Farquharson, notary public.
73. Item—King James' confirmation to Sir Thomas Urquhart of Cromarty of the Bishop's lands, dated 1622.
74. Item—Sir John Urquhart, younger, his sasine of the Bishop's lands, dated 1635, under the sign and subscription of John Gordon, notary public.
75. Item—The Bishop of Ross, his charter of Udale, Saint Martins, and ale-house croft, dated 1564.
76. Item—King James' confirmation to Walter and Henry Urquharts of the Bishop's charter, granted to them of the lands of Kinbeachie, dated 1584.
77. Item—King James' confirmation of the charter of Udale to Henry Urquhart, and of St Martins, dated 1586.
78. Item—Henry, Bishop of Ross, his commission to William Sinclair, parson of Olrick, to set Udale and Saint Martins in feu to the Sheriff of Cromarty, dated 1564.
79. Item—An instrument of sasine of Kinbeachie to Walter Urquhart and Elizabeth Mackenzie in conjunct fee, and to Henry Urquhart in fee, upon a charter from John, Bishop of Ross, dated 1568, under the sign and subscription of Alex. Pedder, notary.
80. Item—A reversion of Cullicudden given by Mr Henry Urquhart to Sir Thos. Urquhart of Cromarty, upon the sum of seven thousand merks, dated 1611.
81. Thomas Urquhart, his sasine upon the lands of Kinbeachie, Udale, and Saint Martins, dated 1607, under the sign and subscription of Donald Farquharson.
82. Thomas Urquhart, his sasine of the lands of Cullicudden, Little Farnes, and Culbo, and Woodhead, and office of heritable bailie of the said lands, 1608, and Kinbeachie, Udale, and Saint Martins, under the sign and subscription of Donald Farquharson.
83. Item—The service of Thomas Urquhart of Cromarty to Walter Urquhart, his good-sir, dated 1603, with several preceding services and retours.
84. Item—A charter of warrandice by King James to William Denoon of the lands of Pitcalnie, dated 1540.
85. Item—A decret in favour of the Laird of Cromarty against the Laird of Balnagown, Jasper Waus, and John Denoon, for Little Rhynie, Pitcalnie, Ballacuth, and Pittogertie, dated 1574.
86. A decret of improbation—John Waus, contra John Sinclair of May, dated 1587.
87. Item—Walter Urquhart of Cromarty, his sasine of the lands of Nether Pitcalnie, dated 1574, under the sign and subscription of ———.
88. Item—William Maculloch of Plaidies, his charter given to William Denoon of the lands of Pittogertie, confirmed by King James, dated 1535.
89. Item—Mr Henry Urquhart's sasine upon a quarter of Davidston given by his father in anno. 1606, under the sign and subscription of Donald Farquharson, notary public, registered in the secretary's register at Chanonry by William Lauder, 26th of November 1606.
90. Item—A precept of sasine from Thomas Urquhart of Cromarty for infefting Thomas Dingwall in the half lands of Davidston, dated 1545.
91. Precept of sasine of the half town of Davidston by Thomas Urquhart of Cromarty to Mr Thos. Urquhart, dated 1555.
92. A reversion granted by Mr Thomas Urquhart, minister, in favour of his father, of his thousand merks wadset of Davidston, dated 1606.

93. Item—Instrument of sasine given by William Urquhart, Sheriff of Cromarty, to Thomas Dingwall and his wife, upon the half of the lands of Davidston, dated 1467.

94. Item—Mr Thomas Urquhart, his charter of one oxgait of Davidston from John Dingwall, dated 1577.

95. Item—William Cryne, his renunciation of the half lands of Davidston in favour of the Laird of Cromarty, anno. 1464.

96. Item—Ane charter given by William Cryne of Davidston to Wm. Urquhart of Cromartie, anno. 1464.

97. Instrument of sasine of Davidston to Thomas Dingwall, anno. 1467, Thomas Whyte, notary to it.

98. Mr Hendrie Urquhart, his charter in his portion of Davidston from his brother Thomas.

99. An instrument of resignation made by Donald Denoon in favour of Thomas Urquhart of Cromarty of the half lands of Davidston in anno. 1553, under the subscription of James Butchert.

100. Item—Thomas Dingwall's charter of the half lands of Davidston, granted by Wm. Urquhart of Cromarty, anno. 1467.

(To be continued.)

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## LX.

### THE TITLES OF THE URQUHARTS OF CROMARTY, 1658. PART THIRD. (D.)

None of the writs in the inventory refer to John, son of Adam Urquhart, who succeeded after 1365, and married Agnes Ramsay, of the family of Dalhousie. In a precept by himself in 1406, John is styled *Vicecomes de Crumbathie*. John was succeeded by his son William, who was knighted by Robert II. in 1416, and married Susanna, sister of the first Baron Forbes. Sir William is not mentioned in any of the titles, but his son William, who succeeded about 1436, and married Isabel, daughter of Forbes of Pitsligo, is frequently mentioned—*vide* Nos. 68, 93, 95, 96, 100, 179, &c.

William, dying without issue, was succeeded in 1475 by his brother Alexander, whose sasine in the lands, barony, sheriffship, and Castlehill of Cromarty, is No. 23 of the inventory. Alexander Urquhart married Katharine Ogilvie, of the family of Findlater, and was succeeded by his eldest son Thomas, who was served heir to his father in 1506, and infeft same year, see No. 44.

Thomas Urquhart, agnamed Paterhemon, married Helen Abernethy, daughter of Alexander, Lord Abernethy of Saltoun, and had by her no less than twenty-five sons, who all came to manhood, and eleven daughters all married. This is asserted by Sir Thomas Urquhart, and believed to be true, as also that no less than seven of the sons fell at Pinkie. Thomas granted a precept for infefting his eldest son Alexander, and his wife, Beatrice Innes, of the family of Achintoul, in the lands of Inchrory in 1533—see No. 43—and died in 1557. Alexander was succeeded by his son Walter in 1564, who, marrying Elizabeth, daughter of Kenneth Mackenzie of Kintail, was in turn succeeded by his second son Henry. Henry Urquhart was, together with Elizabeth Ogilvie, of the family of Dunlugas, infest in Inchrory as early as 1557, *vide* No. 45, and succeeded by his son Thomas.

This Thomas was knighted by James VI. at Edinburgh in 1617, and, as mentioned in last number, married Christian, daughter of Lord Elphinstone. Sir Thomas succeeded when in minority, and the affairs of the family were administered with great prudence by John Urquhart, grand-uncle of Sir Thomas, widely known as the tutor of Cromarty. John Urquhart conquered lands in Aberdeen and Banff shires, and his descendants carried on the line of the family. Sir Thomas's name is frequently to be found in the inventory, and he received several charters consolidating his lands, and it may be said that in his time, though there were considerable debts, the family was never so powerful.

In our next, concluding the inventory, we will give some account of Sir Thomas the Second, and the singular cause of his death.

Follows continuation of the Cromarty writs:—

101. Charter and precept upon the quarter of Davidston, granted by John Dingwall of Kildin to Mr Thomas Urquhart, anno. 1574.

102. Confirmation upon the half town of Davidston, sold by John Dingwall to Mr Thomas Urquhart, confirmed by Walter Urquhart of Cromarty, anno. 1574.

103. Ane instrument of resignation of three quarters land of Davidston

made by Thomas Urquhart, portioner of Davidston, in favour of Sir Thomas Urquhart of Cromarty as superior of the said lands, to remain with him for ever, anno. 1610, under the subscription of Donald Farquharson.

104. A sasine of Mr Thomas Urquhart and Agnes Robertson, of the last quarter of the lands of Davidston, anno. 1606. William Lauder, notary to it. Registrat in the secretary's register at Chanonry, the 20th November 1606.

105. Mr Henry Urquhart's resignation of his quarter of Davidston in favour of Sir Thomas Urquhart of Cromarty, and in his hands as superior thereof, to remain with him for ever, anno. 1610, Donald Farquharson notary to it.

106. Ane charter by Mr Thomas Urquhart to his son Thomas and Margaret Munro, his future spouse, of the half of Davidston which pertained to John Dingwall, anno. 1582.

107. Thomas Urquhart and his spouse, their charter of John Dingwall's half lands of Davidston, subscribed by the said John Dingwall, anno. 1593.

108. Ane sasine of Davidston to Thomas Dingwall and Janet Hay, his spouse, in February 1556, Sir John Robertson notary to it.

109. Mr Henry Urquhart's sasine of a quarter land of west half of Davidston, dated 1605, Donald Farquharson notary to it.

110. Thomas Dingwall his sasine of the half lands of Davidston, dated 1545, James Butchert notary to it.

111. Thomas Urquhart's sasine of the half lands of Davidston, dated the last of December 1609, William Lauder notary to it.

112. Ane precept granted by Thomas Urquhart of Cromarty in favour of Thomas Urquhart, for giving him sasine in the half lands of Davidston, dated 1609.

113. Mr Thomas Urquhart, his sasine of the half lands of Davidston, dated 1593, James Butchert notary.

114. Resignation Donald Denoon of the half lands of Davidston in favour of Mr Thomas Urquhart, dated 1553, Robert Urquhart notary to it.

115. William Dingwall's sasine of the half of Davidston, dated 1514, Donald Read notary to it.

116. Ane precept for infetting Mr Thomas Urquhart in Denoon's half of Davidston, dated 1558.

117. Alexander Denoon's sasine of Davidston, 1496, Thomas Guthrie notary to it.

118. Ane division of the lands of Davidston betwixt Dingwall and Denoon, dated 1542, John Nickelson notary to it.

119. Mr Thomas Urquhart his sasine of an oxgait of Davidston from John Dingwall of Killdin, dated 1577, Robert Innes notary to it.

120. Precept of sasine Walter Urquhart of Cromarty to John Dingwall of the half lands of Davidston, dated 1573.

121. Mr Thomas Urquhart's charter of Donald Denoon's half of Davidston, dated 1553.

122. John Dingwall's discharge to Thomas Urquhart of Davidston of two reversions thereof, dated 1580.

123. James Corbat his infettment of three oxgaites of Inverethie, dated 1611, William Fraser notary to it.

124. Finlay Ford, his sasine of the 8th part of the davoch land of Inverethie, dated 1628 years, John Forster notary to it.

125. Item—Alexander Hay and his spouse, their charter and sasine of the said 8th part of Inverethie, disposed to them by Finlay Ford, dated 1628, John Forster notary to it.

126. Tack of the teinds of Inverethie, set by William M'Quine, sub-dean of Ross, to John Simpson, dated 1580.

127. Instrument of sasine of the ward of Inverethie.

128. Item—Ane contract between the Laird of Cromarty and Alexander Hay of 1-8th part of the lands of Inverethie, dated the 8th July 1632.

129. A minute between Finlay Ford and Finlay Fearein anent Inverethie, dated 1628.

130. David Urquhart's letter of tack of the teind-sheaves of Inverethie, dated 1607, set by Mr John Munro, sub-dean of Ross.



131. Item—Hector Douglas's sasine of Inverethie, 5-8th parts thereof, dated 1612, William Fraser notary to it.
132. Finlay Ford's infeftment about same, dated 1470.
- 134.\* Finlay Ford his charter of Inverethie, dated 1473.
135. John, Earl of Ross, his disposition to Finlay Ford of Inverethie, dated 1470.
136. Item—James Corbat's charter of three oxgait's land of Inverethie, dated 1610.
137. Reversion granted by James Corbat to John Urquhart of Inverethie, dated 1611.
138. Ane charter, granted by Alexander Hay, in favour of Sir Thomas Urquhart of Cromarty, upon an oxgait of Inverethie.
139. Sir Thomas Urquhart's charter and sasine of three oxgait's of the lands of Inverethie, granted by James Corbat, dated 1632, John Forster notary.
140. Sir Thomas Urquhart's sasine, of Alexander Hay, his 8th part of Inverethie, dated 1633.
141. Hector Douglas, his charter of Inverethie, from David Urquhart, dated 1612.
142. Two renunciations, Thomas Fraser of Struy to Sir Thomas Urquhart of Cromarty, knight, of the lands of Davidston, dated 1629, registrat at Chanonry, the penult day of May 1629.
143. Sir Thomas Urquhart, younger of Cromarty, his sasine of the lands of Grainryak, and other lands, 1615, Donald Farquharson notary to it.
144. Thomas Urquhart, apparent of Cromarty, his charter of 2 roods of land from Alex. Clunes, dated 1626, and sasine thereupon given by Andrew Morrison notary to it.
145. Ane charter and sasine to the said Thomas Urquhart of Cromarty, of 1 rood and half rood of land in Cromarty given by Mr Robert Williamson, dated 1627, Andrew Morrison notary to it.
146. Sir Thomas Urquhart, his charter and sasine of 2 roods land in Cromarty Coft from Mr John Hossack, dated 1625, Andrew Morrison notary to it.
147. Mr Thomas Urquhart, his service to his brother David, to some roods of land in Cromarty, dated 1561, James Butcher notary.
148. Margaret Ribbone, her sasine of some roods of land in Cromarty, dated 1536, Thomas Steivin notar to it.
149. John Robson, his service of some lands of Cromarty, dated 1555, Robert Urquhart notary.

(To be continued.)

## LXI.

### THE TITLES OF THE URQUHARTS OF CROMARTY, 1658. PART FOURTH AND LAST. (D.)

Sir Thomas Urquhart, the second, was knighted by Charles I. in Whitehall Gallery 1641, and proved on all occasions the zealous supporter of royalty. During the usurpation, the estates were seized, and debts had largely increased. Had the efforts of Montrose on his landing in Orkney been attended with success, it is by no means

\* There is no 133 in this inventory.

unlikely that the family might have flourished, for its services could not go unrewarded; but the long period betwixt 1649 and the restoration proved fatal, both in England and Scotland, to many a good Cavalier house. Sir Thomas was taken prisoner at Worcester 1651, and confined for some years, but, making his escape, died abroad, his death being occasioned by a fit from excessive laughter on hearing of the restoration. Sir Thomas Urquhart was passionately attached to his name and country. Of his own county, Cromarty, he says proudly, that it alone, of all the places in Britain, has the names of its "towns, villages, hamlets, dwellings, promontories, hillocks, temples, dens, groves, fountains, rivers, pools, lakes, stone-heaps, acres, and so forth, of pure and perfect Greek." He was not an easy or fluent writer; for instance, in his curious work, "The Jewel," referring to his ideal language, and discussing it under its 63d head, he says—"Three and sixtiethly, in matters of enthymens, syllogisms, and all manner of illative ratiocination, it is the most compendious in the world." Parts of Sir Thomas's book are very interesting, and may be referred to on a future occasion.

Sir Thomas having died unmarried, was succeeded by his brother, Sir Alexander Urquhart of Dunlugas, who died without male issue in 1661. One of Sir Alexander's daughters, Christian, married Thomas, Lord Rutherford, a title long dropped from the roll of Scottish nobility, but possessing an undying interest from the supposed identity of the third Lord with the ill-fated Master of Ravenswood—

"When the last Laird of Ravenswood to Ravenswood shall ride,  
And woo a dead maiden to be his bride,  
He shall stable his steed in the Kelpies flow,  
And his name shall be lost for evermoe!"

Upon the death of Sir Alexander, the representation of the family devolved upon John Urquhart of Craighfintrie, great-grandson of the tutor of Cromarty, the person to whom the writs in the inventory were delivered, and who, as he is designed therein as of Cromarty, must have had some right to the property as early as 1658. John Urquhart was knighted by Charles II. in 1662, and married Lady Barbara Muckenzie, daughter of George, second Earl of Seaforth.

Sir John died about 1676, and was succeeded by his eldest son Jonathan, who married Lady Jean Graham, daughter of the second Marquis of Montrose. The affairs of the family having become hopelessly embarrassed, the estate of Cromarty was sold in 1685 to the Viscount of Tarbat. The only son of Jonathan having died in 1741 without issue, the representation devolved upon Urquhart of Meldrum, but it is unnecessary to carry the line further.

The titles show that besides the estate of Cromarty, as now known, the Urquharts had Ethie, St Martins, Udale, Navity, Kinbeachie, Braelangwell, and others; and they throw a great deal of light on names and places. Thus the name of Denoon\* is shown to be of considerable antiquity from the charter of William de Montealto to David Denoon of Farness before 1338; and there are numerous references to that once influential family, Dingwall of Killdin, whereof some descendants, but in the most humble rank, are still to be found.

Kinbeachie is now the only estate in the north owned by an Urquhart, but until lately the Urquharts of Braelangwell, an ancient possession, had a good holding. With reference to these papers, a gentleman well acquainted with Ross and Cromarty affairs, has shown us an extract of the original charter of Braelangwell. Had our limits permitted, a description of the lands, which is given with great minuteness, and contains numerous references, would be printed. It appears that Braelangwell was wadsetted on 13th July 1670 for 7000 merks, by Sir John Urquhart and Lady Barbara Mackenzie to Mr Thomas Urquhart, and Henrietta Douglas, his spouse. Two years later, difficulties pressing, Sir John and his lady converted the wadset into a feu in respect of a further payment, the amount of which is not stated, the feu-contract being dated 20th December 1672. The feu-duty is declared to be four pounds Scots for the stock and property of the lands, and four bolls bear, four bolls oatmeal and four bolls malt, in all twelve bolls, for the teind-sheaves and parsonage teinds, but if the feuar is

\* The notices of the Denunes of Cadboll are vague and shadowy, almost as the tradition that no one could die in the old Castle.

evicted from the teinds, or if he is burdened with minister's stipend in time coming by any supervenient law or otherwise, such burdens are to come out of the victual feu. All parties, even purchasers, if of the name of Urquhart, are to be admitted as vassals on payment of a duplicand, but if not of the name, are to pay the legal composition of one year's rent of the lands.

Follows the fourth and concluding portion of the writs of Cromarty :—

150. Item—John M'Conochthe, his charter of ane piece of land in Cromarty, dated 1526.

151. Item—John Symsonne his charter from Donald Denoon upon two riggs, dated 1560, Donald Shearer, notary to it.

152. Item—Mr Thomas Urquhart his charter of ane acre of land made to him by Robert Urquhart, and of two roods, dated 1564, James Butchert, notary to it.

153. Robert Urquhart his disposition of 14 acres to Margaret Rybben, dated 1547, Robert Urquhart, notary to it.

154. William Anderson's charter and sasine of a piece of land in Cromarty, dated 1539.

155. Thomas Spence's charter of certain lands of Cromarty, dated 1585, John Nickolsone, notary to it.

156. John Simpson's charter of the Ward, dated 1543, James Butchert, notary to it.

157. Alexander Clunes' disposition to Robert Urquhart of some acres, dated 1555, Robert Urquhart, notary.

158. Mr Thomas Urquhart his charter made by Robert Urquhart to him of two acres in Ley-Cattoch, dated 1565, James Butchert, notary.

159. John Robson his charter from Thomas Urquhart of Cromarty, 1543, James Butchert, notary.

160. Robert Urquhart his charter of certain roods of Cromarty, sold by Magnus Thomsone, dated 1546, Robert Urquhart, notary.

161. Sir William Urquhart of Fishery his charter of ane acre of land given by Sir Alexander Bruce, dated 1489.

162. David Urquhart his charter of ane oxgait of land in Navty, and another in Neillston, from James Butchert, dated 1570, John Nickellson, notary.

163. John Tailor's charter, given to John Simpson upon an acre of land in the White Crooks, dated 1550, Robert Urquhart, notary.

164. Mr Thomas Urquhart his charter made to him by Robert Urquhart of the roods of Cromarty and others, in the Ley-Cattoch, dated 1566, James Butchert, notary.

165. Ane charter by William Blackha, to Johne De Santocclair of some roods of Cromarty, dated 1407.

166. Item—Thomas Urquhart his sasine of the burgh roods of Cromarty, dated 1519, Thomas Stephen, notary to it.

167. Mr Thomas Urquhart charter made to him by Andrew Duff of certain lands in the Ley-Cattoch, dated 1563, James Butchert, notary.

168. Alexander Urquhart his sasine of the burgh lands of Cromarty, as heir to Thomas Urquhart, dated 1557, Thomas Stephen, notary.

169. Rory Urquhart his charter and sasine of a tenement of land, and two acres by Sir Thomas Urquhart, and the said Rory his renunciation again in favour of the said Sir Thomas Urquhart, dated 1613, Donald Farquharson, notary.

170. John Finlay his charter of a piece of land in Cromarty, 1467.

171. Bessie Williamson's sasine of certain lands in Navity, dated 1579, Robert Innes, notary.

172. Alexander Urquhart's sasine of the burgh lands of Cromarty, dated 1557, Robert Urquhart, notary.

173. Donald Simpson's charter and sasine from Donald Gelly of half oxgait land in Cromarty, dated 1517.

174. Item—Andrew Anderson his sasine of an half oxgait land in Navity, as heir to William Anderson his father, dated 1566, John Nickolsone, notary.

175. A reversion by John Goldie to Donald Urquhart of an acre and a half land in Cromarty, 1560, James Butchert, notary.

176. David Urquhart's charter of Michie's Frie, of date 1556, Robert Urquhart, notary.

177. John Simpson's infeftment of roods and acres in Cromarty, dated 1568, James Butchert, notary.

178. William Anderson's service to his father, William, and sasine of acres, riggs, and roods of Cromarty, dated 1553, Robert Urquhart, notary.

179. Item—Isabel Forbes, spouse to William Urquhart of Cromarty, her sasine and charter of two oxgait land in Navity from John De Santocclair, dated 1448.

180. Item—John Robertson his charter of a tenement of land in Cromarty, sold to him by John Donaldson, dated 1529, Thomas Robertson, notary.

181. Finlay Nickelson's charter from John Tailor of an oxgait of land in Navity, dated 1478.

182. William Anderson's infeftment of roods in Cromarty, dated 1528, Thomas Robertie, notary.

183. William Andrew his charter granted by Magnus Thomson in Bainevie, upon his eighth part of Mastrones in Navity, dated 158.

184. Item—Sir William Spence his charter of certain lands in Cromarty and Navity, from his father, Thomas Spence, dated 1535, John Nickelson, notary.

185. Mr Thomas Urquhart his charter of certain land of Cromarty sold by R. Urquhart, dated 1562.

186. Contract—John and James Symson, with Sir Thomas Urquhart of Cromarty, dated 1611.

187. James Symson's charter and sasine granted by Sir Thomas Urquhart of Cromarty on four acres land in Cromarty, dated 1611.

188. Sir Thomas's charter and sasine of his hail burgh lands of Cromarty in 1611, Donald Farquharson, notary.

189. Charter and Sasine—Sir Thomas Urquhart, from James Simpson, of tenements and roods of Cromarty, dated 1620, Donald Farquharson, notary.

190. Charter and Sasine—William Lauder of an oxgait of land of Navity, from Mr Robert Williamson, 1618, Donald Farquharson, notary.

191. Mr Robert Williamson his charter and sasine from Andrew Anderson of an oxgait of Navity, dated 1618, Donald Farquharson, notary.

192. Item—Mr Thomas Urquhart his disposition to his son, Mr Thomas, of acres in Cromarty, dated 1599, Donald Farquharson, notary.

193. John Simpson his sasine and service of an acre of land of the White Crook, dated 1611, Donald Farquharson, notary.

194. Item—Mr John Munro his charter and sasine of certain lands in Cromarty, disponed by John Ferguson, dated 1609, Donald Farquharson, notary.

195. Mr Thomas Urquhart, minister, his charter and sasine from his father of the south grounds of Murryallsden of Cromarty, dated 1607, Donald Farquharson, notary.

196. Thomas Urquhart, Laird of Cromarty, his charter and sasine of certain lands within the burgh of Cromarty, bought from Mr John Munro, dated 1609, Donald Farquharson, notary.

197. Item—Mr Tho. Urquhart, younger, his charter of certain acres of Cromarty, dated 1605, Donald Farquharson, notary.

198. Item—Donald Simpson his charter and sasine of two roods land in Cromarty, dated 1616, Donald Farquharson, notary.

199. Item—James Simpson his sasine of four acres common land in Cromarty, dated 1608, Donald Farquharson, notary.

200. Item—Mr Thomas Urquhart his sasine of two acres of the new land, dated 1608, Donald Farquharson, notary.

201. Item—Mr Hendrie Urquhart his charter of a piece of land in Cromarty, dated 1620.

202. Item—James Simpson his charter of four acres of common land in Cromarty, dated 1605.

203. Item—One partick of Wm. Ryge of Eddernie, his testament, who deceased in the month of January 1644, extracted out of the commissary books of Saint Andrews.

204. Ane nota of Mr Thomas Ryge of Ethernie, his service and retour to Wm. Ryge, his father, of two thousand pounds of yearly annual rent out of the barony of Cromarty, which retour was the 18th of April 1644.

At Cromarty, the 29th of May 1658 years, received the two hundred and four pieces of writs above set down upon this paper, and three throughis of paper before this and that, from Sir Robt. Farquhar of Mownye; subt day, year, and place foresaid.

(Signed)

JO. URQUHART.

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## LXII.

### LAMENT OF THE OLD CROSS OF INVERNESS ; 16th AUGUST, 1768.

In the first edition of Burt's letters there is an engraving of the old Cross of Inverness, not by any means a graceful object, but hardly deserving Macaulay's usual contemptuous expression regarding everything Highland as "a market-cross much resembling a broken milestone."

The Cross stood at the front of the Exchange, where the fountain erected by the present Provost stands, and close by it there was a famous apple-tree, referred to in the 14th and 15th verses of the paper after-quoted.

Among the many valuable contributions to Scottish history by Robert Chambers, not the least interesting are "The Jacobite Memoirs of Bishop Forbes," edited and published in 1834. The worthy Bishop was most minute and careful in his enquiries as to the atrocities committed by the Duke of Cumberland and his officers after Culloden, and as these enquiries were made as early as 1748, their correctness is beyond question. The melancholy case of Macrae, which seems to have created a lasting sensation in Inverness, referred to in the 15th verse—the tree on which he was hung

by its future barrenness, protesting, as it were, against the crime—is thus given in the memoirs. The Bishop had an interview on Monday morning, 31st October 1748, with Mr Francis Stuart, son of Bailie John Stuart of Inverness, on this and other cases, and at the Bishop's request Mr Stuart, who is described as "between nineteen and twenty years of age, and a modest, sober, sensible youth," on Thursday, November the 3d, transmitted to him a paper "in six 8 vo. leaves," containing amongst other matter the following:—

"1st, as to Murdoch Macrae, the Kintail man, he was, as I was informed, one that had no concern directly, or indirectly, in the late troubles; but, being in the house of Macdonald of Leek about his private affairs, in the middle of May 1746, he was there seized by a party of Sir Alexander Macdonald's men, and sent with a line from said Alexander to Lord Loudoun, who then lay at Fort-Augustus. His Lordship sent him under a strong guard to his Royal Highness the Duke, then at Inverness. He arrived there about eight o'clock in the morning, and was hanged before ten the same forenoon on an apple-tree, which grows at the Cross, with a written accusation of his being a spy, hung upon his breast. I myself happened to be standing by the Cross, and to see this poor unlucky man hanged. A little after he was hanged his body was stripped naked, in which way it hung over the said Cross for the space of two days, exposed to the whole inhabitants. His Royal Highness rode by the said Cross on his way to Fort-Augustus, and the said body thus exposed. He was at last cut down by the beggars, and buried at the back of the Church." Mr Hay, the Episcopal clergyman at Inverness, corroborates the above, and states that Macrae denied being a spy, and while his body hung on the tree says, "he appeared all the time as if he had been sleeping, his mouth and eyes being shut close—a very uncommon thing in those who die such a death."

The stone of Clachnacuddin was, as will be noticed in the 23d verse, arranged to be placed where the old cross stood, and after being there for a considerable time, was removed for greater convenience to where it now stands at the foot

of the cross. The attempt some time since to sink it to the level of the pavement, was frustrated by the unanimous indignant remonstrance of the community. The stone is understood of old to have stood about the middle of the north side of High Street, close by the British Linen Company's Office.

The last speech and dying words of the Cross of Inverness is very well printed on a piece of paper about the size of a sheet of ordinary writing paper, and the copy from which we quote belongs to Mr J. Macbean, cabinetmaker, Inverness. It has a history of its own, for it is known at one time to have belonged to a soldier from Inverness, who carried it in his knapsack all through the Peninsular war, and on the field of Waterloo; and we are sure our readers in and connected with Clachnacuddin, far and near, will be glad that Mr Mackenzie's\* spirited and patriotic effusion of 1768 is now preserved from oblivion:—

THE LAST SPEECH AND DYING WORDS OF THE CROSS OF  
INVERNESS,

Made and delivered the Night preceding its EXHUMATION, which happened upon  
August 17, 1768, for ever memorable.

- 1 Each ancient hill and lofty tree,  
That for centuries past surrounded me,  
Bow down your heads and cry alas!  
For I'm destroyed in Inverness.
- 2 Let old and young be bath'd in tears,  
Both small and great be fill'd with fears,  
Creig Patrick with her groans resound,  
And Thomas Hill with grief abound.
- 3 Let Ness with all her neighbouring plains,  
The Isle bedew'd with winds and rains,  
Let all unite, proclaim my woe,  
Since Hector's wrought my overthrow.
- 4 In fine let Invernessians all,  
A warning take by my downfall,  
Let one and all example take,  
For murdering me for Fashion's sake.
- 5 Seven hundred years I here did rest,  
With dews and kindest sun-shine blest,  
Till Hector's strength made me all smart,  
Ungrate indeed! he broke my heart.
- 6 My aged frame all circled round,  
He did erase down to the ground;  
Ransack'd my bowels, took off my crown,  
Turn'd all my members upside down.

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\* In Mr R. Munro's "Reminiscences of Inverness," he is called Kenneth Mackenzie, schoolmaster, commonly called "Kenny Kinkan."



- 7 Now with my last words I confess,  
I ever stood for Inverness,  
Proclaimed her Markets with my sound,  
To all the neighbouring countries round.
- 8 My country lov'd me everywhere,  
I Peace and War did oft declare ;  
But now things alter, O dear ! how strange !  
My form must be fashion'd to a change.
- 9 By this, my dissolution, see  
Men's various mutability,  
'Tis true, as four and three make seven,  
There's nothing sure this side of heaven.
- 10 Along with me the Kirk was nam'd,  
Tho' before my death it was condemn'd,  
The Kirk has none to bemoan its losses,  
Tho' behind me I leave many crosses.
- 11 I was used well for many years,  
With the greatest magisterial cares,  
Our Mayors of high renown and might,  
Still in my fabric took delight.
- 12 I always was with fame rever'd,  
By our Cuthberts, Ginnors, and Dunbars,  
Our Duffs, our Forbes's, and Clarks,  
Adorn'd my structure with their marks.
- 13 Our Watts, our Robertsons, and Frasers,  
Vouchsafed to keep on me their favours.  
To our Roses, Hossack, and Clan chatton,  
Did well become to sway the Baton.
- 14 The Tyrant —— in Forty Six,  
Indignity to me did fix,  
My fav'rite Tree bore no more fruit,  
But shrunk all o'er, down to the root.
- 15 No wonder, when impiety  
At once attack'd the Tree and me,  
When void of reason, right, and law,  
Most innocently hang'd MacRae.
- 16 A man of fame, and reputation,  
Esteem'd by men of rank and station,  
His King and Country ne'er did forsake,  
Tho' cruelly murder'd by the ——.
- 17 The next disgrace I after got,  
Was by the Butchers hereabout,  
When Hossack great in's Administration,  
Made all those fellows leave their station.
- 18 Whose bloody hands did wound me sore,  
They stabb'd and prick'd me o'er and o'er,  
The inhuman d—s, with pith and vigour,  
Both stuck my body, spoil'd my figure.
- 19 But Hossack brave, my wounds did cure,  
And made me since, till now endure ;  
Since now I'm doom'd, no time to see,  
I do implore this wish for thee.

- 20 You fairest Nymphs and youthful Swains,  
Who us'd to walk around my plains,  
To you my love I do confess,  
May you live long in happiness.
- 21 May Town and Trade to greatness rise,  
Invernesian fame soar to the skies ;  
May Heaven's care and choicest bliss,  
Guard this your North Metropolis.
- 22 'Till in good old age you drop beneath,  
And yield at last in peace your breath ;  
May vice for ever fly your place,  
And virtue shine in every face.
- 23 One boon I ask and then I cease,  
Fix Clachna Cuttin in my place,  
Let all her Sons this Stone revere,  
As it's my right, my nearest Heir.
- 24 As for my part now, I am rejected,  
To-morrow, Six,\* I'll be dissected ;  
No friendship more to help my loss,  
No reprieve at all for me poor Cross.
- 25 But draw and quarter all my Loins,  
And I dare say—part hung in Chains,  
But notwithstanding this rough usage,  
I with my last words do excuse it.
- 26 I bear no grudge to any living,  
To Hector nor Redcastle neither ;  
I say no more, be happy then,  
And with my last, I say, Amen.

K. MACKENZIE.

## LXIII.

## SETT OF THE BURGH OF INVERNESS. 1675. (D.)

A generation having grown up since the passing of the Parliamentary and Municipal Reform Acts, many of our readers know little except in a general way of the nature of former municipal rule.

The authority in Inverness of old consisted in what was termed the "Sett of the Burgh." In 1618 the number of councillors was declared to be, as now, 21 ; and prior to 1675 it is recorded that there were "great debates, divisions, and confusions both within the Council and amongst the inhabi-

\* Six o'clock in the Morning.

tants of the town of Inverness, in relation to the election of magistrates and councillors of the said burgh," and which were deemed at the time as likely to prove fatal to the burgh unless timeously composed.

The Convention of Royal Burghs took up the matter, and on 7th July 1676 appointed Sir Patrick Thriepland, Provost of Perth; George Brown, Provost of Dundee; Gilbert Mollison, Bailie of Aberdeen; Alexander Miln, Provost of Linlithgow; Robert Renold, Provost of Montrose; David Donaldson, Commissioner for Brechin; James Bennet, Commissioner for Inverkeithing; Archibald Wilson, Bailie of Queensferry; and James Rocheid, general clerk of the Convention; together with James Rose, burgess of Nairn; Sir Robert Dunbar, Provost of Forres; Ronald Bayne, late Bailie of Dingwall; and Alexander Graham, Provost of Fortrose;—any seven a quorum, to proceed to Inverness, with power to call parties before them, hear, and settle disputes, and if need be, "to establish and set a platform and government of the said burgh, which shall be most agreeable to the laws of the kingdom, example to the best governed burghs of the nation, and to the particular constitution of the said burgh." In respect that the Convention took so much trouble about Inverness, and that its commissioners would be put to inconvenience and expense travelling north, the parties concerned were "required and obtested to lay aside all partiality, animosities, humours, and their own private interests," and give every respect to the commissioners and obedience to their orders.

Most of the commissioners came to Inverness, and held their first sederunt on 2d Sept. 1676. Sir P. Thriepland was appointed preses, and Alexander Edward, writer, Edinburgh, clerk, and having heard parties, the commissioners pronounced several salutary findings, one being as follows and not destitute of significance in these days, viz. :—

*"In respect that the great complaint of this place has been continuing the Council those many years bygone, therefore and for rectifying the same, the Commissioners have ordered for this next ensuing year only, that this present Council shall elect and choose for their councillors for the next ensuing year*

the persons following :—John Polson, John Barbour, John Stewart, William Thomson, William Paterson, Donald Maclean, John Cuthbert, and Alexander Clunas, who are to come in place of eight of the present Council to be put off and discharged."

The findings of the commissioners settled matters for a while, but disputes and questions again arose, chiefly as to the position the Trades and Guildry Incorporations should have in the Council, so that the Convention had again the case of Inverness before them in the year 1722, after which time and the changes then made, there was no alteration.

From the document after quoted, published by Mr Dunbar Dunbar with notes, here printed with his permission, it would appear that before the matter came before the Convention of Burghs, the local authorities had been making enquiries of the neighbouring burghs, and the answer of Elgin, dated 23d October 1675, showing a liberal and considerate spirit, has been fortunately preserved.

What follows is as already published :—

The Town Councils of Burghs, till recent years, were a great power in the State, and exercised their authority at times with much severity. The tradesmen or crafts were kept in a kind of serfdom for a long time, and only by slow and cautious steps were they introduced as constituents, through their chairmen or deacons, to municipal rule. The annexed letter from the Provost and Bailies of Elgin "for Their much honored and very loving neighbours The Provost & Bailies off Inverness," has reference to some of those arrangements with the crafts, and shows that in 1675 these were beginning to assert their liberties as citizens, by "miscarriages" towards the constituted authorities. The conservative municipality in the Highland Capital had no great encouragement from Clerk Chalmers' report to extend further the privileges of the crafts there :—

Much Honored and loving nighbours,

Yours we received dated the Twentie-third of October instant, Whairin you desyre the double of ane condiscendance past betwixt the counsell and the crafts of this burgh anent deaconrie ; as also, ane double of ane late condiscendance and the back bond from them to ye counsell, upon their department to ye mats. and counsell. As for ansr. yeirto, You shall know their was never any generall or particular condiscendance betwixt us and yem that might doe prejudice to magistracie or gildrie in any burgh, far les to us. Only (in respect of ye multiplictie of craftsmen inhabiting within this burgh), which are our greatest numbers, We, haveing no great trade of merchandising be sea or land, we passiw'd to lett yem have some order amongst yemselves for regulatung of their crafts, Who hitherto have carried so civillie, that in all year just interests they have not been troublesome to us, Which is the only true accompt we can give to you.

Elgin, 25th October 1675.

Much honored,

I am ordered to show you that any articles of agriement that first was made with ye Crafts was shortlie yrafter declared null be reason of some miscarriages of yeirs, and no agriement past since that tyme.

Jo. CHALMERS, Clk.

Much honored,

Your loving friends & neighbours to serve zow ye provost and bailies of Elgin, subscrywed be our clerk of court at our command (ye provost being unwell.)

Jo. CHALMERS, Clk.

## LXIV.

**RENTAL OF THE SCOTTISH COUNTIES. 1649. (D.)**

One of the principal sources of Scottish revenue was a direct tax on counties and burghs. At one time it was called "Maintenance," at other periods "Supply," and "Cess." Certain of the landholders were appointed commissioners to levy the assessment, and the name Commissioner of Supply is still retained, though the adject has now little significance.

We print on this occasion the Valuation Roll of Scotland for the year 1649. The money is Scots, and it would appear that the total valued rent of Scotland at this period was only £441,148 sterling money. The document is chiefly of interest, as showing the position in wealth of the counties then, and enabling a comparison to be made as at the present day.

Inverness and Ross had not at that time been finally disjoined; Kincardine had its ancient name of Mearns, and Kircudbright "the Stewartrie." The lowest on the list then, as now, was Cromarty. The highest then was Fife, the "ancient kingdom," now fifth; while Lanark now, by so much the highest, was then only thirteenth on the list. Aberdeen then, as now, was fourth; and supposing Inverness and Ross still conjoined, their position would rise from twelfth to seventh.

The order in value of the list of 1649 is thus:—

1, Fife; 2, Perth; 3, Roxburgh; 4, Aberdeen; 5, Edinburgh; 6, Ayr; 7, Berwick; 8, Haddington; 9, Forfar; 10, Dumfries; 11, Wigtown, &c.; 12, Inverness and Ross; 13, Lanark; 14, Stirling; 15, Argyll; 16, Linlithgow; 17, Renfrew; 18, Banff; 19, Orkney and Zetland; 20, Elgin; 21, Peebles; 22, Selkirk; 23, Mearns; 24, Dumbarton; 25, Clackmannan; 26, Caithness; 27, Sutherland; 28, Nairn; 29, Bute; 30, Kinross; 31, Cromarty.

They stand at present as follows, burghs and railways excluded:—

1, Lanark ; 2, Ayr ; 3, Perth ; 4, Aberdeen ; 5, Fife ; 6, Forfar ; 7, Edinburgh ; 8, Roxburgh ; 9, Dumfries ; 10, Renfrew ; 11, Argyll ; 12, Stirling ; 13, Berwick ; 14, Haddington ; 15, Kirkcudbright ; 16, Inverness ; 17, Dumbarton ; 18, Ross ; 19, Kincardine ; 20, Banff ; 21, Linlithgow ; 22, Wigtown ; 23, Elgin ; 24, Caithness ; 25, Peebles ; 26, Orkney and Zetland ; 27, Clackmannan ; 28, Selkirk ; 29, Sutherland ; 30, Kinross ; 31, Bute ; 32, Nairn ; 33, Cromarty.

Follows the valuation referred to :—

“ 27th July 1649.—In pursuance of the order of Parliament of the 26th of July 1649, the committee hath taken the exact amount of the proportion of each shire within the kingdom for the maintenance, according to the respective valuations approved by the Parliament, and hath set and declare the same for the recovery in payment of the monthly maintenance until new valuations shall be brought in, and compared according to the directions to be prescribed by the Parliament.”

Shires.	Rent (Pounds Scots.)	Maintenance per mensem.
Orkney and Zetland	090,980	1624 8 3
Inverness and Ross	231,660	4186 2 0
Caithness	040,600	0724 17 11
Cromarty	004,800	0085 14 0
Sutherland	024,600	0439 4 5
Nairn	024,000	0413 0 2
Elgin	090,200	1610 8 11
Aberdeen	313,000	5588 7 1
Banff	093,500	1669 8 1
Mearnes	075,000	1339 2 0
Forfar	266,000	4749 4 8
Perth	384,000	6856 0 8
Fife	475,700	8493 5 6
Kinross	012,240	0218 10 8
Stirling	151,000	2696 0 1
Clackmannan	047,800	0853 9 0
Linlithgow	110,720	1976 16 3
Edinburgh	301,980	5391 12 5
Haddington	274,700	4904 10 11
Berwick	280,720	5012 1 1
Roxburgh	319,400	5702 12 7
Selkirk	080,100	1430 3 4
Peebles	082,000	1464 1 6
Lanark	196,240	3503 14 0
Ayr	291,000	5195 12 1
Dumfries	245,320	4388 18 7
Wigton and Stewartrie	232,000	4142 2 6
Renfrew	097,000	1731 17 1
Dumbarton	049,430	0882 11 0
Argyll	133,500	2383 11 9
Bute	022,000	0392 16 0
Summa	5,041,690	90,000 4 0

## LXV.

**THE CONSCIENTIOUS MINISTER OF CREICH, 1623. (D.)**

It did not follow that after the Reformation the several parishes in Scotland were efficiently served; on the contrary, the injustice often committed by patrons in their appointment of ministers was frequently and loudly remonstrated against.

For instance, could injustice go further than in the case of Mr Duff after-quoted, who, having not a word of Gaelic, was nevertheless presented to the charge of Creich, where his congregation had no English? Many such instances will be found in the history of the Church before its courts arrived at needful independence; but, for a long time, there can be no doubt that the presentation to a partly-speaking Gaelic charge in favour of an English minister was objectionable, and liable to be set aside. The point was raised within the last ten years in the case of one of the northern towns, and the principle affirmed by the General Assembly, but final deliverance was frustrated by extra-judicial arrangement.

Considering that Gaelic has been and still is the only language of a large population in the Highlands, it is much to be regretted that in the case of the clergy especially, no regular course of instruction in this language has been peremptorily ordered. No doubt, in time, Gaelic will wear out, and it may perhaps not be very long until every one can speak English, but meantime, and so long as Gaelic is the only language of a considerable body, the Church is bound to see that there is an adequate supply of Gaelic ministers. There are so many varieties, according to district, and such a difference betwixt Gaelic as commonly spoken and in the Bible, that no mean acquaintance with the language is required to ensure efficiency.

We cannot agree with the unquestionably numerous and

influential party who think the Gaelic language a curse, the retarder of advance, and who consider the sooner it is abolished the better for the Highlands. To a person constantly residing in the north, who does not understand Gaelic, a world is shut out. He walks a stranger among the people, unacquainted with their thoughts, feelings, and dispositions; while their stories, traditions, poetry, and song, so imaginative, interesting, rich, and sweet, are either totally unknown, or partially and imperfectly by feeble translation. Indeed, one of the felicities of an intimate knowledge of Gaelic is the fact that many words and sentiments are so perfect as to be incapable of adequate translation.

Ignorance of the language deprives any writer about Highland affairs of old, of the means of understanding what to others may be very obvious. Having occasion to refer lately to "Dalrymple's Annals of Scotland"—esteemed a learned and correct work—we observed that anno. 1215, "M'Kentagar" attacked and defeated certain marauders, who had made an inroad into Moray; and in a foot note that "M'Kentagar" is an unintelligible word. Though barbarously spelt, there is no doubt the word means "Son of the Priest," and the person referred to is Farquhard, first Earl of Ross, of the line of Ross, who was known by this name. In the chronicle of Melrose, he is styled "Comes Rossensis Machentagard."<sup>\*</sup>

The Northern Meeting very properly has always made the music of the bagpipe a fundamental part of the proceedings, but it has occurred to many that prizes for Gaelic poetry would form an equally gratifying fact.

The best test of the pleasure of knowing Gaelic is this, that we never met with a person who knew it well who did not love it, and consider himself fortunate in possessing a knowledge of the language; and this is believed to be universal.

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<sup>\*</sup> This gentleman was not the only one of the name. A curious old document belonging to us, dated in 1599, is referred to in an old inventory of titles of the estate of Belladrum as follows:—"Charter of confirmation by Robert Williamson of Murlaston in favour of Hew Fraser of Belladrum and Janet Fraser his spouse, dated the 16th July 1614, confirming a charter granted to them and the longest liver of them by Thomas Fraser alias Macintagart, of a croft of land in Easter Dounie, which last charter is dated the 10th day of December 1599."



The demission after-quoted is highly creditable to Mr Alexander Duff, the demitter; and we indulge in the belief that the "talent" of this worthy was not lost at Kilmallie—in that church built by the renewed man, "Allan nan Creach," eleventh of Lochiel, which came in the place of that first and ancient church erected by the pious "Son of the Bones," whose birth was wondrous as that of Minerva.

It is rather singular that Kilmallie at this time (1623) possessed some English speaking people, as it was long before there was a regular garrison; and Lochaber has always been so noted for its Gaelic that Gaelic "Abrach" or Lochaber Gaelic is deemed classical.

Follows the extract demission referred to, the old spelling not being observed except in one or two instances by way of specimen:—

" At Dornoch, the 13th of August 1623,

Which day Mr Alex. Duff, present titular of the kirk of Creich, finding himself altogether unfit to serve at the said kirk because of his want of ye Yrisch toung, and the whole people having no other language, freely demitts and overgives all right and title that he has of the said kirk. Lykeas this present Synod, in respect of his non-residence at the said kirk, and want of Irish language to serve the same, removes and transports him from the said kirk and cure thereof. And this present Synod, having a care of the said Mr Alexander that he be not altogether casten louse, ordains that he shall employ his talent at the kirk of Kilmalie, at the quhilk there is some that has the Scottische language, and the said Mr Alexander be elsewhere planted at another kirk, where he may fitly serve. And for the more corroboration of the said act, and his consent thereto, he has subscribed the same. Extract out of the books of our Synod, the 15th day of November 1623.

(Signed)

Mr ALEX. CUMING, Clerk to the Synod."

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## LXVI.

### EXPENSE OF THE DUKE OF GORDON'S COMMISSION AS GOVERNOR OF EDINBURGH CASTLE. 1686. (D.)

From the adherence of the Gordons to the Roman Catholic religion, and their attachment to the Stuarts, they greatly suffered during the usurpation, in person and estate. As is well known, George, second Marquis of Huntly, was exe-

cuted at Edinburgh in 1649, his eldest son, George, having been previously killed at Alford in 1645. The mother of the Marquis was Lady Henriet Stuart, daughter of Esme, Duke of Lennox. Writing under date 1641, Spalding, narrating the persecutions to which Roman Catholics were exposed, says of the old Marchioness of Huntly—

“ Now the Papiets are straitly put out in all places, without respect, within the kingdom, among the rest the Lady Dowager of Huntly, a noble, worthy, and honourable lady, is put at by the kirk to renounce her religion and conform in severe manner. This lady, born in France, brought up in the Roman religion all her days, and of great age, would not now (her one foot being in the grave, as the saying is), alter her religion, but rather made choice to leave the kingdom, whilk she was forced to do, for all her kindred's moyan (interest) and friendship that she could make. Thus resolutely she settled her estates, rent, and living, leaves with woe heart her stately building of the Bog (Gordon Castle), beautified with many yards, parks, and pleasures, closes up the gates, and takes journey with about sixteen horse, and upon Saturday, the 26th of June, she came to Aberdeen, lodged in Mr Alexander Reid's house, and on Monday she rides frae Aberdeen towards Edinburgh. A strange thing to see a worthy lady of seventy years of age to be put to such travail and trouble, being a widow, her eldest son, the Lord Marquis, being out of the kingdom, her other children dispersed and spread, and albeit nobly born, yet left helpless and comfortless, and so put at by the kirk that she behoved to go, or else abide excommunication, and thereby lose her estate and living, whilk she was loath to do. She left her “oy” Charles, son to the Marquis, being but a bairn, with Robert Gordon, Bailie of Enzie, to be entertained by him when she came frae the Bog, and she also gave another of his bairns, called Lady Mary, to Anne, Countess of Perth, her own eldest sister, to remain with her. These things done she came to Aberdeen, frae that she rides to Edinburgh, where she remains till about the end of September without help or remead; syne rides directly to Berwick, there to remain during her pleasure. It is said she had store of gold and jewels with her. Afterwards she goes to France. She had about three hundred thousand merks in gold and money with her, by and attour silver plate, which did little good to the distressed estate of that noble house.”

Again, under date 1642, he records—

“ Upon the 2d day of September, Lady Henrietta Stuart, Marchioness of Huntly, departed this life in France, and was buried in her mother's grave at Lyons—a virtuous, reverend lady, born in France and married in Scotland, where she bare her honourable bairn time, and in her widowhood and old age, by cruelty of the kirk for her religion, is forced to flee her country and go into France, where she died as said is.”

George, fourth Marquis, had everything made up to him after the restoration. In 1661 the forfeiture of his predecessors was rescinded, extraordinary grants of land made, and in 1684 he was created Duke of Gordon. James VII. on his accession conferred further honours, and amongst others made him Governor of Edinburgh Castle.

Curiously, among Mr Dunbar Dunbar's papers, the

original bill of charges for the Duke's commission has been found, a copy of which will be found appended to this paper, and it amounted to the sum of £27 13s 8½d sterling. The fees of patents of nobility and orders of knighthood are at the present day very high, and often burdensome to officers of great merit not blessed with over-abundance of worldly substance, and it might be considered reasonable either that these fees, in the case of parties in the above position, should be paid by the Crown, or that, in the appointment of the holders of these offices, the Crown should reserve power of issuing certain patents free.

James VII. had no stauncher adherents in the three kingdoms than the Duke of Gordon and Viscount Dundee. The early part of March 1689 was a critical period. The Estates of Parliament were sitting, and Lord Dundee was in attendance. On the night of the 15th March sure word was conveyed to Dundee that his life and that of Sir George Mackenzie of Rosehaugh were in danger at the hand of an assassin, not, it was supposed, without the privity of certain of the revolution leaders. On the 16th Lord Dundee stated that his life was in danger, and requested a guard, which the Parliament refused, and it is hardly credible, in the face of this resolve, that on the afternoon of the 18th they summoned Dundee to appear on the 22d. Notwithstanding their protestations in favour of constitutional rights and liberties, this Parliament, by the arbitrary powers granted to the Duke of Hamilton and others, showed themselves to be not a whit behind the Lauderdale, Perth, and Rothes' of the preceding reign.

Lord Dundee, considering his life unsafe, and refused protection by Parliament, sallied out of Edinburgh on the morning of the 18th March, as he himself then said, "wherever the spirit of Montrose should direct"—his career, fatally for James, terminating a few months later at Killiecrankie. By this time the Duke of Gordon had been "intercommuned" by Parliament, and no access permitted—so that Lord Dundee, riding westwards along what is now Princes Street, had to alight, and "clambered up the steep

precipice on the west side of that fortress, and from the bottom of the wall held a conference with the Duke of Gordon, who stood in an adjoining postern gate, immediately above."

When the Duke was first summoned to give up the Castle (14th March), the extraordinary reason put forth by these Revolutionists and Bill of Right's Men for this demand was this—"Because the Duke of Gordon and some others of the Popish religion under him entrusted with the keeping of the Castle of Edinburgh are not qualified by the law of this kingdom." Several parleys took place between the Duke and Parliament as to the terms of surrender, which for some time came to nothing, but ultimately the Duke had to surrender.

The closeness of the watch kept on the castle and its gates, and danger of communication, may be gathered from the following notice, extracted from the Records of Parliament, under date 14th May 1689:—"The Committee of Estates, considering that Sir James Grant, advocate, has been accessory in hiring a wright to serve the Duke of Gordon after he was intercommuned, they ordain the said Sir James Grant to be committed to the Tolbooth of Edinburgh till further notice." This was the learned counsel, the first Baronet of Dalvey.

Follows the account referred to, the old spelling not being observed:—

ACCOUNT OF DUKE GORDON'S COMMISSION AS CAPT. TO THE CASTLE.

Imprimis—Given at the Chancellarie	...	...	...	66	13	4
Item—For registration and drink-money	...	...	...	5	16	0
Item—For ribbons, 6 elns	...	...	...	4	4	0
Item—To the purses	...	...	...	26	13	4
Item—To the presenter of signatures servant	...	...	...	2	18	0
Item—To the usher and doorkeeper in Erchequer at revising	...	...	...	5	16	0
Item—For the declaration	...	...	...	5	16	0
Item—At the register of signatures	...	...	...	5	16	0
Item—For wax and drink-money at the Great Seal	...	...	...	11	12	0
				135	4	8

Item—For the secretary's dues for his commission	7 lib. inde.	84	0	0
Item—For the secretary's dues for his commission to be capt. of the company	9 libe. st. inde.	84	0	0

Item—To the clerk of the council and their servants at the pro-								
duction of the commission to be read, and recording the								
same	...	..	...	...	...	29	0	0
(Scots money)	...	...	...	...	...	332	4	8

Edinburgh, 15th March 1686.

Received by me, Mr John Nisbet, servitor to Mr Thomas Gordon, Writer to the Signet, in name of the said Mr Thomas, from Sir John Gordon, Advocate, in name of His Grace the Duke of Gordon, the above written sum of three hundred thirty-two pounds, four shillings, eight pence Scots, which is in sterling money twenty-seven pounds, thirteen shillings, eight pence, and three farthings, and which sum I presently delivered to the said Mr Thomas Gordon.

(Signed) Jo. Nisbet.

## LXVII.

### ANCIENT NAMES AND PLACES IN AND ABOUT INVERNESS. PART FIRST.

We have been asked to give one or two papers under the above head, and in doing this premise that anything stated has been derived from documents passing through hand at different times, or is the result of personal observation, and it is hoped the papers may prove not uninteresting even to readers out of Inverness.

I. *Domesdale*.—This was the ancient name for Castle Street, and is still occasionally found in description of properties in that locality. The oldest deed examined connected with burghal property in Inverness, is a service of cognition, sasine, and charter of sale of that house on the west side of Castle Street, Inverness, long belonging to and occupied by that branch of the family of Lynvuilg, which terminated in the male line in the person of the late Mr Phineas Mackintosh of Easter Ballifeary. The deed is dated in 1588, and the descriptions of the subjects, translated from the Latin original, is as follows :—“ One rood of burgh land, lying within the burgh of Inverness, in the street of Dymischeo (*vico de Dymischeo*) on the west side thereof, between the lands of Gilbert Duff, burgess of Inverness, at the north, and the lands of Thomas Laziers' at the south,

extending from the lands of the heirs of the deceased Alex. Paterson at the west, as far as the King's highway at the east, together with the houses and buildings erected or to be erected thereon, with the pertinents."

It may be interesting to give the names of some of the notabilities of Inverness at this early period. The deed is granted by James Stewart, son of Umquhile John Stewart, fisher, with consent of Margaret nin Gillespie, his mother, in favour of James Vaus, burghess of Inverness. Jasper Cumming was one of the Bailies, and among the men of inquest and witnesses were—William Robertson, James Donaldson, Alexander Marchand, Thomas Marchand, Finlay Clark, Lawrence Robertson, William Thomson, Gilbert Kar, James Abraham, James Cuthbert, Patrick Waus, Finlay Donaldson, John Dow, skinner, Alexander Cumming, Jasper Dempster, Andrew Dempster, Patrick Auchlock, Gilbert Duff, and John Macfargus—Robert Waus was common clerk of the burgh.

The name Domesdale has some connection with Courts of Justice. In "Mackenzie's Grievances of Orkney and Zetland," there will be found a decree, dated June 1514, in "a *Doms* dempt be me Nicoll Hall, lawman of Zetland and Orknay for the tyme, and ane certane of famous discreet and unsuspected persons," &c.

In a deed about 150 years old, referring to a house on the same side of Castle Street, Domesdale occurs, and it would appear from the following description that two trades, once of importance in Inverness, but some time extinct—viz., armourers and glovers, were carried on in Castle Street:—"All and whole that rood of burgh bigged land on the west side of the street called Domesdale, of the said burgh, having the lands of Umquhile William Macbean, glover, at the south, and the lands belonging to the heirs and representatives of the deceased Alexander Duff, armourer there, at the north."\*

\* Among the titles of Robertson of Inshes is a charter by his ancestor John Robertson of property on the east side of Castle Street, dated so far back as 2d April 1448. We think it may be asserted with safety that there is no deed of such antiquity connected with burgh property in Inverness extant. We believe that the property conveyed by the deed is that of Mr Mackay, plumber, Castle Street, Inverness.

II. *Churches and Churchyards in Inverness, &c.*—According to Shaw, Inverness was a parsonage dedicated to the Virgin Mary.

1. The High Church. In a deed so late as 1742, relating to a piece of ground 'twixt the Churchyard and the river, the church is called "St Gillies Chappell," being the only occasion where any reference to St Giles has been noticed—"The number of eighty feet in length or thereby of a larach or waste ground, and whereon the said Angus has built a house already, lying below the churchyard of Inverness, called St Gillies Chappell, being the west part thereof, bounded to the water of Ness," &c.

The site is commanding, and when an edifice worthy of it comes to be erected—necessarily not long hence—the importance of removing all the small houses at the river, and thereby giving a wide handsome terraced approach from the west, will, it is trusted, be kept in view by the authorities and people of Inverness.

2. St Thomas Chapel. Though the name of St Giles appears rarely, that of St Thomas is frequent. The lands referred to in the following description lie behind what is now Shore Street of Inverness—"All and whole nine roods of arable field land, lying within the territory, parish, and sheriffdom of Inverness, on the east side of the river Ness, in the field called St Thomas Chappell, as also three roods of arable land, commonly called Lagnagowan, and which are parts of the lands called Dempsters," &c.

3. The Manse of the second minister of Inverness. The parish of Bona was annexed to Inverness in the year 1618. Prior to 1638 Shaw says he did not discover that there was more than one minister, but in the year 1640 he states—"Messrs John Annand, and Murdoch Mackenzie, with consent of Strichen, the patron, James Cuthbert of Drakies, the provost, and James Rose of Merkinch, one of the bailies, commissioners for the town and Presbytery of Inverness in the General Assembly, held at Aberdeen in August 1640, did with the approbation of the Assembly, agree that the whole stipend due to the said ministers for

the year 1640, with the sum of 700 merks advanced by the magistrates, should be laid out in purchasing a manse and glebe for the said Mr Annand and his successors in office, which was accordingly done."

The church has been generally tenacious in its hold of property once acquired, but somehow the manse slipped away. It was situated on the east side of Church Street, but in case the *bonum magnum ecclesie* should constrain the present worthy incumbent to recover the manse of his predecessors, the exact locality is not condescended on. The titles of the property are not very old, and state the subjects in vague terms as "that area of ground formerly waste, said to have been the second minister or vicar's manse;" but the titles of one of the adjoining properties go as far back as 1688, and one of the bounds is thus "the lands sometime belonging to the deceased Mr Gilbert Marshall, as the mansion or manse of the minister of the said burgh, and formerly possessed by him as one of the said ministers of the said burgh at the south."

4. The oldest tombstones in the three burying-grounds. The oldest legible inscription in Inverness is in the Churchyard. It is a flat stone, near the path, and though lying on the earth, is in good preservation. The inscription is to one Donald Doull, probably Dougall, and the date June 1597. It has been conjectured that this stone was at one time inside the church, which may account for its good state, considering its great age. The oldest in the Chapel Yard is dated 1604, and contains the annexed description, this stone being also quite sound. But few in Inverness, it is thought, are aware that a great grand-niece of Queen Mary, and of the blood-royal through her great grandmother, Lady Jane Hepburn, lies buried in the Chapel Yard. Lady Jean's husband, John, Prior of Coldinghame, died at Inverness, in 1563. "Here lies the bodie of a pious and vertuous gentlewoman called Hester Elliot, spouse to Master Alexander Clerk, minister at Inverness, and second lawful daughter to the verie honourable Robert Eliot of Lauristown in Liddesdale, and Lady Jean Stuart, third lawful daughter



to Francis Erle of Bothwell. She departed this life upon the 30th September, in the year of God 1604 years. Now she is with her Saviour at peace, who is the Resurrection and the Life, with whom she is to appear in glory. Here lies Mr Alexander Clerk, sometime minister at Inverness, who departed the 13th of September 1635."

Shaw does not record the name of Mr Clerk, but betwixt the time of Mr Thomas Howeson, 1568-1590, and Mr James Bishop, 1617, there is an hiatus. It will be well not to confound him with the Mr Alexander Clark, minister, 1663-1683, whose name is well known in connection with the building of the old stone bridge.

In the Greyfriars' burying-ground—by far the oldest of the three—there is the mutilated figure of a knight, and it is known that many people of note were interred there. The MS. history of the Mackintoshes says that Malcolm, second son of Shaw the first, was there interred, anno. 1176, but, if so, it must have been prior to the foundation of the convent. Cardonnel states that the influential order of Dominicans had a convent founded at Inverness by Alexander II., in 1233. In another part of the MS. history it is recorded that Malcolm, first of the name, and tenth of Mackintosh, who died in 1457, was buried in the Greyfriars, at Inverness, "with his predecessors." The oldest legible inscription, however, does not go further back than 1674, and it is thus—"Here lyes ane honest gentleman, called John Maclean, of Dochgarrioch, who departed the 8th of October 1674, and his spouse Agnes Fraser (of Struy) as also Alexander Maclean, his eldest son" (married to Agnes, daughter of the Chisholm.)

(To be continued.)

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## LXVIII.

### ANCIENT NAMES AND PLACES IN AND ABOUT INVERNESS. PART SECOND.

III. *The Friars' Shott Fishing.* This was generally supposed to be so termed in consequence of its belonging to

ecclesiastics, but the old name was "Frieschott." In a letter from the late Major Duff of Muirtown to the writer's father, dated 29th October 1819, he says—"He (Major Duff) has it in the Kinmylies barony titles as far back as February 1544, when Bishop Hepburn sells to Lord Lovat Easter and Wester Kinmylies, Easter and Wester Obriachan, the Mill of Bught, Kilwhinners, with the fishing of Ness, called vulgarly the Frieschott. As the Castle Shott is but a hawl on one side, so Major Duff judges the other is. Perhaps the Friars got it in lieu of tythe of fish."

IV. *Clachnahagaig, or halig*. This was a large stone in the river Ness opposite the lands of Holm, and the northern bounds of the Mains Farm. It is said to have been visible occasionally until the river bed was much altered some years ago, by the breaking in of the Canal bank at the place. It must have been at one time a well-known mark, as in James VI.'s charter to the town of Inverness, it is mentioned as the upper limit of the river fishing, to which the town now has right to the extent of a half coble. The following is an extract from this Crown charter, but the literal correctness of the translation is not guaranteed:—"All and hail the water of Ness; all the parts of both sides of the same betwixt the stone called Clachnahagaig and the sea, with all fishing and fishing-places, as well of salmon as other fish, ports, havens, creeks, privileges, profits, and commodities of the said water, and of, in, and upon every part and side of the same, from the said stone even to the sea, into which the said water runs."

V. *Inshes Great Garden*. This name is of frequent occurrence, and the subject comprehended the foot of Inglis Street, including the houses on both sides, and beyond Theatre Lane to the Dempsters. So early as 1517, the family bought from the Prior Dewar a large slated house, adjoining the Tolbooth in Bridge Street.\* The family of Inshes is of long standing, dating as landholders from 1619, and as merchants in Inverness from the time of James I. William Robertson and Laurence Robertson, mentioned in

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\* The only document known to exist flowing from the convent, hence unique.

our last as men of inquest in the deed of 1588, were the first and second sons of *stalwart* John, fifth of the line. The enclosed burying-place in the Churchyard, erected in 1660, is a handsome pillared structure richly carved. "All and whole that rood of burgage land and houses built thereon, sometime belonging to Donald Fraser, shoemaker in Inverness, being part of the garden, commonly called 'Inshes Great Garden,' and now bounded on the west by the new street of the said burgh," &c. ; as also "all and whole, another rood of burgage land and houses built thereon, being in like manner part of the garden commonly called 'Inshes Great Garden,' and now bounded as follows—viz., on the east by the road and gardens, called Dempsters, and on the south by the rood contained in a joint tack granted by John Robertson, and William Robertson of Inshes, to Thomas Macpherson and Alex. Macleod," &c.

VI. *Baron Taylor's Lane*, formerly called *the Black Vennel*. In a deed of 1620 it is called the Common Vennel, leading from the Kirk Street to the east. In another deed it is termed "Back" Vennel, this being probably a clerical error. About the middle of last century there flourished in Inverness a writer, named John Taylor, who acquired a good deal of the Vennel. Mr Taylor having prospered, bought a superiority, which entitled his name to be enrolled amongst the Barons, hence he was known as Baron Taylor. The class who fell under the category of "genteel" people, wishing the former somewhat suggestive name to be disused, called it Baron Taylor's Lane; but, though the Baron is dead more than a hundred years, the place, *ulgo vocat*, yet is "The Black Vennel." "Gentility," notwithstanding the old say as to the untransmutation of a sow's ear into a silken purse, has converted "Castle Raat" into "Theatre Lane," but to the Clachnacuddin *gutterbluid* these new appellations are abhorrent, and sternly rejected.

VII. *Wormwood Field*. This is a field adjoining the east rampart of the Citadel, from which it was separated by the moat, and, along with the Citadel grounds, is held by the

town of Inverness of the Earl of Moray. The tradition is that Cromwell's soldiers there cultivated the hitherto unknown plant, and hence the name.

VIII. *Gustavustone*. This was the name for a field, now the ground betwixt the Central School Lane and Celt Street. "All and whole, that lot of the park called Gustavuston, on which the deceased Alexander Morrison erected a dwelling-house, bounded on the south by the passage leading from the public road along the west bank of the river Ness to King Street," &c.

IX. *The Lochgorm*. About 1746 a great improvement was effected in Inverness by the erection of the Longman embankment. Prior to this, the sea occasionally came up close to the town, and the intermediate lands are described in certain legal proceedings soon after, as having been "a salt marsh." In the year 1759 the reclaimed lands only yielded an income of £183 12s Scots.\* The Lochgorm, or "Blue Loch," was partly formed by the salt water, and partly by the want of drainage. The lands below the Crown even yet are damp. Though the name is still retained, it has long been a misnomer, the loch, however, subsisting in a limited form after the Longman was constructed.

X. *The Fosses or Foul Pool*. There existed a large ditch or pool under the above name, extending along the upper and middle part of Academy Street. It is very frequently mentioned as the back boundary of the houses on the east side of Church Street. Again, of lands lying to the east of Academy Street, the pool was a west boundary—"All and whole, that rood of burgage land, bounded betwixt the lands called the West Dempster, sometime belonging to John Hepburn, one of the bailies of the burgh, at the east, the New Street, now called Academy Street, of old called the Foul Pool, at the west," &c.

(To be continued.)

\* We enter our protest against the recent shameful destruction of the fine elms on part of these grounds, as also against the erection of the ugly walls along the at one time pleasant walk to the sea-side and Longman.

## LXIX.

ANCIENT NAMES AND PLACES IN AND ABOUT  
INVERNESS. PART THIRD.

XI. *Temple Lands in Inverness.*—The Knights of St John of Jerusalem, afterwards of Malta, had their chief seat in Scotland at Torphichen, and in the times of Malcolm IV. had a “toft” of land in each royal burgh in Scotland granted to them. The order was founded in 1104. Its possessions in Inverness are after given, the descriptions being taken from a disposition of sale by James, 2d Lord Torphichen, in 1611.

The first of the family of Sandilands ennobled was Sir James. He was elected Preceptor of the Order in 1543, and installed in its rich possessions. Lord St John was created Baron Torphichen in 1563, getting his military benefice converted into a temporal Lordship, with lands lying in upwards of six counties. It might have been expected that the head of the Templars would be the very last to join the reformers, but the contrary was the case. Becoming a Protestant, it is said that it was in his house of Calder that John Knox first publicly administered the sacraments, and the zealous reformer had his reward, as before stated, by receiving as his own property, for a trifling consideration, what had for centuries belonged to the order of St John.

The granter of the deed of 1611 was grand-nephew and heir of the first Baron. The first subject referred to is what is now known as the Athenseum Buildings in High and Church Streets, and it will be noticed that Church Street is called “a Vennel or Street.” The second subject is now the Commercial Hotel, formerly “The Horns,” the principal house of entertainment in Inverness, where the judges on circuit and the highest travellers put up. The third subject

cannot be identified, but must have been somewhere about the Lochgorm, beyond the east gate of the town, which stood about the foot of Stephen's Brae, the limit of the ancient royalty of the burgh in that quarter.

"That Temple tenement of biggit land, with the yaird thereof, lying in the town of Inverness, on the north side of the hie gaitt, betwixt the tenement of John Cuthbert on the east, the vennel or street leading to the kirk of Inverness on the west, the high street on the south, and the yard and back house pertaining to the said John Cuthbert on the north, possessed by Alexander Cuthbert and his sub-tenants. Another Temple land and tenement lying in the said burgh upon the south side of the gait, betwixt the lands pertaining to , at the east, the passage or vennel that leads to the Castle on the west, the King's hie street on the north, and the back land pertaining to on the south, possessed by Alexander Bayne and his sub-tenants. Another Temple tenement of biggit land with yard and pertinents, lying in the territory of the burgh of Inverness, outwith the east port thereof, possessed by Finlay M'Faiil."

XII.—*The Town Hall*.—This building was erected about the beginning of last century. The property as well as the Commercial Hotel adjoining, referred to in the preceding head, belonged to the family of Culloden, part of it being used as the town residence of the family. The Town Hall, though a handsome and roomy building, is not strong. It ought to be taken down soon, and it would be well for the town to acquire certain neighbouring properties as these offer, in order to permit the erection of such extensive and elegant buildings as the convenience of site, importance of the town, and growing requirements of trade, do certainly demand.

XIII. *Palace of Lord Lovat*.—In a deed of 1669, a property on the north side of High Street, conjectured to be now the British Linen Company's Bank, is described as "formerly the palace of Lord Lovat." Simon, eighth Lord Lovat, who died in 1633, is stated in Anderson's history, on the authority of the Wardlaw manuscript, to have lived much in Inverness, and no doubt this was his residence, and referred to in the deed in question. The MS. further says that Lord Huntly lived in the castle, the Lairds of Mackintosh and Grant in Inverness, and there was a constant interchange of visits. Hugh, tenth Lord Lovat, who died in 1672, three years after the date of the deed, also was much in Inverness, and on one occasion won a great race round Tomnahurich—

one of the bailies of the town, whose name unfortunately is not preserved, coming in second, and beating several gentlemen of note, who took part in the race.

XIV. *Town House of Lady Mackintosh.*—The old Lady Mackintosh, as she was called, as there were two Dowagers, lived in a house in Church Street, on the west side, now the property of Dr R. Fraser. Anna Duff of Drummair was relict of Lachlan, 20th of Mackintosh, who died in 1731, and at the head of Inverness society for a long time. Her house, only taken down a few years ago, will ever have a halo of interest in consequence of its occupation by Prince Charles in 1746. It has been described as the only house then in Inverness, having a reception room *without a bed in it*. The Duke of Cumberland occupied it after Culloden. The household book of Mr Gib, the Prince's master of the household, gives minute details of the disbursements. Oysters, as these occur frequently, would appear to have been a favourite dish. We give a few extracts:—

1746—March 3.—At Inverness, Monday, the Prince taking up his quarters in the house of his benefactrix, old Lady Mackintosh.

To extinguishing a chimney on fire, and cleaning it	...	...	£0	2	0	
To Lord Lovet's servant	...	...	...	0	2	0

The house-heating to the Prince was like to have proved fatal, and Lord Lovat lost no time in sending a message.

March 24.—To 14 load of pitts (peats)	...	...	...	£0	9	4
To Lady Mackintosh's servant	...	...	...	0	2	0
To 22 sheep	...	...	...	5	1	0
March 29.—To Lady Mackintosh's servant	...	...	...	0	2	0
30.—To a Salmond	...	...	...	0	2	4
To a coloured Pigge	...	...	...	0	3	0
31.—To Lady Seaforth's servant	...	...	...	0	3	0
April 4.—To bread sent to Fort-Augustus	...	...	...	1	10	0
7.—A coat to ye English boy	...	...	...	0	6	0
To a gown and peticoat to ye citchen girl	...	...	...	0	13	5
12.—To Lady Kilrac's servant, and Mrs Donin's servant	...	...	...	0	2	11

The entries for the last three days are given in full, Mr Gib himself being present at Culloden.

April 14.—Monday, at Inverness—						
To 12 loads of pitts	...	...	...	£0	8	0
To 3 pecks salt	...	...	...	0	3	0
To roottes and herbes	...	...	...	0	1	10
To a glass and 2 padloks	...	...	...	0	2	4

N.B.—In the evening the Prince marched to Culloden House.

15.—Tuesday, at Culloden House—

N.B.—At night the Prince and his army marched towards Nairn to surprise the D. of Cumberland in his camp, which design misgave.

16.—Wednesday, at Culloden House—

N.B.—This day the battle of Culloden was fought upon Drummosie Muir, where the Prince and his army were totally routed.

(To be continued.)

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## LXX.

### ANCIENT NAMES AND PLACES IN AND ABOUT INVERNESS. PART FOURTH AND LAST.

XV. *Ballifeary*.—The signification of the word “Clachnaharry” is well known as “The stone of the watchers,” placed by the authorities of the town to give notice of any threatened visit from Ross-shire; and, as the danger chiefly arose in a crossing by day, the watchers were only there from early morning to nightfall. At Ballifeary, however, “The town, or place of the watchers,” they remained day and night, because the Macdonalds and others were liable to come at all hours. These watchers, therefore, had sleeping accommodation when the turn of relief came.

XVI. *Tomnahurich*.—This hill of the fairies is so well known that its introduction here would have been out of place, and is only noticed to correct the common notion that it was always wooded. In the year 1743, from a charter recently examined, it would appear that the hill of Tomnahurich was a valuable grazing, and on its then grassy sides and top, all the tenants of the barony of Kinmylies and the feuars, had right of pasturing their cattle and goats. Some years ago there were many fine mountain pines, but the greater part of the slopes was covered with broom and whins of great size. The growth of the ornamental timber, however, has gradually almost extirpated the undergrowth, and the hill, with its neighbour Torvean, is now an object of great beauty. It cannot be doubted that the reapplication of the hill as a burying-place after an interval of



perhaps a thousand years, and consequent developed ornamentation, will add still more to the beauty of the most striking object at the eastern opening of the great glen of Scotland.\*

XVII. *Age of the Large Trees in the Ness Islands.*—Such as pass through the beautiful islands in the river Ness, and have heard that the Magistrates in old times there entertained strangers,† may have thought that the larger trees especially were witnesses of these scenes, and of great age. Such a supposition would be erroneous. There were always trees in the islands, and some of great age about the year 1762. Having at that period shown symptoms of decay, the whole islands were replanted, and the large trees are therefore about a hundred years old. Burt complains of the great scarcity of timber near Inverness, and it was not until 1760 that the picturesque hill of Dunean was planted by the Commissioners of the ill-fated Major William Baillie, the noble elms around Ballifeary Park being planted at the same time. A row of elms forming an avenue worthy of a ducal park extended along the road adjacent to the west side of Ballifeary Park, on the lands of Kinmylies; but, unfortunately, and for some wretched consideration, these trees were cut down upwards of forty years ago, many people remembering the outcry raised against the then proprietor, Evan Baillie, last of Dochfour, for this shabby proceeding. It is right here to record, to the credit of the late Mr Mackintosh of Aberarder, Mr Mackay, banker, and Dr Nicol, that were it not for these gentlemen the elms at the river side would have been cut down thirty years ago. In reference to old trees, it may be mentioned that there can be little doubt that the oldest in the North are those two mountain ash trees by the road side, at Temple in Glen-Urquhart, whose gigantic roots and indented bark never fail to strike the observant by-goer with admiration. Very old people in the glen have heard in their youth aged men

\* This statement is already (1865) to a considerable extent verified.

† In looking over that rare volume, "Inches Letters, 1625-1843," we were delighted to find the following postscript to a letter by Arthur Balfour of Fernie, to a friend in the north, dated Edinburgh, August 14, 1729:—"I had occasion to meet with the Earl of Balcarras, who gave me a pleasant description of an entertainment he had from the Magistrates of Inverness in the island, and of a collation in the town after that."

say, that the tradition was these trees were as old as the castle — if true, certainly a sufficiently respectable age. The castle, and these trees on the one and other sides of the bay, appear like the guardians of the beautiful glen and braes within.

XVIII. *Bridge Street, Inverness.*—This street is one of the oldest in Inverness. In a deed of 1621, being a charter of sale by James Dempster, burghess of Inverness, to William Paterson, senior, burghess of Inverness, the Town-Clerk was James Duff, and the witnesses are John Robertson, Lawrence's son, burghess of Inverness, William Gray, there, John Cowie, there, and Alexander Grierson, one of the burgh officers. The following is the description of the property, translated from the Latin original:—"All and whole one rood of burgh land, with the houses, biggings, and other pertinents, lying within the burgh of Inverness, in Bridge Street, on the south side of the said street, bounded betwixt the lands of William MackConchie, merchant, on the east, the lands of William Paterson, senior, at the west, the Castle-hill on the south, and the King's highway on the north."

The oldest house on Bridge Street is undoubtedly the "Wine Shop," so termed when there were no others in the place. It is a remarkable fact that for more than 150 years the same trade has been carried on in the same place, and the same can be said of "The Grocery" for 95 years. In the north-west prospect of the Castle and Hill, given by Burt, the Wine Shop and the building known as "Castle Tolmie," taken down on the erection of the Suspension Bridge, are both given, there being apparently little or no alteration on the former, except the roofing, which seems to have been then composed of large grey slabs. The arched cellars underneath are of great strength and age, and may really be of the time of Queen Mary, regarding whom the tradition is that she lodged in this building when refused admission to the castle. The royal arms (imperfect) are inserted in the gable to the river, but the upper portion of

the building is perhaps about 200 years old, of the same period as Castle Tolmie. The latter, as may be seen in Burt, contained the following:—

“ 16 Christ is my Life and Rent, 78  
L. S. His Promise is my Evident. H. F.”

There is the further tradition about the Wine Shop, that there was a subterraneous communication betwixt it and the castle, through which people might be smuggled.

XIX. *Some old Dates and Inscriptions.*—The following quaint but appropriate inscription on a chimney-piece, noticed by Burt, is, we believe, still extant in Castle Street:—

“ 16. W. M. B. As with the fire, E. M. P. 94.  
So with thy God do stand ;  
Keep not far off,  
Nor come thou too near hand.”

In the same street, over an old carved gateway—

“ Fear the Lord, and meddle not with them that are given to change.”

In a house in Church Street, emblematic of the mutability of possessions temporal—

“ 17. Hodie mihi—Cras tibi. 19.” (Mine to-day—Thine to-morrow.)

On the same street—

L. M<sup>t</sup>.  
K. D.  
1742.

Also on another, I. D., 1700, and a finely carved thistle.

And in the Photographic Court, on one stone, G. D., and on another—

1627.  
Rebuilt 1810.

Dunbar's Hospital has several inscriptions, and among others the following:—

“ 1668. Alexander Dunbar, Provost of Inverness. This Wye hous belongs to the Hospital of Inverness, the rents thereof payable be the Master of the Wye hous to the Treasurer of the said Hospital.”

XX. *Old Surnames in Inverness.*—The following names, once of importance in Inverness, are now either wholly

extinct, or pertaining to the very humblest class, viz. :— Cuthbert, Waus, Barbour, Dempster, Abraham, Foulter, &c. The name of Paterson was at one time influential in the burgh. In 1514 is to be found the name of Thomas Paterson, Bailie of Inverness; in 1573, James Paterson was Provost of Inverness; and in 1591, Luke Paterson was burghess of Inverness. The extinction of the Cuthberts of Castlehill, who had sons and relatives provosts, lawyers, and doctors for so long a period, is curious. Latterly, even the very name became corrupted, and it is not very long since a person known as “ Bill Cubbard,” and undoubtedly of the family, died in poverty.\* The same applies to Waus. What a descent from “ De Vallibus,” Lord of Dirleton, to “ Vass !” The family of Waus had a good hold in Inverness for a long time. In 1499, Gilbert Waus was Town-Clerk; in 1540, Sir Magnus Waus was Commissary of Inverness. In 1546, there was a Robert Waus, burghess of Inverness; and in 1588, James Waus was Bailie, Patrick Waus was burghess, and Robert Waus was Town-Clerk of Inverness. One of them, named Martin, acquired land, as it is known that a portion of the estate of Inshes yet goes by the name of “ Martin Vass’s Inshes.”

Further papers under the present heading may be given hereafter.

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## LXXI.

### GAME-PRESERVING IN THE NORTH, 1680.

We have been favoured by the same gentleman who exhibited the list of titles to The Chisholm’s lands of Rhindoun (Notes 52 and 53), with the perusal of the commission after-quoted, dated 15th May 1680, by Sir George Mackenzie of Tarbat, to Kenneth Mackenzie, brother of the

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\* In correction of the above to some extent, we insert the annexed notice, which appeared in the newspapers in the month of January 1864:—“ Married, at Christ Church, Clifton, Bristol, on the 14th instant, Walter Hume, youngest son of the late Reverend Robert Hume of Urney, to Henrietta Frances, youngest daughter of S. T. Cuthbert, Esq., No. 31 Caledonia Place, Clifton, and grand-daughter of the late Lewis Cuthbert, Esq. of Castlehill, Inverness.”

Lord Advocate, having the addition on the back, in the handwriting of the late Mr Mackenzie of Woodside, that the said Kenneth Mackenzie was first of Dundonell.

This document shows that, five years before being raised to the Viscounty of Tarbat, Sir George Mackenzie had commission from Charles II. as "Master of the Game from Lochen to Kiliscuig, and from Conan to Portnaculy and Hoikel water."

The laws for the protection of fish and game are of old date. So early as the time of Robert III., killing of salmon in close time was punishable by a fine of £100 Scots; but as this sum was exorbitant, it was reduced, in the reign of James I., to forty shillings Scots. In the year 1597 more efficacious provision was made for the preservation of salmon, by landholders adjoining rivers being ordained to find caution for their tenants and dependents, under penalty for a Peer of 1000 merks, and for a Baron of 500 merks. Other salutary enactments, having the same end in view, passed in later times.

Many laws are to be found for the protection of game, and regulating the practice of Muirburn. Hunting parties, before the use of small firearms were common in olden time, as occasions of friendly meeting and festivity. As is well known also, great hunting gatherings were often an excuse for the friends of the Stuarts to meet and consult. Fergus Macivor's meeting in Waverley is meant to pourtray the meeting at the old Castle of Braemar, convened by the Earl of Mar for 27th August 1715.

Two causes operated for nearly seventy years against the sport of deer-hunting, which may now be considered. We use the word "hunting," as "stalk" is modern like the rifle. The old terms were hunting and chasing, as correctly given in the lines—

" My heart's in the Highlands, my heart is not here,  
My heart's in the Highlands, a *chasing* the deer;  
A *chasing* the red deer, and *hunting* the roe,  
My heart's in the Highlands wherever I go."

It may be here mentioned in passing that though the word grouse is now in every one's mouth, the Gaelic sporting

songs are, as compared with black cock for instance, silent.

The first cause proposed to be noticed was the universal depression felt in the Highlands for a considerable period after 1747, from the great change consequent on the abolition of Heritable Jurisdictions, the proscription of the use of the Highland dress, deprivation of arms, forbiddance of meetings of any numbers of people, and the fact of proprietors no longer living at home as they were in use to do.

Secondly, the introduction of sheep effected a complete revolution—gradually everything, man and beast, gave way to the new system. Though deer and cattle got on very well, sheep and deer could not be together. But from the introduction of new proprietors, and the extraordinary development of sporting habits among the wealthy sons of commerce, there has arisen within the last thirty years such a demand for forests that sheep in their turn have given way, and the tendency lies still further in this direction wherever there are glens and corries suitable for quiet and shelter.

A question of much importance arises in regard to the future of deer forests and muirs, deserving the particular attention of landholders. Spread numerous and diversely on the hill sides and tops, are to be found green moulds of rich grass, not only pleasant to the eye, as oases on the desert to the health-seeker, as he treads with buoyant spirit and elastic step over the "mountain heath," even though his name be not Macgregor; but important as feeding grounds in the highest degree. These are the remains of sheilings, and spots of old expressly looked after by the herds for pasture, from and to which cattle were driven from day to day. Muir-burning at the proper season, absolutely necessary for pasture, was regularly done, and the droppings of the cattle herded at these places fertilised the soil. Since the introduction of sheep, and more particularly the preservation of grouse, muir-burning is much discontinued, sheep-droppings are of little fertilising value, and grass is not only more closely cropped than by cattle, but from the often spongy nature of the ground, sheep draw it out by the

root. What are the consequences? Pasture is diminishing, those oases are disappearing, grazings which used to carry Cheviots are unable to do so except to a limited extent, year by year the demand for turnip and low country wintering is on the increase, and the suitability of Cheviot or Blackfaced to the Highlands has been discussed as an open question.

These green pastures fed deer, and now more and more must they come to the low grounds to feed on the farmer's crops, or perish. Gamekeepers may keep down those vermin which destroy young game, but they cannot arrest the rapid spread of heather or its growth into huge tangled bushes, which grouse won't touch, but which touch unpleasantly and impede the kilted sportsman—nor the growth of thickets, soon to be impenetrable, in the corries. In short, great parts of the Highlands are becoming wild, and it requires no great foresight to predict that unless timeously looked into, they will become useless, not only for cattle or sheep, but even for deer.

Discussions admitting of diversity of opinion have arisen as to the exhaustion of our coal-fields, and of the earth crust or mould of Britain, but on the grazings of the Highlands there can be none.

Follows the copy commission referred to, the old spelling not being observed except in occasional instances:—

By virtue of the power and commission granted by the King's most excellent Majesty to me, Sir George Mackenzie of Tarbat, as master of the game from Lochen to Kilisnig, and from Conan to Portnacaly and Hoikell Water, I do hereby empower and commission Kenneth Mackenzie, brother to the Lord Advocate, as my Depute in all the bounds from the march of Cogarth to Edderakils and Strathokell, with power and warrant to him to execute all laws concerning game or muirburn, according to the Acts of Parliament and late proclamation of Council, the fines to impose and uplift, sentences to pursue before bailies or sheriffs, and the same to dispose of, and without prejudice of the generality to pursue the laws against the killers of deer and roe, shooting of hairs, or herones, killers of muirfoull, black kock, and tarmichan from the first of Lent to the tenth of July, and killers of partridge or quail from the first of Lent to the first of September—all keepers of setting dogs, or any who keeps grey hounds and are not heritors, foulers of any sort, who are not of noblemen or gentlemen's households, and raisers of muirburn or destroyers of trouts and pyks with nets, creills, or crooves, or steepers of lint in waters, and this to continue till I revoke the same. The which to do I hereby commit to you by this my letter of deputation (written by John Morison, servitor to Mr

Roderick Mackenzie, one of the Clerks of Session), and sealed and subscribed by me at Strathpeffer the fifteenth day of May sixteen hundred and eighty years, before these witnesses, the said Mr Roderick Mackenzie and John Morison.

(Signed)

”  
”

GEO. M'KENZIE.

RO. M'KENZIE, Witness.

JOHN MORISON, Witness.

## LXXII.

### PROTEST OF THE EARL OF STRAFFORD AND OTHERS AGAINST THE APPOINTMENT OF COMMISSIONERS ON FORFEITED ESTATES, 1716. (D.)

The Commissioners on Forfeited Estates were looked on with great disfavour, and in Scotland they had to complain of not being supported by the Scottish Judges, who threw obstacles in their way.

From Mr Dunbar Dunbar's papers we are glad to bring to light and see that a protest by the Earl of Strafford and twelve other peers was made to their appointment, which protest will be found in the sequel.

Mr R. Chambers, in his "Domestic Annals," brings out vividly the lamentable results of the Commissioners' proceedings in Scotland. The estates of many noblemen and gentlemen were sold, and after all these deplorable steps there remained to the Government the paltry sum of £1107; and as Mr Chambers remarks—"There is a mixture of the ludicrous and sad in the problem which may be expressed thus—money from the destruction (for public objects) of about fifty of the good old families of Scotland, £84,043; charges for the expense of the destruction, £82,936—£1107! Walpole would find it hardly a decent purchase money for a vote in the House of Commons."

It has been often but most erroneously urged that were it not for the revolution of 1688, Britain never would have attained its greatness, and this is cuckooed in the present day by the descendants of some of those who richly profited



by it. It has been so ordered that the Stuart dynasty was to cease, but it by no means follows that the Hanoverians were indispensable in order that Britain might be what it is. A country which could stand the vices of the first Georges, and the corruption of their Ministers, systematised as a code, was almost beyond being put aside in its career.

The Stuarts were men even in their weaknesses. But what says a "Whig and something more," of the Georges—

"George the First was always reckoned  
Vile—but viler George the Second;  
And what mortal ever heard  
Any good of George the Third?  
When from earth the Fourth descended,  
Heaven be praised, the Georges ended."

Dealt with in a candid spirit, the probable results of the restoration of the Stuarts, at either of the two epochs of 1715 or 1745, would open up interesting speculation.

The malevolence of Government partizans termed the Chevalier St George "The Pretender," and Prince Charles "The Pretender's son." This might be expected, but it is hardly credible that in a recent number of a Scottish review, the reviewer, said to be one of the highest Government officials in Scotland,\* and with some pretension to literary knowledge, should make so ignorant and stupid a statement, as to term Prince Charles Stuart "The Pretender." True, an Act of Parliament regulated the succession, in which James VII. and his male descendants are passed over, but that or any Act of Parliament could never override fact, or prejudice the rights of birth *de jure*. Rebellion is no longer such when it is successful. Had Prince Charles succeeded, his father would have been king, by a much older and better title than George II., and any writer making use of the term "Pretender," is bound, if he wish to be correct, to add "by Act of Parliament."

Nations can of course change their rulers; with the people lies the choice, and which in future will be more than ever exercised; but Louis Napoleon might, with as equal truth and justice, term the Count de Chambord a pretender, as did the Hanoverians the male descendants of James the Seventh.

\* The Lord Advocate Moncrieff.

Follows the reasons of protest before referred to :—

“ The reasons of the Peers who entered their protest into the Lords' Journal against the Bill for appointing Commissioners to enquire of the forfeited estates, &c., the 5th of July 1716.

The Earls of Strafford, Isla, Ailsford, Abingdone, Lords Barclay of Strathone, Montjoy, Folly, Mansel, Bruce, Buckhurst, Gower, Compton, and Trevor, have entered in the Lords' Journals their protest against the bill for appointing Commissioners to enquire of forfeited estates, which is as follows :—

1. We conceive there is no necessity for this bill, because the ordinary forms of law will bring in all the forfeitures of persons attainted in the Exchequer much sooner, and with less expenses to the publick than it can be done by this bill.

2. This bill takes away the estates of persons though innocent, and subjects them to severe penalties not to be avoided by any method agreeable to reason or justice.

3. It vests all leases for years, of persons attainted, in the Crown, from the 24th June 1715, whereas by law such leases are not forfeited, but from the time of conviction, and this may overthrow the estates of innocent persons, or mortgages of such chattels and leases, who may have bought and lent their money to them under the safe protection of the law.

4. Because by this bill all debtors are obliged to discover the debts they owe to any person, to the Commissioners by the 24th of November 1716, under the penalty of forfeiting double the debt in case the creditors happen to be attainted at any time before the 24th of June 1718, although before the 24th of November 1716, he be neither accused, nor so much as suspected, and we conceive no construction can be made of that clause, from any seeming inconsistency in it, to exempt it from the absurdity and injustice enacted by it.”

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### LXXIII.

#### LIST OF THE HERITABLE JURISDICTIONS IN SCOTLAND, AND SUMS ASKED IN COMPENSATION FOR THEIR ABOLITION, 1751. PART FIRST. (D.)

We are enabled, in this and the succeeding paper, to present from Mr Dunbar Dunbar's papers a list of the different private jurisdictions in Scotland, after the suppression of the rising in 1745, a document of singular interest.

From the weakness of central authority, and the general inaccessibility of the country, it was necessary at an early period that the great landholders should have some judicial powers. These powers had long been oppressive, and were justly and not prematurely abolished by the passing of the Jurisdiction Act in 1747. Compensation was ordered, and

the holders of those offices required to give in claims. By the list it will be seen that the modest sum of £490,000 sterling was asked—more than the valued rental of Scotland a century before. Of course the amounts ultimately paid bore not the slightest proportion to the claims, but they did bear some proportion to the politics of the holders, just as these happened to be friendly to Government or the reverse.

Those offices, besides the influence and power thereby conferred upon the holders, were also a means of direct pecuniary value. Judges, bailies, and other officers were the nominees of the landowner, either by money payment or as a recompense for services.

The system of military and personal service, &c., received a severe blow after 1715, when such services were converted into feu holdings. Brigadier Mackintosh of Borlum, in his now very scarce work, published in 1729, upon the improvement of agriculture in Scotland—a work much in advance of his age—strongly denounces the then harsh position of vassal, as entirely opposed to the proper development of the soil; and the liberal and considerate conduct of the Crown in converting all its ward holdings into *blench*, strongly contrasts with the grasping and intolerant spirit now constantly evinced in regard to foreshores, salmon fishings, and adjuncts of land.

Follows the first part of the list containing the Jurisdictions of Peers:—

<i>Duke of Buccleugh.</i>			
Regality of Liddesdale	...	...	£3000 0 0
Regality of Dalkeith	...	...	4000 0 0
Regality of Hawick	...	...	3000 0 0
Regality of Eskdale	...	...	4000 0 0
Regality of Musselburgh	...	...	3000 0 0
			£17,000 0 0
<i>Duke of Argyle.</i>			
Justice Gen. of Argyle	...	...	15,000 0 0
Sheriffdom of Argyle	...	...	5000 0 0
Regality of Campbell, Balliary of Tyree, Ballinal, and Arrisit, How, and Saligo, &c.	...	...	5000 0 0
			25,000 0 0
Duchess-Dowager of Gordon for Balliary, &c., Regality of Prestonhall	...	...	500 0 0

	<i>Duke of Montrose.</i>						
Regality of Montrose	...	...	4000	0	0		
Regality of Lennox	...	...	4000	0	0		
Regality of Darnley	...	...	3000	0	0		
Regality of Monteith	...	...	1000	0	0		
Sheriffdom of Dumbarton	...	...	3000	0	0		
			<hr/>			15,000	0 0
Sheriffdom of Dumfries	...	...	8000	0	0		
Regality of New Dalgarno	...	...	500	0	0		
			<hr/>			8500	0 0
	<i>Duke of Athole.</i>						
Regality of Athole	...	...	6000	0	0		
Bailliary of Dunkeld	...	...	2666	6	8		
Constabulary of Kinclavin	...	...	700	0	0		
Stewartry and Constabulary of Huntington	...	...	900	0	0		
Stewartry of Fife, and Constabulary of Falkland	...	...	2166	0	0		
Sheriff of Perth	...	...	5000	0	0		
			<hr/>			17,433	6 8
	<i>Duke of Douglas.</i>						
Regality of Kirriemuir	...	...	3000	0	0		
Regality of Abernethy	...	...	3000	0	0		
Regality of Selkirk	...	...	2000	0	0		
Regality of Jedburgh and Forest	...	...	4000	0	0		
Regality of Bunkle and Preston	...	...	4000	0	0		
Regality of Bothwell	...	...	3000	0	0		
Regality of Douglas	...	...	5000	0	0		
Regality of Dudhope	...	...	4000	0	0		
Constabulary of Dundee	...	...	6000	0	0		
			<hr/>			34,000	0 0
	<i>Duke of Gordon.</i>						
Regality of Huntly	...	...	10,000	0	0		
Bailliary and Regality of Spynie	...	...	2000	0	0		
Bailliary of Kyg. and Monimusk	...	...	2500	0	0		
Bailliary of Kinloss	...	...	1500	0	0		
Regality of Urquhart	...	...	1000	0	0		
Sheriffdom of Aberdeen	...	...	3000	0	0		
Do. of Inverness	...	...	2000	0	0		
Constable of the Castle of Inverness	...	...	300	0	0		
			<hr/>			22,300	0 0
	<i>Duke of Roxburgh.</i>						
Bailliary of the Regality of Kelso	...	...	2000	0	0		
Do. do. of Sprroughston	...	...	1000	0	0		
Do. do. of Glasgow	...	...	1000	0	0		
			<hr/>			4000	0 0
	<i>Duke of Hamilton.</i>						
Justiciary of Arran	...	...	3,000	0	0		
Sheriff of Lanark	...	...	10,000	0	0		
Regality and Justiciary of Hamilton	...	...	25,000	0	0		
			<hr/>			38,000	0 0
	<i>Marquis of Tweeddale.</i>						
Regality of Dunfermline	...	...	7000	0	0		
Constable & Keeper of the Palace of Dunfermline	...	...	1000	0	0		
			<hr/>			8000	0 0
	<i>Marquis of Annandale.</i>						
Stewartry of Annandale	...	...	4000	0	0		
Regality and Justiciary of Moffat	...	...	6000	0	0		
Keeper of the Castle of Lochmaben	...	...	1000	0	0		
			<hr/>			11,000	0 0

\* We think the Duke of Queensberry's name is omitted at the head of these two claims.

	<i>Earl of Galloway.</i>			
Bailliary of Orkney	..	...	...	1000 0 0
	<i>Earl of Loudoun.</i>			
Regality of Mauchline	...	...	3000 0 0	
Regality of Loudoun	...	...	3000 0 0	
Sheriff of Ayr	...	...	10,000 0 0	
	<hr/>			16,000 0 0
	<i>Earl Stair.</i>			
Bailliary and Regality of Glenluce	...	...	2000 0 0	
Bailliary of Inch and Killerpity, &c.	...	...	1000 0 0	
Regality of the Temple Lands of Philipson	...	...	100 0 0	
Regality of Breast Miln	...	...	100 0 0	
	<hr/>			3200 0 0
	<i>Earl of Eglinton.</i>			
Bailliary of Cunningham	...	...	5000 0 0	
Sheriff of Renfrew, and Bailliary of Paisley	...	...	5000 0 0	
Justiciary and Regality of Kilwinning	...	...	2000 0 0	
	<hr/>			12,000 0 0
Constabulary of Eglinton, Regality of Montgomeryston	...	...	...	1000 0 0
	<i>Earl of Marchmont.</i>			
Regality of Marchmont	...	...	1500 0 0	
Sheriff of Berwick	...	...	...	
Stewart of March	...	...	...	
	<i>Earl of Hopetoun.</i>			
Sheriff of Linlithgow	...	...	3000 0 0	
Sheriff of Bathgate	...	...	2000 0 0	
Regality of St Andrews, be south the Forth	...	...	1500 0 0	
Bailliary of Craufordmuir	...	...	500 0 0	
Provostry of Kirkheugh	...	...	500 0 0	
	<hr/>			7500 0 0
	<i>Earl of Selkirk.</i>			
Regality of Crauford Jones	...	...	2000 0 0	
Bailliary of Crauford Lindsay	...	...	1500 0 0	
	<hr/>			3500 0 0
	<i>Earl of Lauderdale.</i>			
Regality of Thirlestane & Bailliary of Lauderdale	...	...	...	8000 0 0
	<i>Earl of March.</i>			
Sheriff of Peebles	...	...	4000 0 0	
Regality of Newlands of Linton	...	...	1500 0 0	
	<hr/>			5500 0 0
	<i>Earl of Hopetoun.</i>			
Stewart of Kircudbright	...	...	...	5000 0 0
	<i>Lord Galloway.</i>			
Bailliary of the Priory of Whithorn	...	...	3000 0 0	
Stewartry of Garlies	...	...	2000 0 0	
	<hr/>			5000 0 0
	<i>Earl of Rothes.</i>			
Sheriff of Fife	...	...	...	10,000 0 0
	<i>Earl of Caithness.</i>			
Sheriff and Justiciar of Caithness	...	...	...	5000 0 0
	<i>Earl of Kintore.</i>			
Bailliary of Garioch	...	...	...	1200 0 0
	<i>Earl of Morton.</i>			
Sheriffship and Stewartry of Orkney	...	...	15,000 0 0	
Regality of Aberdour, and Bailliary of Langton	...	...	3,500 0 0	
	<hr/>			18,500 0 0

<i>Earl of Kinnoul and Viscount of Dupplin.</i>			
Regality of Balhousie	...	...	3000 0 0
<i>Earl of Cassilis.</i>			
Bailliary of Carrick	...	...	8000 0 0
Constabulary of the Castle of Lochdon	...	...	100 0 0
Bailliary of Monkland of Melrose	...	...	1000 0 0
Bailliary of the Bishop of Galloway's lands	...	...	1000 0 0
Regality of Cross Bagwell and Bailliary of the Abbacy of Glenluce	...	...	2000 0 0
			<hr/> 18,100 0 0
<i>Earl of Findlater.</i>			
Regality of Ogilvie	...	...	2000 0 0
Constabulary of Cullen	...	...	2000 0 0
Bailliary of Strathiala	...	...	1500 0 0
			<hr/> 5500 0 0
<i>Earl of Sutherland.</i>			
Regality of Sutherland	...	...	6000 0 0
Sheriff and Coroner of Sutherland	...	...	4000 0 0
Bailliary of Regality of Spynie	...	...	100 0 0
Bailliary of Bishop of Caithness's lands	...	...	500 0 0
Constabulary of the Castles of Skibo and Dornoch	...	...	200 0 0
			<hr/> 10,800 0 0
<i>Earl of Breadalbane.</i>			
Bailliary of Glenlyon and Glenderchart, &c.	...	...	6000 0 0
Sheriff of Clackmanan	...	...	5000 0 0
Regality of Cumnock	...	...	2000 0 0
			<hr/> 7000 0 0
<i>Earl of Moray.</i>			
Sheriff of Moray	...	...	8000 0 0
Steward of Monteith	...	...	5000 0 0
Regality of Kingsburgh of Citadel of Inverness	...	...	1000 0 0
			<hr/> 14,000 0 0
<i>Earl of Home.</i>			
Sheriff of Berwick	...	...	6000 0 0
Steward of March	...	...	2000 0 0
			<hr/> 8000 0 0
<i>Earl of Strathmore.</i>			
Constable of Forfar	...	...	1000 0 0
Constable of the burgh of Kinghorn	...	...	1000 0 0
Coroner of Forfar and Kincardine	...	...	500 0 0
			<hr/> 2500 0 0
<i>Viscount of Stormont.</i>			
Stewartry of Annandale	...	...	8000 0 0
Regality of the Templelands within the shires of Perth and Strathearn	...	...	2000 0 0
			<hr/> 5000 0 0
<i>Lord Dalmeny.</i>			
Regality of Primrose	...	...	2000 0 0
<i>Lord Saltoun.</i>			
Regality of Fraserburgh	...	...	1500 0 0
<i>Lord Forbes.</i>			
Bailliary of Kincardine	...	...	500 0 0
<i>Lord Gray and his Lady.</i>			
Keeper of the Water of Tay	...	...	500 0 0

\* We think the Earl of Elgin's name should head the two preceding claims.

	<i>Lord Braco.</i>			
Regality of Pluscardine	...	...	1000	0 0
Bailliary of Strathislay	...	...	400	0 0
			1400	0 0
	<i>Lord Gray.</i>			
Sheriff of Forfar	...	...	2000	0 0
	<i>Lord Ross.</i>			
Constable of Renfrew	...	...	500	0 0
	<i>Lord Torphichen.</i>			
Regality of Torphichen	...	...	2000	0 0

(*To be continued.*)

#### LXXIV.

#### LIST OF THE HERITABLE JURISDICTIONS IN SCOTLAND, AND SUMS ASKED IN COMPENSATION FOR THEIR ABOLITION, 1751. PART SECOND. (D.)

The remaining part of the list is now given, in which will be found all the offices claimed in the Highlands by Commoners, but it has to be kept in view that the whole list is not complete, as several offices had lapsed to the Crown through the forfeitures in 1716 and 1746, and in particular there will not be found the jurisdiction of the Earls of Seaforth and Lords Lovat. The sums claimed amounted to about £490,000, but the Court of Session only allowed £150,000 sterling.

Many of the sentences pronounced in these courts were iniquitous. The family of Argyle made the modest demand of £25,000 sterling, and the Duke not only got a large sum, but, in exchange for his office of Hereditary Justiciar of Scotland, was appointed Lord Justice General, head of the Justiciary Court. A greater error could not have been committed. Had his greed and vanity been less, his memory would have been unstained with crime; for it is painful to think that so respectable a character as that of Lord Islay should be viewed by posterity as guilty of judicial murder. It is nevertheless true. The conviction of James Stuart in Aucharn, brother to Stuart of Ardsheil, at the Circuit Court

of Justiciary at Inveraray, in September 1752, for being art and part in the shooting of Colin Campbell of Glenure, and Mr Stuart's subsequent execution, is universally allowed to be a case of judicial murder. Ardsheil's estate having been forfeited, Glenure was appointed factor, and treated the family and dependents with such harshness and cruelty that his fate at the hands of Allan Breck Stuart was not undeserved. The most violent political feeling and animosity pervade the speeches of Crown Counsel. Stuart's life must be had, and the Duke of Argyle, who presided, in course of his sentence, says—"If you had been successful in that rebellion (1745) you had been now triumphant with your confederates, trampling upon the laws of your country, the liberties of your fellow-subjects, and on the Protestant religion. You might have been giving the law where you now have received the judgment of it; and we, who are this day your judges, might have been tried before one of your mock Courts of Judicature, *and then you might have been satiated with the blood of any name or clan to which you had an aversion.* Though you now don't stand accused as a rebel, nor am I permitted to call you a traitor, because His Majesty's undeserved mercy to you did several years ago restore you to the state of an innocent man, yet I may say, with great force of truth, that this murder has been visibly the effect and consequence of the late rebellion." The prisoner stated his entire innocence of the crime, and added, in most affecting language, "I am not afraid to die, but what grieves me is my character—that after-ages should think me capable of such a horrid and barbarous murder."

After-ages have not thought so, but have and ever will place the judge in the dock. There are no names in Scotland, like those of Argyle and Breadalbane, so intimately mixed up with all that was rapacious, treacherous, and vile in their mode of acquiring the lands of their neighbours—the Macleans, Macdonalds, Macgregors, and others. A Nemesis must come, indeed has appeared already, threatening in one case a break-up. *As participis criminis*, it is right that the names of the jury who sat at the trial should be



given; indeed, it was an entire subversion of justice to try a Stuart at Inveraray at this period. The jury were—Colin Campbell of Carwhin; Dougall Macdougall of Gallanah; Alexander Duncansone of Kyles; Duncan Campbell of Southhall; Hector Macneil of Ardmeanish; James Campbell, late Bailie of Inveraray; James Campbell of Rasheilly; James Campbell of Rudale; Colin Gillespie of Ballimore; Colin Campbell of Skipnish, chancellor of the jury; Duncan Campbell of Glendarnel; Colin Campbell of Ederline; Neil Campbell of Duntroon; Archibald Campbell of Dale; and Neil Campbell of Dunstaffnage.

In 1641 the Earl of Argyle caused John Stuart, Commissary of Dunkeld, to be tried for leasing-making, and fabricating and uttering lies, charging the noble Lord with slanderous speeches and disloyal pursuits. This was the same Earl who took such an active part against Charles I., of course for liberty, pursuing unto death a man for *speech*. Stuart was executed 28th July 1641.

Follows the concluding part of the list referred to:—

James Falconer of Monkton—Part of the Regality of Musselburgh	£300
General Campbell—Regality of Lennox	1000
Bisset of Glenelbert—Regality-Clerk of Athole	500
Creditors of Grangehill—Regalities of Pluscardine and Urquhart	500
Campbell of Kinlochly—Bailliary of Kilmichael	1000
Andrew Hunter, in Edinburgh, clerk to the Regality of Darnly	150
Grame of Grameshall—Bailliary of the parish of Holm and Rapley	1000
Colvil of Ochiltree—Regality of Culross	1500
John Wilson of Kelton—Bailliary of Kelton	200
Herriot's Hospital—Regality of Broughtoun	5000
Campbell of Stonefield—Regality of Blairwhomrie, £1000; Bailliary of Kilharnig, £1000	2000
Urquhart of Meldrum—Sheriff-Depute of Cromarty, £800; Con- stabulary of the Castle of do., £200; Bailliary of Farness, Wester Culbo, £200	1200
Dickson of Kilbucco—Regality of Kilbucco	1000
G. Clerk, writer in Edinburgh—Clerk to the Regality of _____	300
Brodie of Lethen—Regality of Kinloss and Bailliary of part of said Regality	4000
D. Smith of Methewen—Regality of Methewen, £1500; Regality and Justiciary of Gartowheren, £200	1700
Drummond of Cromlies—Bailliary of the Regality of Dunblane	1000
Campbell of Blythswood—Regality of Inchinan, £400; Bailliary and Justiciary of Blythswood, £100	500
Campbell of Succoth—Regality of Kirkpatrick	600
James Fea of Clestran—Bailliary of the Island of Shappandshay	500
Lockart of Carnwath—Regality of Breadwood	1000
Kinloch of Gilmerton, and other creditors of the Earl of Crawford —Stewartry, Bailliary, and Justiciary of the Regality of St Andrews	4000

Charles Bruce, sheriff of Kinross	...	...	£2000
Jo. Trail of Woodwich—Bailliary of Woodwich	...	...	500
Corke of Keltonhill—Bailliary of Karlingmark, &c.,	...	...	100
Mrs Mary Campbell—Bailliary of Bolquhan	...	...	1000
Sir John Bruce—Regality of Kinross	...	...	2000
Creditors of Murray of Stanhope—Bailliary of States	...	...	1000
Gilzean of Wallhouse—Regality of Wallhouse	...	...	800
Riddel of Newhouse—Regality of Newhouse	...	...	700
Sir Robt. Dickson, &c.—Part of the Regality of Muselburgh	...	...	500
Graem of Breakness—Bailliary of Stromness and Sandwich	...	...	1500
Maxwell of Preston's children—Regality of Preston	...	...	800
Campbell of Glenlyon—Regality of Ballinald	...	...	200
Major Jas. Dalrymple—Bailliary of the Monastery of Haddington	...	...	1000
M'Douall of Castle Semple—Part of the Regality of Paisley	...	...	2000
Sir James Campbell of Ardkinglass Regality of Cambusmoon, &c., £1000; Bailliary of Gargunock, £500; Bailliary of Ardkinglass, £1500	...	...	8000
Mr John Hamilton, advocate—Regality of Drum	...	...	8000
Mr James Veitch, advocate—Stewartry of Strathern, &c., be- longing to the Duke of Perth	...	...	8468
Gordon of Ellon—Constabulary of Aberdeen, £1000; Bailliary of Ellon, £600; Justiciary upon the waters of Ithan, £400	...	...	2000
Peter Hepburn, writer in Edinburgh, adjudger from Sir William Gordon of Invergordon—Regality of Tarbat, £1000; Deputy Sheriff of Cromarty, £1000	...	...	9000
Archibald Douglas of Deanbrae, Sheriff of Roxburgh	...	...	10,000
Barclay of Cullairney—Bailliary of Lindores	...	...	1500
Arch. Campbell of Innellan—Stewartry of Dunoon, Innellan, &c.	...	...	500
Gordon of Fyvie—Regality of Fyvie	...	...	1000
Campbell of Inveran—Bailliary of Overlochone	...	...	500
Evan Baillie of Abriachan—Bailliary of Lovat	...	...	166
Munro—Sheriff-Clerk of Inverness, and Clerk of the Regality of Lovat	...	...	166
Campbell of Cawdor—Sheriff of Nairn, £3000; Constable of the Castle of Nairn, £500; Bailliary of the Regality of Arder- sier, £500	...	...	4000
Sir Andrew Agnew—Sheriff of Wigton, £500; Constabulary of Lochnaw, £1000; Bailliary of Lasswade, £1000	...	...	7000
Sir Robert Menzies—Bailliary of Appin and Dell	...	...	1200
Fran. Charteris of Annisfield—Part of the Regality of Musselburgh	...	...	1300
Sir Lud. Grant—Regality of Grant	...	...	5000
Birney of Broomhill—Regality of Almoness	...	...	400
Æneas Mackintosh of that Ilk—Stewartry of Lochaber	...	...	5000
Hawthorn of Castlewig—Bailliary of Busbec	...	...	1000
Sir John Anstruther—Bailliary of Pittenweem	...	...	800
Wm. Graham of Airth—Regality of Airth	...	...	1000
Abercrombie of Tillieboddy—Bailliary of Menstree	...	...	500
Alex. Goldie, Writer to the Signet—Regality of Ardres, £217; Regality of Shallock, £157	...	...	874
Creditors of Sir James Campbell of Auchinbrech—Bailliary of Glassery	...	...	2500
Riddel of Glenriddel—Regality of Melrose	...	...	500
Sir James Lockart of Carstairs—Regality of Carstairs	...	...	1000
Haliburton of Newmains—Bailliary of Dryburgh	...	...	200
Hay of Lawfield—Chamberlain, &c., of Dunbar	...	...	1500
Carmichael of Balmeadie—Regality of Abernethy	...	...	500
Wauchope of Edmonston—Regality of Edmonston, &c.	...	...	1000
Honeyman of Gremsey—Bailliary of Every, Stenhouse, &c., £1000; Bailliary of the Isle of Gremsey, £1500	...	...	2500

Sinclair of Ulbeter—Sheriff of Caithness, £3000 ; Constable of the Castle and Palace of Scrabeter, and Bailliary of the Bishop's lands in Caithness, £1000	... ..	£4000
Lord Dun, Constable and Sheriff of Montrose	... ..	2000
Sir Arthur Forbes of Craigievar—Regality of Logie, Fintray, £2000 ; Bailliary of Montkeggie, £2000	... ..	4000
Cunningham of Caplington—Bailliary of Temple	... ..	2000
Hay of Aderston—Regality of part of Thirlestane	... ..	150
Sir Thomas Hay of Mordington—Regality of Mordington	... ..	150
Macleod of Cadboll—Sheriff of Cromarty, £5000 ; Regality of Tarbat, £2000 ; Regality of Fearn, £2000 ; Bailliary of Tain, £1000 ; Bailliary of the lands which belonged to the Bishop of Ross, £1000 ; Do. of Cadboll, £1000	... ..	12,000
Claud Hamilton, Clerk to the Bailliary of Carriok	... ..	800
James Stewart, Clerk to the Regality of Kinross	... ..	300
Johnston Stewart, Clerk of Fife	... ..	400
James and Hugh Campbell—Sheriff-Clerks of Caithness	... ..	1200
James Marshall—Clerk of the Bailliary of Cunningham	... ..	1200
John Colquhoun—Clerk to the Regality of Glasgow	... ..	1200
John Halkerstoun—Clerk to the Regality of Culross	... ..	300
Hugh Macdonald—Clerk to the Sheriff and Regality of Sutherland	... ..	700
Sir Archibald Stewart of Castlemilk—Bailliary, Regality, and Justiciary of Dumryn	... ..	200
John Maclean of Lochbuie—Bailliary of Mulrums	... ..	500
Binning of Walliford—Regality of Walliford	... ..	300
Thomas Yuil of Dorleith—Sheriff and Regality of Dunbritton	... ..	200
Macdonald of Largo—Bailliary of North Kintyre	... ..	500
Campbell of Shawfield—Regality of Thankertown	... ..	500
Campbell of Duntroon—Bailliary of Ariskeodorish	... ..	500
Sir Duncan Campbell of Lochnell—Bailliary and Justiciary of Muckairn, &c.	... ..	1500
Archibald Campbell of Jura—Bailliary of Jura	... ..	500
Neil Campbell of Dunstaffnage—Bailliary and Coronery of Dunstaffnage, and Constable of the Castle of do.	... ..	500
Roger Macneil of Taynish—Bailliary of Gigha, and Coronery of Knapdale	... ..	500
Hugh Stuart, son to Lord Blantyre—Regality and Justiciary of Abr (?)	... ..	500
Joshua Douglas of Edrington—Reg. of Nether, Mortingtoun	... ..	300
Alex. Macmillan, Writer to the Signet—Regality and Justiciary of Blairwhannan	... ..	100
Murray of Philiphaugh—Sheriff of Selkirk	... ..	8000
Earl of Bute—Sheriff of Bute, £4000 ; Constable of the Castle of Rothesay, £1000 ; Reg. and Justiciary of Bute, £3000	... ..	8000
Earl of Dundonald—Regality of the Abbey lands of Paisley	... ..	5000
Marquis of Lothian—Bailliary and Regality of the Temple lands of Oxham	... ..	1000

The total amount of all the jurisdictions claimed is about four hundred and ninety-three thousand pounds sterling.

## LXXV.

**RENTAL OF THE BISHOPRIC OF ROSS, 1695.  
PART FIRST. (D.)**

From a mass of interesting papers which at one time belonged to Bailie James Dunbar of Dalcross, connected with the Dioceses of Ross and Moray, we have selected material for a few papers, giving on this occasion the first part of an authentic compend of the rental of the Bishoprick of Ross, having attached to each page the signature of William Erskine, one of the Government officials in Edinburgh.

Upon the abolition of Episcopacy in Scotland, the Bishop's revenues were all annexed to the Crown. Most of their lands had been previously feued out for nominal considerations; but as the vassals' entries were generally untaxed, the casualties of superiority, if properly looked after, would have been valuable.

The rental is very complete, and shows not only the money rents and converted value of customs, but also the teind widders, meal, barley, and other particulars. The area whence the Church derived its revenues was broad, as may be seen in the case of Ross of Aldie, who, *inter alia*, paid three pounds of *wax*. That the Bishops could not always get their own in full, is shown by the entry regarding Redcastle, wherein £66 13s 4d Scots is stated to be exacted, though "Ye buk beares mor." It would be safe to lay this despoiling of the Church at the door of Murdoch the *dark* Baron—a troublesome party to deal with, if many of the floating traditions about him in the Black Isle be true.

It will be noticed that Lord Tarbat figures for a large sum, but as may be gathered from a memorandum about him printed in the Culloden papers, the wily and politic

Viscount contrived to place himself in positions, whereby not only was he able to pay his own feu, but also to turn a good penny over of these Bishops' rents.

It goes on to say, after an exposure of the Viscount's tergiversation under the different Kings, and the hardships entailed on the public by the parliamentary declaration that his lands, wherever situated, lay in Cromarty, that—

“ 2. He has got from King William a ratification and possession of the £400 sterling out of the Crown rents of Ross, which was given him by King Charles as a reward of prosecution ; and of that fund he has already received £24,000 pounds Scots.

“ 3. He is just now by means of the Duke of Queensberry to obtain a discharge of his own feu-duty, amounting to 15 chalders victual, and 700 merks of money, and this by and attour the £400 sterling pension.

“ 4. The Duke of Queensberry has also undertaken to get him a gift of the Chamberlainery of Ross, which has a thousand pounds Scots of salary annexed to it, and he to count to exchequer for the superplus.

“ 5. In ordinary years the Crown rents of Ross, according to the Exchequer fiars, will be little if any at all beyond £7000 Scots, which will not complete all the Viscount's pretences ; so that he will have nothing to count for unless it may be in time of great prices, which the King and the Treasury may probably forget to crave.

“ 6. The Viscount has also obtained a gift of his Majesty of all that part of the Bishop's rents of Ross which were paid out of his Lordship's interest, either in possession or reversion, which, I am told, amounts yearly to 300 bolls of bear or thereby, nor do I question, if the King had any more in Ross to give, but his Lordship would be at it,” and so on.

Follows the first part of the rental :—

A short compend of the rental of the Bishoprick of Ross, money, and price of customs :—

Fyress—John Munro of Fyress pays twixt money and price of customs for his lands of Bildermoris and Achnaguillan	Scots £25 13 8
Mackillican—M. John Mackillican of Mylnes pays for these lands twixt money and price of customs	14 1 4
Kinbeachie—Kinbeachie pays for the lands and miln thereof twixt money and price of customs	46 6 4
Pitcalnie—Pitcalnie pays for his lands of Pitcalnie, Culderaris, Cululia, and Amatnaligas, twixt money and price of customs, and for the teind money and wedder of Arboll	55 18 11
Culnald—Culnald pays for his lands of Culnald, Torr, and Annat, twixt money and price of customs and the teind money of Tulloch	40 6 7
Assint—Assint pays for his lands of Assint, Inchoulter, Bothmore, Littleboth, Hammock-fremner, twixt money and price of customs	87 9 0
Kinkell—The Liferentrix of Bishops Kinkell pays for those lands, twixt money and price of customs	80 12 6
Schives—Muirtown Schives pays for the lands of Kilmuir and Sligo, twixt money and price of customs	35 12 10
Tarrel—Little Tarrel pays for these lands, twixt money and price of customs	12 19 0
Ross—William Ross of Aldie pays for these lands three pound of wax and twenty-seven shillings and twelve pennies of augmentation, and for his lands of the Gameish, one teind wedder and ten shillings teind money, iude	3 8 0

Pitklyen—The Seven Oxgate of Pitklyen belonging sometime to James Fraser, pays twixt money and price of customs	Scots	£35	1	0
Rioch—Donald Rioch's Oxgate of Pitklyen, pays twixt money and price of custom		5	14	0
Findon—Mr Rory Mackenzie of Findon, Urquhart, Wester Culbo, Barony of Allan, and teinds of the said Barony		181	6	8
Roskein—William Innes of Roskein pays for these lands		18	9	11
Rosehaugh—Rosehaugh pays for Little Suddie, salmon fishing of Chanonry, Avoch, Inch, and Ballamungie		205	5	7
Findraessie—Findraessie pays for all his lands		82	18	8
Coull—Coull pays for Little Contin and Moys		18	17	0
Mackenzie—Charles Mackenzie pays for Stronamadie twixt money and price of customs		11	8	11
Logie—John Munro of Logie pays for these lands twixt money and price of customs		11	9	10
Gairs—Alexander and Thomas Gairs pays for their part of Nigg twixt money and price of customs		31	7	4
Macleod—Hugh Macleod pays for his Eddertoun, twixt money and price of customs		14	5	9
Shandwick—The Liferentrix of Shandwick pays for these lands twixt money and price of customs		10	3	4
Lichnet—Lichnet pays for Craighouse twixt money and price of customs		10	7	10
St Martins—St Martins pays for Easter Baiblair and Wester St Martins twixt money and price of customs		41	2	11
Belmaduthie—Belmaduthie pays for Easter Culbo twixt money and price of customs		42	10	6
Killichuan—Killichuan pays for these lands twixt money and price of customs		18	16	4
Redcastle—Redcastle, the Bishop exacts off him for Killearnan and Alehouse thereof twixt money and price of customs, though the book bears more		66	13	4
Drynie—Drynie pays for Wester Raddery 200 loads peats, and 16 loads of turfs at 2s 6d per load		32	0	0
Mackenzie—Sir Alexander Mackenzie pays for Broomhill		2	0	0
Seaforth—The Lady Seaforth pays for the Bishops Shodd, and Meikle Ward		3	6	8
Applecross—Applecross pays for the Kirktoon thereof		0	12	0
Kinnock—Kinnock pays for the lands thereof		10	16	0
Mackenzie—Mr Rory Mackenzie of Kinwhilladrum pays for Urray twixt money and price of customs		11	16	6
Miller—John Miller pays for Kincardine twixt money and price of customs		20	9	0
Urquhart—Mr Thomas Urquhart pays for his lands in Nigg, twixt money and price of customs		19	3	10
Arcandinth—The Liferentrix of Arcandinth pays for these lands and a quarter of Avoch, twixt money and price of customs		34	5	3
Kiltearn—Kiltearn pays for these lands, milne, and salmon fishing thereof		9	6	8
Lemlair pays for Lemlair and Komanchterrach, twixt money and price of customs		48	0	0
Cuthbert—Alexander Cuthbert pays for Pallock, twixt money and price of customs		19	8	4
Tarbat—The Viscount of Tarbat pays for his lands of Killiemuir, Meddat, and Lochnaclerach halves, Abbacy of Fearn, and of teind for his lands within the parochin of Tarbat		305	4	8
Bray—The Laird of Bray pays for lands of Culhoudden and Woodhead, twixt money and price of customs		141	14	11
Little Farness—The lands of Little Farness pays, twixt money and price of customs attour feu victual		80	15	0

Munro—Hugh Munro of Teaninich pays for the lands of Canlach, twixt money and price of customs . . . Scots	£7 15 10
Mey—The Lady Mey pays for her liferent lands of Little Kilmuir, twixt money and the price of customs 9 lb. 11 sh. 2d. She pays also be the rental-book, for a quarter of Mid-Geanies lands of Cadboll, and Little Kilmuir, af teind money 40 sh. 3d and five teind wedders inde . . .	19 1 5
Calder—The Laird of Calder pays for the lands of Ardersier . . .	67 0 0
Lovat—My Lord Lovat pays for the Priory of Beaully and Kilmorack . . .	236 18 4
Mulderg—Robert Balbour of Mulderg pays for his part of the blench duty of Balnagown, part of the Abbacy of Fearn . . .	72 0 8
Udale—Mr Hugh Anderson of Udale pays for his lands of Udale, twixt money and price of customs . . .	28 1 0
Tain—Walter Ross, Provost of Tain, and John Munro pays for the lands of Nonakiln . . .	11 3 10
Dunbeath—William St Clair of Dunbeath pays for his half of Wester Geanies 20 merks, and four teind wedder for his hail Geanies inde . . .	21 19 8
Drynie—Alexander Graham of Drynie pays for his lands of Sligo, twixt money and price of customs . . .	13 8 2
Seafield—Mr George Paterson of Seafield pays for Wester Tarbat and mill thereof, and teind money of the same . . .	62 16 11
Moringie—George Ross of Moringie pays for his lands of Dibidell and mill of Roskeen . . .	4 3 2
Balnagown—The Laird of Balnagown pays for his lands of Kincardine, ale-house thereof, Ardgay, fishing of Kincardine, Eddertoun, and ale-house thereof, attour the few victual due out of the mill of Kincardine . . .	98 13 4
Munro—Hugh Munro of Swordale pays for his land of Kandlack glas, Balnacoull, Balnagall, and mo Ki Farquhair . . .	26 2 6
Balnagown—Balnagown's half of the Abbacy of Fearn pays 222 lb. 11 sh. 2d, whereof deduce 72 lib. 8s already charged on Robert Barbour, remains . . .	150 10 6

(To be continued.)

## LXXVI.

### RENTAL OF THE BISHOPRIC OF ROSS. 1695.

#### PART SECOND. (D.)

After the Reformation, the Bishops had a constant struggle to preserve their properties, and often found it necessary to purchase allies among the barons, by the grant of lands.

Early in the seventeenth century the Bishops of Ross were much pressed by the family of Seaforth. The latter spreading themselves over Ross, from their original seat on the western coast, came as far as Fortrose, even to the very

Ness of Chanonry, with right of ferry. In the neighbourhood of Fortrose the Seaforths held the greater part of the land—Colin, first Earl of Seaforth, in particular, receiving numerous charters of lands in and about Fortrose. So many families sprung from the main stock, especially the younger brothers of Kenneth, first Lord Kintail, who were all provided with good estates, that it became absolutely necessary to do something; hence those desperate exertions which ultimated in the possession of the Lews by the Seaforths—a dark business, but very partially atoned in the erection of the expiatory chapels.

In last paper the money rental was given, and on the present occasion will be found the names of the vassals who paid, partly in money and partly in wedders, as also the value of the Precincts, the meal rental, and part of the barley rental. The concluding portion of the rental, which has attached the money value of mart, mutton, capon, poultry, egg, boll, and load of peats will be given in next paper.

There are very few decreets of locality of ministers' stipends in Scotland, which do not partly comprehend barley. The victual stipends are now almost universally converted into money at the fiars' prices, and paid in cash by the heritor, and is done from convenience. A highly important question, however, might arise in this way. At the time stipends were first allocated, there was no such thing known in Scotland as barley. The growth then was bear, sometimes spelt bere, sometimes bigg, and the original allocation of stipend was bear, and of course very inferior to barley. It is thus more than doubtful if ministers are correct in charging their stipends on the fiars for the best barley as they invariably do, seeing that in the north especially, bear is still grown, and occasionally priced at the fiars' courts. The same remarks apply, though in a more restricted manner, to oatmeal. Many of the finer classes of meal were utterly unknown in Scotland two hundred years ago.



Of the fifty-four heritors who paid money rents at the time the rental was made up, the descendants of only fourteen now retain their properties.

Follows the second portion of the rental of the Bishopric of Ross :—

Follows the Teynd money and pryce of Teynd widders not already sett down :—

Delny—Mr John Bayne of Delny pays for Arboll one teind wedder and 21s teind money	Scots £2 11 0
Ross—David Ross M'Hutcheon pays for a quarter of Mid-Geanies, 7s and 6d teind money, and one teind wedder or 30s inde	1 17 6
Ross—Mr Arthure and Aldie pay for the one-half of Wester-Geanies 14s teind money, and 2 teind widders or 3 pound inde	3 14 0
Davidson—John Davidson pays for the half of Meikle Rannie 12s teind money, and two teind widders or 3 lib inde	3 12 0
Pope—Gilbert Pope pays for a quarter of Meikle Rannie 8s teind money, and one teind wedder or 30s inde	1 16 0
Denoon—Norman Denoon pays for a quarter of Meikle Rannie 6s teind money, and one teind wedder or 30s inde	1 16 0
Mackenzie—Mr Kenneth Mackenzie pays for three-quarters of Little Rannie 12s teind money, and a teind wedder and one-half or 45s inde	2 17 0
Little Rannie—The other quarter of Little Rannie pays 4s teind money, and half a teind wedder or 15s inde	0 19 0
Balnagoar—The quarter of Little Allan, called Balnagoar, 5s teind money, and one teind wedder or 30s inde	1 15 0
Catboll—Catboll Fisher pays 18s teind money, and two teind widders or 3 lib	3 18 0
Mulderg and Torridon—Mulderg, Torridon, and Fearn pays of teind money	1 2 0
Meikle Allan—A quarter of Meikle Allan, now pertaining to John Monro, pays 12s 6d teind money, and one teind wedder or 30s inde	2 1 6
Foulis—Three-quarters of Meikle Allan, now pertaining to Donald and Rory Foulises, pays 34s 6d teind money, and three teind widders or 4 lib, 10s inde	6 4 6
Maculloch—Mr James Maculloch pays for a quarter of Little Allan, sometime pertaining to Andrew Maculloch, and Little Tarrel 5s 6d teind money, and half a teind wedder or 15s, and it is said he possesses an oxgate of Eysland, which pays 2s teind money and a quarter teind wedder or 7s 6d inde	1 10 0
Ross—Mr Hugh Ross pays for a quarter of Eysland 4s teind money, and a teind wedder or 30s inde	1 14 0
Stronach—John Stronach pays for an oxgate of Little Allan 2s teind money, and a quarter teind wedder or 7s 6d inde	0 9 6
Easter and Wester Rarichies and Culis—Easter and Wester Rarichies and Culis by the rental book pays 8 teind widders or 12 pound, and 7 lib teind money, but the heritors contravert it, and do not pay it	19 0 0
Meikle Kindeace—Meikle Kindeace by the rental book pays 26s teind money, and four teind widders or six pound, but the heritor contraverts it, and does not pay them, inde	7 6 0
Little Kindeace—Little Kindeace pays 7s teind money, and four teind widders, inde	6 17 0
Summa of the hail is	£2740 16 3
	H 2

Money Rent of the Precinct which is intromitted with and uplifted by the Bishop himself and his Lady.

The house possessed by John Brown pays . . . . .	Scots	£4	13	4	
Donald Clark by tack pays for his house . . . . .			4	13	4
Donald Young's house by tack pays . . . . .			1	13	4
William Grant's house by tack pays . . . . .			1	13	4
George Taylor pays . . . . .			1	13	4
Kenneth Rattray's relict pays by tack . . . . .			2	0	0
M'Candis pays for his farm and corn-yard . . . . .			0	0	0
The Wardes bewest St Bonifaces Well pays, and this by and attour the house Walter Paterson possesses . . . . .			26	13	4
	Scots	£40	0	0	

Meal of the Bishopric of Ross, attour victual which is ordinarily paid in bear, and to be set down in the bear rental.

	Bls.	fr.	pkts.	
Kinbeachie—Kinbeachie and Milne thereof by the rental book pays 24 bolls rental, and paid in meal . . . . .	24	0	0	
Mackenzie—Alexander Mackenzie of Belmaduthy pays for Easter Culbo four bolls bear, and paid in meal . . . . .		4	0	0
Morvich—Morvich Milne pays . . . . .		8	0	0
Kindeace—The mill of Kindeace pays . . . . .		12	0	0
Pitykelen—The mill of Pitykelen pays . . . . .		12	0	0
Cullicudden—The lands of Cullicudden by the rental book pays 24 bolls victual, and paid in meal . . . . .	24	0	0	
Little Fearn—Little Fearn by the rental book pays 16 bolls victual, and paid in meal . . . . .	16	0	0	
Vddoll—Udale by the rental book pays 8 bolls victual, and paid in meal . . . . .	8	0	0	
Number is . . . . . bolls	108	0	0	

Bear rent of the Bishopric of Ross, which includes the victual and meal ordinarily paid in bear.

	Bls.	fr.	pkts.
Kincurdie—John Miller pays for Kincurdie . . . . .	4	0	0
Paterson—Mr George Paterson of Seafield pays for the miln of Tarbat and teinds of his lands . . . . .	12	0	0
Balnagown—Balnagown pays for the miln of Kincardine . . . . .	12	0	0
Tarbat—Tarbat pays for the teinds of Easter Tarbat, Easter Aird, and Meikle Tarrell . . . . .	54	0	0
Tarbat—Tarbat pays for Inverbreakie's Geanies . . . . .	11	1	0
Tarbat—Tarbat pays for Lochalin . . . . .	12	0	0
Delny—Mr John Bayne of Delny pays for his two-thirds of Arboll Ross—Alexander Ross of Tarrell pays for Little Tarrell . . . . .	21	0	0
Ross—David Ross M'Hutcheon pays for his quarter of Geanies 7 bolls, attour half a boll the minister hath . . . . .	9	0	0
Mey—The Lady Mey pays for a quarter of Mid-Geanies, Catboll, and Little Kilmuir . . . . .	7	0	0
Little Rannie—The quarter of Little Rannie, life-rented by the Lady Mey, pays . . . . .	40	8	1
Little Miltoun—Little Miltoun pays . . . . .	4	0	0
Little Miltoun—Little Miltoun pays . . . . .	8	0	0
Ross—Mr Hugh Ross pays for Ballamuckie, and a quarter of the Drum of Fearn . . . . .	18	0	0
Ross—David Ross, Nottar, pays for a quarter of the Drums of Fearn, sometime pertaining to Alex. Forester . . . . .	6	0	0
Catboll—The lands of Catboll Fisher pays . . . . .	18	0	0
Forrester—John Forrester of Culnald pays for Tullich 4 bolls, for Culnald and Torran 24 bolls, and for the lands of Annat 8 bolls, inde . . . . .	36	0	0

(To be continued.)

## LXXVII.

**RENTAL OF THE BISHOPRIC OF ROSS, 1695.  
PART THIRD AND LAST. (D.)**

In the concluding part of the rental given herewith will be found the value of the Bishop's Customs in Scots money. It is instructive to contrast prices of provisions at different periods, and on this account it is intended in next paper to republish from Mr Dunbar Dunbar's contributions, prices of provisions in Inverness in 1654, while Cromwell's soldiers garrisoned the citadel.

In 1695 the value of beef per carcase in sterling money was in Ross-shire, £1; mutton, per carcase, 2s 6d; capons, 4d; farm-yard fowls, 2½d; eggs each, one-third of a farthing—per dozen, 1d; boll oats 5s, and load of peats, 2½d. Notwithstanding the quantity of victual, the total rental of the Bishopric would not be considered in these days high.

Having reference to the observations in last paper as to the numerous off-shoots from Kintail, who founded families, and received extensive lands, necessitating the enlargement by hook or crook of the main borders, it is stated in the Applecross MS. that Lachlan, infant son of William Mackintosh, of that Ilk, murdered in 1550, having been conveyed into Ross for safety by humble friends, was, when the circumstance came to the knowledge of Colin, then of Kintail, taken possession of and brought to Eilean Donan. The chief retained Lachlan Mackintosh carefully until the years of pupillarity had expired, and then married him to his daughter Angnes—not an unsuitable match, apart from the time and manner it was brought about.

In this MS. history, now so valuable from its age (1666), there is the fullest information about the family of Kintail and all its branches. In districts where the same name and surname applied to so many, it was absolutely necessary that

people should be known by patronymic, hence Allister-vic-Coil-vic-Farquhar, Rory-vic-Cailen-vic-Eachin, Coineach-vic-Conchie-vic-Ian, &c., and the like, are scattered everywhere in the history. This system of nomenclature is still in operation, particularly in the Isles, where there are villages or townships. The minister in a parish,\* whose western shores are much indented and ceaselessly disturbed by the Atlantic, lately informed us that parties known by no other name than the following live in his parish, and they are given as specimens merely—viz., Cailean-vic-Coil-vic-Ian-vic-Allister, (Colin son of Donald, son of John, son of Alexander), Patric-vic-Kerracher-vic-Ian, (Patrick son of Farquhar, son of John), Ian-vic-Coil-vic-Ian ruaidh (John son of Donald, son of John the red)—the surnames being Macdonald, Smith, and Macdonald respectively. We were informed that a stranger hearing the names would make nothing of them, as they are all slurred together into one word, repeated by all, even by children, with astonishing rapidity. We were further informed that there are at least twenty men in the parish called in Gaelic “Fionghail” (Fingal.) If among the Irish in the Northern States of America are to be found the “Fennian brotherhood,” have not the Isles their Fingalians?”

Follows the concluding part of the rental :—

Bear rent of the Bishopric of Ross continued—

	Bls.	fir.	pks.
Torrison—The lands of Torrison pays . . . . .	2	0	0
Monro—John Monro pays for a quarter of Meikle Allan half a boll, attour eleven bolls he pays to the minister . . . . .	0	2	0
Fouller—Donald Fouller, at leist Robert and John Monro's, as tacksmen of his part of Meikle Allan, pays . . . . .	17	1	0
Fouller—Rory Fouller pays for his part of Meikle Allan one firiot attour seventeen bolls he pays to the minister . . . . .	0	1	0
M'Culloch—Mr James M'Culloch pays for a quarter of Little Allan fyve bolls and a half, but he contraverts the half boll. It is said that he has an oxgate of Eyesland which pays two bolls inde . . . . .	7	2	0
Ross—Mr Hugh Ross pays for a quarter of Eyesland . . . . .	4	0	0
Stronach—John Stronach pays for one oxgate of Little Allan . . . . .	2	0	0
Kilravock—Kilravock pays for Wester Rarichies and Culis . . . . .	76	0	0
Little Kindeace—The Life Rentrix of Little Kindeace pays for these lands eleven bolls attour six she pays to the minister . . . . .	11	8	0
Ross—Alexander Ross of Pitcalnie pays for Pitcalnie, Calnaha, and Culderary . . . . .	44	0	0

\* Uig in the Lews.

	Bls. fr. pks.
Urquhart—Mr Thomas Urquhart pays for a quarter of Nigg, twixt feu and teind bolls . . . . .	16 0 0
Gairs—Alexander and Thomas Gairs pay twixt feu and teind victuall for their three oxgates of Nigg . . . . .	24 0 0
Ross—Mr Robert Ross and Mr David Fearn pays for their seven oxgates of Pitkylan . . . . .	20 0 0
Riech—Donald Riech's oxgate of Pitkylan pays . . . . .	4 0 0
Dunskaithe—The lands of Dunskaithe pays . . . . .	10 0 0
Shandwick—The Life-rentrix of Shandwick pays . . . . .	8 0 0
	<hr/>
	520 2 0
	108 0 0
	34 0 0
	<hr/>
	690 2 0

Bear Rent of the Bishopric of Ross, his precinct, and which is possessed be himself.

	Bls. fr. pks.
The Castle-yard pays with the lands about the same . . . . .	10 0 0
Crawford's croft pays . . . . .	4 0 0
John Urquhart's croft pays . . . . .	2 0 0
The lands above John Urquhart's croft, be the laigest gate that leads to the Craig wood, and till ye come to the Craig woods, pays . . . . .	2 2 0
The land sometime possesset be Hugh Bayllie, Thomas Gair, and Donald Young, pays . . . . .	11 0 0
The Waird next the Shore before parket, payed . . . . .	1 2 0
	<hr/>
	31 0 0

The ministers of Nigg, Fearn, and Tarbat, their localities.

Minister of Nigg's locality.

	Bls. fr. pks.
Item.—He has payed to him out of Easter Rarichies . . . . .	64 0 0
Item.—He has payed to him out of Little Kindeace . . . . .	6 0 0
Item.—He has payed to him out of Meikle Kineace . . . . .	26 0 0
	<hr/>
	96 0 0

Minister of Fearn's locality.

	Bls. fr. pks.
Item.—John Davidson pays out of Meikle Rainy . . . . .	12 0 0
Item.—Gilbert Pape pays him for a quarter of Meikle Rainy . . . . .	6 0 0
Item.—Norman Denoon pays him out of ane other quarter thereof . . . . .	6 0 0
Mr Kenneth Mackenzie pays him out of three quarters of Little Rainy . . . . .	12 0 0
Item.—There is payed to him out of a quarter of the Drums of Fearn, possesset by Ross . . . . .	3 0 0
Item.—There is payed to him out of that quarter of Little Allan, called Balnagoar . . . . .	5 0 0
Item.—Mulderg pays him for the lands of Mulderg and Fearn . . . . .	20 0 0
David Ross, Nottar, pays him for Balblair . . . . .	4 0 0
Item.—John Munro pays him out of his part of Meikle Allan . . . . .	11 0 0
Rory Foulter pays him for his part of Meikle Allan . . . . .	17 0 0
	<hr/>
	96 0 0

## The minister of Tarbat's locality.

	Bla. sh. pks.
Item.—He has payed to him the teinds of his own and Aldie's Geanies, which is fourteen bolls, and the teinds of his own and his brother's, and of Pitkerie, which is seventeen bolls inde . . .	31 0 0
Item.—Dunbeath, out of his Geanies, pays himself . . .	5 3 2
Item.—Pitcalnie, out of Arboll, pays . . .	11 0 0
Item.—David Ross M'Hutcheon pays . . .	0 2 0

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96 0 0

## The pryce of the Biahop's customs is as follows, viz. :-

The mairt at . . . . .	Soots £12 0 0
The mutton at . . . . .	1 10 0
The capon at . . . . .	0 4 0
The poultry at . . . . .	0 2 6
The egg at . . . . .	0 0 1
The boll oats at . . . . .	3 0 0
The load of peats at . . . . .	0 2 6

(Signed)

WIL. ARESKINE.

## LXXVIII.

## PRICE-LIST OF PROVISIONS IN INVERNESS, 1654. (D.)

We here republish from Mr Dunbar Dunbar's contributions, on account of its local interest, a third paper, being proclamation regulating the price of provisions in Inverness in the year 1654.

By the erection of the Citadel in Inverness, and the large garrison of English soldiers for some years maintained, an impress was left upon the character of the place for a considerable period. It may be presumed that the town authorities and inhabitants had no wish for the demolition of the Fort, as both security and the distribution of money attended its establishment and maintenance; but there could be no doubt that the Fort, whether garrisoned by English or Scottish soldiers, was an object of menace, and highly obnoxious to the Highland chiefs. These were influential enough at the restoration of Charles II. to procure its removal.

The advantages or disadvantages to a locality that it is a garrison town, is an open question. For many years preceding the close of the Peninsular war, Inverness was quite

a military town, alive with recruiting, and some of the pomp and pride of war. It is very doubtful whether the like will again be seen, notwithstanding modern dynastic changes, unless some stop is put to Highland emigration by the opening of new channels of profitable employment for the peasantry.

The proclamation by Governor Fitch, whilome a tailor, an interesting document, explains in the preamble the hardships on buyers and sellers in having no fixed lists of prices. Protection was necessary on both sides. Doubtless the country people had no objection to "spoil the southron," while the latter at same time was "armed master" of the place.

The list of prices may be contrasted with those in Ross forty years later, given in last paper. Eggs and salmon were absurdly cheap, but milk was very dear. In reference to the latter, it is singular that the public of Inverness has put up so long with the limited supply and poor quality of this important necessary. Since land can now be got so cheaply in the neighbourhood, this hardship should no longer exist. The abolition of petty customs on eggs, fowls, and provisions generally, is, for the benefit of consumers particularly of the poorer classes, imperatively called for; and the manner of reception accorded not long since to a petition to the municipal authorities, far from what might have been looked for from representative intelligence.

England we knew had supplied the locality with a *Hitch*, and an *Itch*, or *Itches*, but we were not aware till lately that it had also contributed a *Fitch*. Among Mr Dunbar's papers there is a letter preserved from an unfortunate prisoner Livingstone, which is now given. The writer must have been a man of education from his style and penmanship. It is to be hoped that the governor was merciful, and liberated the prisoner. His letter is as follows:—

To the Right Honourable Col. Fitch, Governor of Inverness.

Sir,—My present condition of imprisonment is very hard as your Honor may consider, in regard I am far from my friends, and in a manner a stranger to the country, especially to these parts. Therefore, I do most humbly petition your Honor to permit me to go to the South to see what my friends will do for me, or if I could procure so much favour that they might enter me prisoner in

Dundee or any other place where I might be near my friends, which would be a great advantage to me in my hard condition. Sir, having no friends here to enter into bond for me makes me presume to make my address to your Honor, whose generosity, I am confident, is very free, especially to a poor gentleman and a prisoner. If, therefore, I might obtain so much favour to be permitted upon my parole, I protest before God and the world that I shall not make a break of my promise, or if I should in any way transgress in the least, I shall willingly be censured to undergo any punishment your Honor shall be pleased to inflict upon me. So hoping to obtain my earnest request, I shall be obliged, as I am bound to remain, your Honor's humble and obedient servant to command,

(Signed) J. LEWINGTON.

From our Prison, Inverness, the 2d of October 1654.

Thus addressed, never having been sealed or closed—

“ For the Right Honourable Col. Fitch, Governor of Inverness, these presents.”

Follows Mr Dunbar's contribution :—

Before the days of railway enterprise and other facilities of communication, one of the first effects of an influx of strangers to any locality was a scarcity of provisions, and a corresponding enhancement of prices. Such was the case on the establishment of Oliver Cromwell's garrison in the Capital of the Highlands. Complaints were made by the soldiers as well as by the townspeople of the extravagant prices demanded by the seller of provisions, and it became necessary to restrain these within reasonable limits.

Accordingly in the year 1654, Colonel Thomas Fitch, Governor of Inverness, with the approbation of the county and town authorities, issued the following order, which we copy from the original document now before us :—

“ By Coll. Thom Fitch, Governor of Inverness, with the approbation of the gentlemen of the country, and the Provost and Bailies of this burgh ; September the 15th, anno 1654 :

Whereas, there hath been divers complaints made to me by the soldiery of the garrison and the town's people, of the increase of the prices of all sorts of provisions, conceiving themselves very much injured by the sellers thereof, and the country people, on the other side, oftentimes complains that they have not a price answerable to the price of their provisions that they bring to the market.

For the prevention, therefore, of further differences in the like kind, the several prices of all sorts of provisions are agreed upon by the country gentlemen and bailies of the burgh, that so the buyer and seller may for the future avoid all differences of that nature by observing the prices of all sorts of provisions as underwritten, viz. :—

A good slaughtering cow, betwixt the 1st of August and the last of	
October upon foot is worth . . . . .	£1 6 8
The carcase of such a cow may be sold for . . . . .	0 18 0
Mutton upon foot of the best sort betwixt the last of May and	
the last of Oct. is worth . . . . .	0 4 6
The carcase of such mutton during that time . . . . .	0 3 4
The pound of such mutton during that time . . . . .	0 0 11½



A beef of the best sort laden upon foot, betwixt January and May . . . . .	£2 10 0
The carcass of such a beefe during that time . . . . .	1 16 0
A pound of such a beeve during the said time . . . . .	0 0 2
A veal about one month, or six weeks' old, the carcass . . . . .	0 3 0
The country veales that comes to market, the best . . . . .	0 1 4
Hens—a piece—good . . . . .	0 0 5
Capons—a piece—good . . . . .	0 0 6 $\frac{3}{4}$
Country market, kids, being good . . . . .	0 1 6
Lambs of the best sort . . . . .	0 1 6
Eggs, per dozen . . . . .	0 0 2
Geese, a piece . . . . .	0 1 2
Cocks, a piece . . . . .	0 0 5
Pork, per pound . . . . .	0 0 2
Bacon, per pound . . . . .	0 0 4
Red dried herring, three for . . . . .	0 0 1
Milk, the Scottishe pint . . . . .	0 0 2
Beer, a Scottishe pint, good . . . . .	0 0 1 $\frac{3}{4}$
Ale, if good, a Scottishe pint . . . . .	0 0 1 $\frac{3}{4}$
Killing fish of the greatest, a piece . . . . .	0 0 6
The lesser sort of fish . . . . .	0 0 4
Haddock, one dozen of the greatest sort . . . . .	0 0 5
Salmon of the greatest sort, a piece . . . . .	0 1 8
The lesser sort of salmon . . . . .	0 1 0
The grilae, a piece . . . . .	0 0 6
The salmon, per pound . . . . .	0 0 1
White bread, a loaf weighing 9-16th of a pound, the boll costing within 20s stg. . . . .	0 0 1
The loaf weighing 18 oz., white bread . . . . .	0 0 2
"    3 6-16th lb. . . . .	0 0 6
"    6 12th-16th lb. . . . .	0 1 0
"    13 $\frac{1}{4}$ oz. brown bread . . . . .	0 0 1
"    5 1-16th lb. . . . .	0 0 6
"    10 2-16th lb. . . . .	0 1 0
The loaf of oaten bread, weighing 19 oz., when it costs within 10 marks Scots, the boll . . . . .	0 0 1
Salt herrings, barrelled, four for . . . . .	0 0 1

It is further ordered and required that no person or persons whatsoever, in or belonging to this garrison, presumes to buy or sell any of the beforesaid provisions before it come into the market-place, under penalty of confiscating the provision so bought or sold; and that no person or persons do presume, after ten days from the date hereof, to violate this proclamation in reference to the prices of all sorts of provisions, under penalty of incurring further and greater damage upon themselves. Given under my hand at Inverness, the 15th day of September 1654. (Signed) THOS. FRICH.

LXXIX.

THE EARL OF SUTHERLAND AND THE EARL OF CROMARTY, 1723.

To the courtesy of a friend to whom we have been several times indebted, is owing the perusal of the curious document

after-quoted, being assignation by John, 19th Earl of Sutherland, in favour of George Jameson, late bailie in the Canongate, dated 23d August 1723.

The family of Sutherland once had an interest in Inverness-shire, for it is recorded that John, sixth Earl of Sutherland, received in 1359, from David II., a charter of the lands and barony of Urquhart, with the Castle thereof. They always have had influence in the North, though for a long time Mackays, Sinclairs, and others shared therein in the county of Sutherland. The marriage in 1785 of Elizabeth, 22d Countess, with Earl Gower, had, with other causes, the effect of depriving the family very much of a Scottish character. The Countess, writing after 1805 to the late Honourable Mrs Stewart-Mackenzie of Seaforth, says—“ Lord Stafford says he hopes it will set him (Sir Walter Scott) to write something of a more southern nature than what he proposed to do of our northern clans and their aquabbles, which sometimes becomes a little tiresome to the English ear. I like the border stories, I own, better than the very Highland ones of Macleans and Macdonalds, which never go beyond their own hills, and I like the hills themselves better than the traditions of a Maclean kicking a Macdonald down one of them, or *vice versa*. I do not, however, mean to say that when you come to stories of the Thaness of Ross, Sutherland, &c., they are not really interesting, but it is the endless traditions of the Western Highlands to which I object in detail. However, Walter Scott throws so great a charm over what he writes, that he may take any subject he pleases.”

The tone of the above is unpleasant, and the Countess herself seems to think she was going rather far, and so shows a better feeling as she proceeds. Recent events point to a great future, and it is to be hoped that the first Earl of Cromarty in the Peerage of Great Britain, in due time will prove a Highlander every inch, and take that personal interest and share in northern affairs which becomes his position and descent.

The Earl of Sutherland referred to in this paper was in

high favour with the Hanoverian Government, having received a pension of £1200 sterling a-year, being a Knight of the Thistle, and Lieutenant of all the northern counties from Moray to Zetland. He had also various inferior offices, which, from papers recently examined, were oppressively administered. Notwithstanding his possessions, it would appear that he had no repugnance, in an indirect manner, to get hold of those of the second Earl of Cromarty.

In 1699 the Earl, then Lord Strathnaver, lent the Earl of Cromarty, then Master of Tarbat, between £300 and £400 Scots. This sum had not been repaid in 1723, and, unwilling to press for the debt in his own name, the Earl of Sutherland, no doubt for a suitable consideration, makes over his claims in favour of Bailie Jameson, in order that the legal proceedings to recover the sum and adjudge the debtor's estate, might be in Jameson's name. The whole plot and design is stated with amusing detail. Such a deed in these days would be quite unavailing, but this one seems to have been made use of, from certain figures and markings on the back of it.

Follows the assignation referred to :—

Be it known to all men by these presents, me, John, Earl of Sutherland, designed in the bond after-narrated Lord Strathnaver ; forasmuch as John, Master of Tarbat, now Earl of Cromarty, by his bond, bearing date the seventh of August one thousand six hundred and ninety-nine years, for the causes therein specified, bound and obliged him, his heirs, &c., to pay to me, my heirs, or assignees, at the term of Martinmas then next to come, the sum of three hundred and seventy-nine pounds two shillings and eight pennies Scots money with sixty pounds money foresaid of liquidate expenses in case of failure and annual rent thereafter, during the not-payment as in the said bond at more length is contained. And, seeing George Jameson, late Bailie in the Canon-gate, hath at my desire consented and agreed that a decret of adjudication and other necessary diligence be prosecuted, obtained, and executed in his name for the said debt in trust for my behoof, in conjunction with certain other debts, resting me by the said Earl of Cromarty, whereunto and to the effect aforesaid the said George Jameson hath right, as also ane other debt, resting by the said Earl to him for his own account upon my charges proportionally, offering to the extent of my said debt. Therefore, to the effect aforesaid, and with and under the provisions and conditions underwritten, witt ye me to have assigned and transferred, likeas I hereby assign and transfer to and in favour of the said George Jameson the said sum of three hundred and seventy-nine pounds two shillings and eight pennies, and hail bygone interest thereof, and liquidate penalty contained in and due by virtue of the bond above narrated, together with the bond itself and all action, instance, and execution competent, or that may be competent to me thereupon, with power to the said George Jameson to obtain and execute the said decret of adjudication and such other diligence, whether personal or real, as shall be necessary for my security and payment ;

and to do every other thing for making my said debt effectual to me as I might have done myself before granting hereof, having herewith delivered to him the bond above-mentioned, and which bond he has re-delivered to me to be returned to him on demand. It being always hereby provided and declared that it shall not be in the power of the said George Jameson to compone, transact, transfer, or discharge my said debt without my consent be first had and obtained thereto, providing also likewise its hereby specially provided and declared that the said George Jameson shall not be liable for omissions or informalities of diligences, but only to retrocess, and dispoise, if need be, in manner underwritten; and, accordingly, if need be, the said George Jameson, by acceptation hereof, binds and obliges him, his heirs, and successors, to repon and retrocess me, my heirs, or assignees, in my own right and place of the premises, and to dispoise in favour of me and my foresaids the said discreet of adjudication and any other diligence that may follow thereupon in his name according to my interest therein, with warrandice from his own fact and deed alienarly whenever he is required so to do, but declaring that the said warrandice shall not impart that he shall be liable for the legality, formality, or preference of the said diligence or grounds or warrants thereof; and he, the said George Jameson, *de presenti* retrocesses and dispoises accordingly; and further declaring that I am and shall be bound and obliged to warrant, free, relieve, harmless, and skaithless keep the said George Jameson, his heirs, and executors, of all cost, skaith, damages, interest, charges, and expenses, and inconveniences whatever which he or they may sustain, incur, or expend in or by accepting, using, or executing this deed of trust and diligence to follow thereupon in his name; and lastly providing and declaring that these presents and any diligence to follow thereupon shall not weaken or innovate any separate security or ground of preference pertaining or competent to, or which can any ways be interpreted in favour of me for the said debt; but that it shall be leisome and lawful to me to make use of my said right and diligence jointly or severally, the one without prejudice of the other, and to object and except against the other debts, and diligence to be contained in the said debt of adjudication as accords of the law, with and under which provisions and conditions these presents are made and granted, and not otherwise, consenting to the registration hereof in the books of Council and Session, or any others competent therein to remain for preservation, and, if need be, that letters of horning on six days and other execution needful may be directed hereupon and constitute my procurators, &c. In witness whereof these presents are written upon this and the preceding two pages of stamped paper by James Macculloch, servitor to William Seller, writer in Edinburgh, and subscribed by me at London, the 23d day of August one thousand seven hundred and twenty-three years, before these witnesses:—William Stewart and James Davidson, our servants, the place, date, witnesses, names, and designations being filled in by Robert Hialop, residenter in Edinburgh.

(Signed)

”  
”

SUTHERLAND.

WILL. STEWART, Witness.

JAMES DAVIDSON, Witness.

LXXX.

## MARY, QUEEN OF SCOTS.

Though rather out of the track of the present series of papers, still it will not be out of place to offer some observations under this head, chiefly in connection with the recent work of Mr Froude.

This person first distinguished himself by writing up the character of Henry VIII., and while readers might have smiled at his laborious attempt, they would have had no reason to be offended, were it not for his traducement of Anne Boleyn, and the other women who had the misfortune of being Henry's wives. Some people, for the sake of a name and remembrance, will commit crimes. The miserable destroyer of one of the most noted buildings of antiquity, declared he burned the Goddess's shrine, in order that he might be remembered, and so may Mr Froude be remembered, if at all, as the defamer of at least three famous women, Anne Boleyn, Mary Stuart, and Elizabeth Tudor.

Scotsmen have no particular reason to stand up for Queen Elizabeth, but all sense of justice is violated by the portrait depicting her as everything but what becometh woman, drawn by Froude from polluted Spanish sources.

One of the most creditable things which occurred in Edinburgh in recent years, was that of a cultivated audience hissing Thackeray when in a lecture he spoke disrespectfully of Queen Mary. The Americans did the same when the lecturer spoke of General Washington as "*Mr*" Washington, though in that case he only affected to use language fathered on George III. Bulwer, in words not more elegant than distinguished by common sense, says that reason is fortified against the abuse of eloquence by the instincts of the universal human heart. This is the passage—wherein he asserts that Sir Walter Scott was so fair that even in his romances, he could not "have so far perverted the calm judicial functions of history as Lord Macaulay has done in that elaborated contrast between James II. and William and Mary, which no pomp of diction can reconcile to the reader's sense of justice and truth. The more the character of James (not as King only, but as man), is remorselessly blackened, in order to heighten by that effect of contrast which is the favourite artifice of forensic rhetoric, the effulgence of light so lavishly thrown around every phase of frosty character in William; the more it offends us to find only the oratorical advocate where, seated in the

tribunal of history, we had looked for the impartial judge; and here our reason is the more fortified against abuse of eloquence by the instincts of the universal human heart. Political reasons abound to justify a people for deposing a despotic and bigoted King, and placing on his throne, to the exclusion of the son, who, according to customary right, would succeed to the vacancy, his daughter and the foreign prince she had married. But it is a vain endeavour to show that the ambitious prince and the heartless daughter were paragons of disinterested goodness and exquisite feeling. So long as human nature is human nature, it will be out of the power of genius to render William and Mary amiable and lovely characters in the eyes of those who learn at their own hearthstones to believe that whatever punishment a man, be he king or peasant, may deserve, it is not for his own daughter nor for his daughter's husband to be alike the punishers and the profitters by the punishment."

Some modern historians are so correct and infallible that there is no possibility of their going wrong, or committing any error. Mr Kinglake at the battle of the Alma losing command of his horse, and compassionated by Lord Raglan after various and unwillingly erratic movements, is, nevertheless, able to write so correctly about the battle, that though called to account for his errors by many of the actors, is good enough to inform his readers, in a preface to later editions, that while a few verbal corrections have been made, the text of his history has not been altered. Previous historians would have been more modest, and willing if not anxious to be set right.

An historian gifted with some dramatic power, can create a character, perfect, or fiend-like. The latter is what Mr Froude has done with Queen Mary, and would appear to be his favourite in dealing with women. Shakspeare has given a Lady Macbeth; a Borgia has existed; why should not Froude try his hand. This he has done, founding a good deal on Queen Mary's forged letters to Bothwell, heighten-

ing the contrast by a pitiful attempt to raise the character of Darnley, and showing perhaps more callous than does the French vivisector Mignet in the latter's offensive work.

Froude's history of Elizabeth is not yet completed, but so far as it has gone, most of the English critics, while cordially concurring with him as to Queen Mary, object and declare he does injustice to Elizabeth, thereby, and perhaps unknown to themselves, yielding to an instinct that, as pointed at by Bulwer, national feeling would revolt against the outrage upon their Queen.

There are two classes of critics who have heartily joined with Froude against Mary. The first may be termed the "Muscular" school, who, in America, would be among the "war Christians," "whole hog exterminators," "nigger worshippers," &c. The language of these people is strong. What is good—though seldom is anything good—is super-excellent; what is bad, is execrable. Let us see what one of them says of Mary:—"A true panther nature; beautiful and swift, crafty and cruel, with the panther's stealthy crouch, the panther's sudden spring." Again—"Mr Froude's admirable description of her ought to abolish once and for all the sentimental notion of her injured innocence," &c. The same writer says of Froude, in reference to Darnley's murder and the position of Mary with Bothwell, that this portion of the history is "the most perfect specimen of writing in the whole range of our literature." Enough, however, of this muscular school, which, knowing nothing but extremes, is utterly unfit either to write or to criticise history.

There is another school of critics, who also join Froude, and may be termed the Mechanics' Institute School of writers. These know little of history, but greedily grasp at every opportunity of maligning and traducing a great or distinguished name. Men of essentially vulgar and depraved mind, are always to be found full of stories of a scandalous character, touching the great and noble, indeed regarding any higher than themselves. One of this school does not hesitate to assert that Rizzio was father of James

VI.; also, that Queen Mary was instigator of the shooting of Moray, and so on. No fact is better established than that Hamilton, driven to desperation by the Regent's cruelty, had no partners or instigators in his design.

Most English people have a vague idea that a wrong, if not a crime, was committed in the execution of Mary, hence they have been ever ready to listen to anything prejudicial to the Queen. Of this there is an amusing and characteristic illustration in Burt. While stationed at Inverness, the body of a man was discovered in some secret passage of the Castle. Burt asked one of the townspeople who it was likely to have been, and received the answer—"Perhaps one of Mary's lovers." He seems to have instantly caught at the idea, and repeated it, so that the thoughtless townsman to whose ears Burt's repetition must have come, waited upon him next day to mention that his statement of yesterday was jocular. But the story was too congenial to Captain Burt, and he writes that it was his belief that the party had been dealt with by his neighbours, and checked for telling the truth to an Englishman, and he is confirmed in this by other information which he had received about the Queen.

Words, thoughtlessly spoken, are often productive of wrong, and remembered against the utterer when better things are totally forgotten. One of the finest countenances on the walls of the collection in the Music Hall in Aberdeen at the period of the meeting of the Archæological Society a few years ago, with the exception of the two Drummonds of Perth, was that of the Lord Chancellor Seafield. But his subsequent national zeal and patriotic activity does not wipe out the hideous pleasantries after signing the Union papers, and closing for ever the Scottish Parliament—"There is the last of ane auld sang." Sir Norman Macleod of Bernera did a great deal of good in the Western Isles. That is forgotten, but not his unfortunate remark, when certain bones were found in the convent of Nunton in South Uist, that they were those of children of the nuns.

Froude, preceded by Dargand, takes it upon himself to



detail the conversations and doings of the actors in the Darnley tragedy, at and immediately preceding it ; for this he has been called to account by Miss Strickland, and his positions and authorities refuted.

All true Scotsmen must ever feel the highest gratitude to Miss Strickland (following up Tytler) for her laborious, earnest, and successful vindication of Queen Mary from the cruel aspersions of her enemies. It has been to her a labour of love, and well has it been done. As she says in a recent letter—"The hapless mother of our royal line has been the victim of the false accusations of those whose interest it was to vilify her. A free press might have saved her, for it would have been out of the power of her enemies to establish their calumnies if an independant record of daily events then existed."

All the Queen's aspersers found on the alleged letters to Bothwell. It is important to keep in view that she herself denied them, as did Bothwell, and that they came from a tainted quarter, the hands of the Regent Moray, nicknamed the "Good," probably for the same cause which gave the epithet "truthful" to a man we have known, who never spoke the truth if he could help it.

Miss Strickland brings out that Darnley's mother, Margaret, Countess of Lennox, could not have believed the Queen guilty, for eight years after she voluntarily writes to the Queen a long and affectionate letter, and part of this letter, still extant, couched in the same terms, is by Elizabeth Cavendish, daughter of the Countess of Shrewsbury, and wife of Darnley's brother, Lord Charles Stuart.

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### LXXXI.

#### **THE FRASERS OF PHILOETH, AND THE TITLE OF SALTOUN. 1668. (D.)**

The title of Lord Abernethy is an old one, having been conferred in 1445 on Lawrence Abernethy, whose ancestors were men of note. William, the second Baron, entailed his

lands on a series of heirs male, whom failing his own nearest heirs whomsoever, which entail was confirmed by the Crown, and the above destination regulated the succession.

The title was Lord Abernethy of Saltoun. Saltoun, an historic name, is situated within the constabulary of Haddington, and the Abernethy from which this title arose, lay in Strathearn. It has been supposed by some that the title was derived from the old Castle of Abernethy in Strathspey. This, so far as Saltoun is concerned, is erroneous. Abernethy in Strathspey was an old possession of the Earls of Moray. The old Castle gives the minor title of "Lord Abernethy" to the Earl of Moray, Lord Doune, &c.

Alexander, 9th Lord Abernethy, was the last of the name. He is described in Douglas Baronage as having died in 1669, but the letter after-quoted shows that he died in 1668, apparently in the beginning of December.

The Frasers of Philorth, though a younger branch of the Southern Frasers who settled in Inverness-shire, have an ancient descent, and royal blood in their veins through the Earls of Ross. Sir Alexander Fraser of Philorth, 11th of the line, was a great loyalist, and received marks of favour from both Charles the First and Second.

As has been observed, the destination of honours and estates was to the *heirs male* of William the second Lord, and it was, therefore, a bold stroke—several of these heirs being then in existence—for Sir Alexander Fraser to serve himself heir of George Lord Abernethy, his grandfather, and it is somewhat extraordinary that he seems to have consulted Alexander Abernethy of Auchincloch, one of these heirs, if not the very next heir male, according to Nisbet, in his proceedings.

Among Mr Dunbar Dunbar's papers are a great mass of papers which belonged to this Alexander Abernethy, who was a writer in Edinburgh, and whose representatives afterwards had the estate of Mayen; and from these papers, which on subsequent occasions are meant to be referred to, are at present selected some letters on the subject of the Saltouns.

Sir Alexander Fraser began a letter to Auchincloich thus :—

“ **LOVING COUSIN**,—I doubt not but you have heard of my Lord Saltoun's death ere this time, which may change the posture of all these affairs, and seeing both your own interest and other reasons may ;” [and at this stage changed his mind, and deleted all the above, but not so perfectly, but that it is decypherable. Paper was apparently scarce, so he turns the sheet merely, making the above appear as on the third page, and beginning anew, finishes on one page as follows :]—

**LOVING COUSIN**,—Having this occasion, I have made bold to entreat you to be at the pains at your own convenience to come down here that we may think and speak of these affairs that concerned my Lord Saltoun, seeing it hath pleased God now to call him to Himself. I will have to trouble you with long lines, but remits all further till we meet. It is very like my son may go south from Aberdeen, and if you take the occasion to go, I shall be glad to see you before you went, and that you may keep all things in the posture they were in while my Lord lived. Till we meet I shall not trouble you further at this time, but recommends all these affairs to yourself, and that I am your affectionate friend and cousin,

(Signed)

ALEX. FRASER.

Petullie, 8th December 1668.”

Addressed on the back “ For Alexander Abernethie of Auchincloich, Thess ;” and Auchincloich endorses the letter thus, “ Laird of Philorth, elder, his missive.”

It is thus clear that Sir Alexander Fraser did not at once style himself Lord Saltoun, nor was he so described by Abernethy.

Further, rights *jure sanguinis* vest at once without service, and the heir to a peerage, when serving himself heir to the last possessor's estates, invariably describes himself by his title. In the case of the present disputed Breadalbane succession, the rival claimants style themselves Earls of Breadalbane.

Philorth, however, when presenting the petition of service as heir of line of his grandfather George Lord Abernethy, only designs himself “ Alexander Fraser of Philorth.” The service did not take place until 14th April 1670, nearly eighteen months after Lord Saltoun's death ; and so doubtful was the proceeding, that Charles II. granted letters patent to Philorth, on 11th July, ratifying and approving the service, and Philorth's using and taking upon him as heir of line and next in blood and lineally descended of the family of Saltoun, the title, dignity, and rank thereof ; and the assumption of the title was afterwards confirmed by the

Scottish Parliament, 22d July, 1670—steps altogether so unusual that they could not have occurred except at a period when royal power was arbitrarily exercised, and the personal claims of the grantee urgent.

It is sufficiently evident from the correspondence that Auchincloich received a bond for 20,000 merks, probably to keep quiet in the matter. In a letter from the Master of Saltoun to Abernethy, dated Philorth, 9th July 1675, he speaks of “your bond of 20,000 merks and what other expence you be at, as I told you at Banff friends shall order me at your return ; but you cannot expect monies from me till you return, since you know how much I have toiled with it all this time.”

About a year later Auchincloich is pressing for his money, and the Master of Saltoun writes the following letter to his relative Baird of Auchmedden, which letter is endorsed by Auchincloich thus—“Mr of Saltoun for my satisfaction and expenses. This is to Auchmedden, 22d May 1676.”

Follows the letter, which is given as a specimen of many others :—

Philorth, 22d May 1676.

RIGHT HONOURABLE,

I received the enclosed from Auchincloich yesternight, by which I see he purposes to be with you this morning. If I could I would willingly meet him at your house, but my Lord Kellie being here with me I cannot leave him. If you can persuade Auchincloich to come down this length, I would and I would know also if he have yet any return from James Brown anent the commission I gave him. My Lord Kellie remembers him heartily to you, and I bless God my wife has been in the mending hand these two or three days, though it be but slowly. I shall send you word with my son what time I will be at Aberdeen. My service to all with you.—I am your affectionate to do you service,  
(Signed) A. FRASER.

For  
The Laird of Auchmedden  
This

The Master of Saltoun predeceased his father, the latter dying in 1693 in the 90th year of his age, and being succeeded by his grandson William.

William, the second Lord Saltoun of the line of Fraser, being ambitious, readily fell into the plot of the family of Athol in 1697 for the destruction of the Lovats, that his son should marry the heiress of Lovat. Simon, Lord Lovat, describes Lord Saltoun thus—“Lord Saltoun had often

heard that the estate of Lovat was the best situated and in the finest country in Scotland, and as he was naturally the most avaricious of men, he gave willingly into their plan, &c.”

The inglorious capture of Lord Mungo Murray, Lord Saltoun, and their train, in the Aird, when on this courting expedition, and the defeat of the scheme by Simon, Lord Lovat, then Master of Lovat, is well known.

At a later period the Saltouns acquired a hold in Inverness-shire by the marriage of Lord Saltoun with the heiress of Simon Fraser of Ness Castle, whose predecessors were Mactavishes.

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## LXXXII.

### WRITS OF CERTAIN ALTARAGES WITHIN ST GILES', EDINBURGH, &c., 1491, *et Subsequen.* PART FIRST. (D.)

Among the papers, formerly belonging to Abernethy of Auchincloich referred to in our last, are several inventories of titles, some of them going as far back as 1336. With others, is the list after given, which has been selected on account of the rarity of deeds relating to burghal property now to be found of such early dates. The changes in house property being necessarily so numerous, it follows that all older titles are lost.

The writs refer to certain altarages within the Church of St Giles in Edinburgh.

The meaning of the word “altarage” is the salary to the priest for saying mass at an altar. Sums were in use to be mortified that masses might be said or sung at particular places for the souls of the granters, or of those of their friends; and the office of saying mass, as distinguished from the salary, was called “chantry.”

The Churches of the Reformation all reject the doctrine of efficacy of prayer for the dead:—

“In the cold grave to which we haste,  
There are no acts of pardon past,  
But fix'd the doom of all remains,  
And everlasting silence reigns.”

The altarages in question were founded by a family named Carkettle, who possessed the lands of Over Libberton, near Edinburgh, and of Finglen, in the county of Stirling.

In that most interesting work "Traditions of Edinburgh," Mr R. Chambers gives us particulars of many an old building; and the position of the tenements here referred to, though generally of an older date, could possibly still be pointed out by him, and others versed in the antiquities of Edinburgh.

Among the names are to be found several not now common, such as Bertram, Winprason, Finguid, Hoppringel, &c., and in the very last deed is mentioned the name of "George Heriot, younger, Goldsmith."

Of places, are to be found, Beneath the Bow, Canongate, Tolbooth, Greyfriars' Entry, Niddrie's Wynd, the Tron, the Wynd in Leith called Rotten Row, the Lower Fish Market, Bell's Wynd, &c.

In the "Traditions" reference is made to the "Dirt Court," and the practitioners therein, who frequented the "Rogues' Walk." Perhaps this was the very locality referred to in No. 46 as "Bess Vennel, behind the Tolbooth, foreagainst the Thieves' Hole" of an earlier date.

Follows the list referred to, of which the writing is very indistinct, titled on the back "Minute of the ground annuals of the altarages of St Sebastian, St Catherine, and St Jerome in St Giles' Church, Edinburgh." Some further papers belonging to the Carkettles will be given in our next.

"The altarages within Edinburgh, of St Sebastian's Altar, granted by John Paterson, burges of Edinburgh, my for grandam her father, now at the gift of John Carkettle of Over Libbertoun, and his heirs male patrons thereof. Apud Striveling, 2d September 1494."

The above was the original heading, but is deleted, and the paper now is as follows :—

"The altarages within Edinburgh, at our disposition, whereof we are patrons, St Sebastian, St Catherine, and St Jerome's altars."

1. Item—A confirmation of St Sebastian's altar, granted by John Paterson, burges of Edinburgh, my fore grandam her father, now at the gift of John Carkettle of Over Libbertoun, and his heirs male patrons thereof. Apud Striveling, 2d Sept. 1494.

2. Item—Ane charter made by Andrew Beatram, burges of Edinburgh, to John Paterson, of an annual rent of 8 merks (*subtus arcānm*), that is, beneath the Bow, out of aue demolished lodging at Mr John Laing's close head, whilk lodging is now James Brown's, merchant. 9th January 1492.

3. Item—Ane sasine of this same annual rent, following thereupon, of the same date. James Strachan, notar thereto.

4. Item—Ane other sasine of this same chaplainry of six merks given by Elizabeth Dow to Andrew Whyte, then chaplain of St Sebastian's altar. Henry Strachan (notar ?)

5. Item—Three decreets obtained before the commissaries, obtained by Mr John Abernethie, chaplain for the time of St Sebastian's altar, furth of the tenements where their annual rent lies. The first upon the 3d Feb. 1580, furth of the lands which appertained sometime to James Finguid, with another decreet of the same annual upon the 12th January 1584, and that of six merks of the fore-said land, which now pertains to James Lawrie. The third decreet upon the 4th of April 1582, of an annual rent of five merks six shillings and eight pennies, furth of a land lying in the Canongate appertaining to John Stalker, which land lies beside a land which appertained to Mr Alexander Mason.

6. Item—The authentic copy of the foundation of St Catherine's altar, confirmed to Marjory Ridschaw, spouse to William Carkettle, now at the disposition of John Carkettle of Over Libbertoun, and his heirs male. 24th May 1493.

7. Item—Ane charter of two merks annual appertaining to St Catherine's altar, furth of Alexander Gray's house, at the back of the Tolbooth. 26th January 1491.

8. Item—An instrument of sasine of four merks of this same altarage, given by Symon Winprason to Marjorie Carkettle. Alex. Gray, notar. 28th April 1491.

9. Item—Ane charter of five pounds annual of the same altarage given by William Touris to Marjorie Ridschaw, spouse to William Carkettle, furth of Henry Cantie's land. H. Stra. 10th November 1492.

10. Item—Ane sasine following thereupon given by William Touris to the chaplain of St Catherine's altar (called Sir Henry Laurent), founded by Marjorie Carkettle. Henry Strachan, notar. 10th Nov. 1492.

11. Item—Ane charter of 33 shillings four pennies annual of the same altarage, furth of a tenement in Gray's Close, on the south side of the Gait. 5th March 1492.

12. Item—Ane charter of 20 shillings annual of this same altarage, furth of William Hoppingell, *alias* Locksmyth, his land at the entry of the Greyfriar's. 6th August 1492.

13. Item—Ane charter of two merks annual, sold by Margaret Haddington and Andrew Tobbin, her spouse, to Marjory Ridschaw, spouse to William Carkettle. 13th February 1494.

14. Item—Ane other charter of 20 shillings annual, lying also furth of a tenement at the Greyfriar's. 30th September 1492.

15. Item—As for the foundation or confirmation of St Jerome's altar, I cannot get it, but if there be any foundation for it, it behoves to be either in Mr James Arnot, or Adam Carkettle, my father's brother, their hands, who were last chaplains thereof. Always I have ane charter and sasine of an annual rent of 20 merks yearly furth of ane James Preston's Meikle House, which I trow be out of that lodging that the annual rent of this altarage be gotten furth, and so be not erected in a chaplainry; always never keep it to yourself because it has not been our use before you. Date of this charter and sasine, 19th November 1520. Joannes Fowler, notar.

16. Item—Upon the 15th day of May 1602, I delivered to my brother, John Carkettle, the writs following as his own proper evidents.

Item—Ane seven year's gift of ane altarage and chaplainry founded at St Gabriel's altar, granted by John Carkettle Elder, my gudsher, undoubted patron thereof, to Adam Carkettle, his third and youngest son. 10th May 1570.

17. Item—The said Adam his liferent of the said chaplainry during all the days of his lifetime, granted by the said umquhile John, his father, then vacant in his hands by decease of Mr James Arnot, last chaplain thereof. 10th May 1570.

18. Item—Adams decreet against Laird Chaip, heretor of the land where this annual is gotten. 27th Jan. 1570.

19. Item—His precept of pointing upon this decree. 6th Jan. 1580.

20. Item—Edward Carkettle, his seven years' and liferent gift of St Jerome's altar and chaplainry, made to him by Patrick Carkettle, his elder brother, then patron thereof, vacant by decease of Adam, his father's brother. 8th Dec. 1600.

21. Item—John Carkettle his seven years' and liferent gift of St Hieromi's altar, made to him by Patrick Carkettle, his elder brother, then patron thereof through decease of Edward, his elder brother. 3d June 1601.

22. Item—John, his decreet against Marione and Janet Mak Kulls (Macgill ?) heritors of the land for an annual rent of ten pounds, furth of that land, five merks defaulted according to the custom of the town and burgage for the burning of the town by the Englishmen, for it should be 20 merks. 19th Jan. 1602.

23. Item—His precept of pointing. 16th June 1602.

24. Three ground annuals in Edinburgh, furth of four tenements of land. Item—Ane charter made by William Aitchison with consent of Wm. Brown's mother, to Dame Janet Paterson, and ground annual of 30 shillings yearly, furth of his tenement of land in Niddries Wynd. 7th August 1521.

25. Item—Her sasine thereupon Joannes Foular. 7th August 1521.

26. Item—William Aitcheson's mother (callit Margaret Broune) her resignation of her conjunct fee of the foresaid tenement in Nicol Cairncroce's hands, then bailie, for sasine to be given to William Aitcheson, her son. Joannes Foular, 7th August 1521.

27. Item—John Carkettle of Finglen, as oy to the said Dame Janet Paterson, his instrument of sasine of 30 shillings in Niddries Wynd. Alex. Guthrie, notar, 2d August 1561.

28. Item—John Carkettle, younger, as heir to his father, his instrument of sasine of thirty shillings annual in Niddries Wynd. Alex. Guthrie, 18th May 1580.

29. Item—Ane decreet obtained by John Carkettle of Finglen upon Matthew Lillie for byruns of his annual rent in Niddries Wynd. 11th August 1575.

30. My brother David was never infet in any of these annuals, but the date of my sasine as heir to my father is upon the 7th Jan. 1602.

31. Item—John Carkettle of Finglen of 4 merks annual made by Thomas Walker and Catherine Cunningham, his spouse, heretrix, furth of her land in James Adamson's close, on the north side of the gate foreagainst the Trone. 1554.

32. Item—John Carkettle, younger, his instrument of sasine of four merks, furth of Martin Cunynhame's house in James Adamson's close. 1st July 1584.

33. Item—My sasine of this annual rent. Alexander Guthrie, notar, Jan. 1602.

34. Item—John Carkettle his instrument of sasine of 8 merks, furth of ane land, which appertained sometime to Alexander Lauder of Blyth, Knight, foreagainst the Tron, on the north side at James Adamson's closehead. 1 July 1584.

35. Item—Patrick Carkettle his sasine of all these three annual rents in one sasine one day and date, 7 January 1602.

36. Item—Ane sasine of William Carkettle, my grandsire's father of ane ground of 33 shillings 4 pennies furth of ane tenement in Leith that lies on the south side of the bridge. Robert Martiall, notar, 22 Oct. 1467.

37. Item—John Carkettle of Finglen his instrument of sasine of a tenement of land and annual rent of 83 shillings and four pennies furth of ane Wynd called Raten Raw in Leith. Alex. Makwill, 21 June 1530.

38. Item—Ane precept of sasine by Robert Logan of Restalrig to infet the said John in the said annual rent. April, 1530.

39. Item—Ane decreet obtained by John Carkettle of Finglen upon Alex. Napier's tenements in Leith for 33 shillings and four pennies. 28 Aug. 1575.



40. Item—John Carkettle, younger, his precept subscribed by the Provost and Bailies for infeftment to be given to him of 30 shillings and four pennies in Leith. 20 May, 1580.

41. Item—His sasine following thereupon furth of the lands of Leith. Joa. Rob., 21 May 1580.

A memorandum of the annuals of an altarage at my donation called St Catherine's Altarage.

42. Item—Ane tenement pertaining to Hector Roy, lying in the close fore-against the Straking Styll pertaining of before to Thomas Hamilton of Priestfield five pennies yearly.

43. Item—Ane tenement lyand foreagainst the Lower Fleesh Market, appertaining to Umquhile John Hudson at the Wester Port, and occupied by Umquhile John Henderson, Exchanger of money, thirty shillings yearly.

44. Item—Ane tenement at the Greyfriars at the burial gate, a new built land lying there, pertaining to Umquhile John Wilson, merchant 40 shillings.

45. Item—Ane tenement in Bell's Wynd upon the west side thereof, near the foot of the vennel, pertaining to Umquhile Marione Hoppringel 53 shillings 4 pennies.

46. Item—Ane annual rent furth of two tenements of land lying in Bes Vennel behind the Tolbooth foreagainst the Thieves' Hole, appertaining to Umquhile — Gray, and that of 40 shillings.

47. Item—Ane tenement in Gray's Close upon the south side of the gate, near the Nether Bow, appertaining to Umquhile John Robertson Baxter, next to Alexander Scott of the Deane, now lately to George Heriot, younger, goldsmith.

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### LXXXIII.

#### WRITS OF CERTAIN ALTARAGES WITHIN ST GILES, EDINBURGH, &c., 1491, *et Subsequen.* PART SECOND. (D.)

The papers in our last appear to have belonged to two ladies of the Carkettle family, Euphame and Marion, and on this occasion is given an inventory of the writs of some ground annuals in Edinburgh sold by these ladies in 1649, to David Farmer, writer in Edinburgh, who again disposed them to Abernethy of Auchincloich.

Besides the properties of Over Libberton and Finglen, the Carkettles appear to have possessed the estate of Murkle, and one of the ladies was married to the postmaster of Haddington.

In one of the earliest deeds, viz. 1494, is to be found the name of Allan Windiezetts. This quaintly expressive name could not have been very agreeable to the holders. All

Misses Windygates must have been anxious to change the too suggestive name, hence the modern Wingate. That German diplomatist Prince Windischgratz, who used to be heard of some years ago, may have been of Scoto as well as of Teutonic descent.

The antiquity of the Wauchopes of Niddry, is shown by No. 4, where reference is made to umquhile Gilbert Wauchope of Nidrie in 1492.

The extent of some of the old burgage lands is shown by No. 6. Sir Alexander Lauder of Blyth had a piece of land extending from the High Street at the south, to the North Loch at the north.

The tenth number refers to a charter granted by James I. of Scotland in the first year of his reign, with consent of the Lords Governors of the kingdom, in the absence of the King's tutor, John Duke of Albany.

The estate of Mayen, in Banffshire, came to Abernethy of Auchinloch in this way. Walter Halkett of Mayen, having already provided for his eldest daughter Christian, wife of Robert Gordon of Chapelton, and having no son, disposed his estate, by deed dated 6th April 1654, to his two younger children, Isabel and Elizabeth. Isabel married 30th November 1658, Alexander Abernethy, and Elizabeth married 12th November 1666, Archibald Dunbar of Newton, predecessor of Northfield. Mrs Dunbar, on 9th July 1671, disposed her one half to her brother-in-law Abernethy, in whose family the estate remained for upwards of a hundred years.

The tragic event in the life of the last Abernethy of Mayen is still occasionally spoken of in the north-eastern counties. James Abernethy of Mayen, in consequence of a sudden tavern quarrel, shot John Leith of Leith-hall on the streets of Aberdeen, and escaping to the continent, died at Rome a few years afterwards. The homicide occurred about four o'clock in the morning, in the month of December 1763. Great excitement prevailed, and of the few who justified Abernethy, was the then Dunbar of Newton, whose reasons for so doing family tradition has fortunately pre-

served :—1st, “ Mayen had provocation ;” 2d, “ Mayen is a gentleman ;” and if that were not enough—well, 3d, “ *our grandmothers were sisters, CONSEQUENTLY, Mayen could not do anything dishonourable.*” In former times fatal rencontres were leniently looked upon, and perhaps on a future occasion may be given a letter containing the views on such an occurrence of Countess Isabella of Seaforth, when interceding for an homicidal friend.

The lands and papers of the Abernethies came afterwards by marriage to the Duffs, and there are among the papers materials of great interest to those who care for the former state of the counties of Banff and Aberdeen.

Follows the inventory referred to, titled on the back “ Inventory of writs relative to the ground annuals disposed by Euphame and Marion Carkettle to David Farmer, writer in Edinburgh, 1649.”

*Inventory of Writs anent the Ground Annuals.*

First—A charter of alienation granted by Margaret Haddington, lawful daughter to Umquhile John Haddington, burghess of Edinburgh, and Andrew Cockie, her spouse, in favour of Marjorie Carkettle, relict of Umquhile William Carkettle, burghess there, of a yearly annual rent of two merks, to be uplifted furth of that land or house, commonly called the Blackhall, *Jacces infra tenementum* of Umquhile William Solyman, upon the west part of the trans thereof, betwixt the land of Andrew Schlaitter upon the north, and the land of Umquhile Allan Windiezetta upon the south, which tenement lies within the said burgh upon the north side of the King’s High Street thereof, betwixt the land of Umquhile James, Bishop of Dunkeld, upon the east, and the land of William, Lord St. John, upon the one and the other parts, dated at Edinburgh, 13th February 1494.

2. Item.—A charter of Alexander Gray, burghess of Edinburgh, with consent of his wife Janet, in favour of Marjory Carkettle, spouse to the said Umquhile William Carkettle, of a yearly annual rent of two merks, to be uplifted furth of his land lying within the said burgh, upon the south side of the Tolbooth thereof, beside or near the Collegiate Church of St. Geill’s, betwixt the land of Umquhile William Begholme upon the south part, and the land of John Malysone, cutler, upon the north part, and the Church-yard or burial place of the said church upon the east, and the trans or passage of the said land upon the west, dated 28th January 1491.

3. Item.—An instrument of sasine in favour of the said Marjorie Carkettle, of a yearly annual rent of four merks to be uplifted furth of Simon Winprason, his land lying within the said burgh, upon the south side of the King’s High Street thereof, under the tenement of Umquhile Andrew Bell upon the west part of the trans thereof, betwixt the land of Umquhile Gavin Meikle upon the north, and the land of William Howieson, Tailor, upon the south, and the land of Umquhile Mr. Alex. Moray upon the east, and the land of William Sydserff, upon the west parts, dated the 28th April 1491. Alex. Gray, clerk.

4. Item.—A charter of alienation granted by Andrew Bertraham, son and heir of Umquhile George Bertraham, burghess of Edinburgh, of a yearly annual rent of eight merks, to be uplifted furth of his yearly annual rent of eleven merks, which he hath to be yearly uplifted furth of all and hail the

land or tenement, back and fore with the pertinents lying in the said burgh, under the Nether Bow, upon the south side of the King's High Street thereof, betwixt the land of Umquhile Alex Fotheringham upon the west, and the land of Umquhile Gilbert Wauchope of Little Nidrie upon the east, on the one, and other parts, in favour of John Paterson, burges of Edinburgh, dated 4th January 1492.

5. Item.—An instrument of sasine following thereupon in favour of the said John Paterson, dated 14th January 1492. Henrie Strachine, clerk.

6. Item.—An instrument of sasine in favour of Janet Paterson, relict of Umquhile Sir Alexander Lawder, of a yearly annual rent of eight merks, to be uplifted furth of the said Umquhile Sir Alexander Lawder of Blyth, Knight, his land lying within the said burgh upon the King's High Street thereof, betwixt the land of Umquhile John Carkettle upon the east, and the land of John Tweedie upon the west, and the King's common way upon the south, and the North Lochs of the said burgh upon the north parts, on the one, and other parts, dated 17th February 1518. John Fowler, clerk.

7. Item.—A charter granted by Mr Thomas Weddel with consent of Christian Cunningham, his spouse, in favour of John Carkettle, burges of Edinburgh, of an annual rent of four merks yearly, to be uplifted furth of the land of Martyne Cunningham, son and heir of Umquhile John Cunningham, burges of the said burgh, lying beneath the tenement of Umquhile John Tweedie betwixt the four lands thereof upon the south, and the land of Umquhile Alexander Adamson upon the north, which tenement lies in the said burgh upon the north side of the King's High Street thereof, betwixt the tenement of land Umquhile Alexander Lawder of Blyth, Knight, upon the east, and the tenement of land of Umquhile Robert Logan upon the west on the one, and other parts, dated at Edinburgh, the day of 1554.

8. Item.—An instrument of sasine following upon a precept direct furth of the Chancellerie in favour of John Carkettle of Over Libbertown, son and heir of Umquhile John Carkettle of Marcle, of the foresaid yearly annual rents of four merks immediate preceeding, yearly, to be uplifted in manner before mentioned in the said two last articles which sasine is dated, the first of July 1584. Mr Alex. Guthrie, clerk.

9. Item.—An instrument of sasine in favour of Patrick Carkettle, as son and heir of Umquhile John Carkettle, of Over Libbertown of the aforesaid two immediate last annual rents of four merks, and eight merks respective yearly to be uplifted as said is, and of thirty shillings Scots yearly to be uplifted furth of the tenements of land of Umquhile George Acheson charged to be heir of Umquhile Mathew Lillie, burges of the said burgh, but now to Mr Oliver Colt, advocate, lying within the said burgh upon the south side of the King's High Street thereof, in the vennel commonly called Nidries Wynd upon the east side of the trans or passage thereof, betwixt the land of Umquhile Thomas Byning upon the east, and the trans and passage of the said vennel upon the west, the land of Robert Glen upon the south and the land of Umquhile Robert Kairnes upon the north parts. Dated the 7th of January 1602. Mr Alex Guthrie, clerk.

10. Item.—A charter of confirmation granted by James, King of Scots, of the several yearly rents thereof mentioned, dated the twentieth day of June, the first year of the King's reign, with advise of the Lords Governors of the Kingdom, in the absence of the King's Tutor, John, Duke of Albany, &c., protector and governor of the kingdom.

11. Item.—A liferent gift of St Catherine's altarage, granted by Patrick Carkettle of Marcle and Libbertown, in favour of George Carkettle, his son. Dated 14th Jan. 1618.

12. Item.—A decret at the instance of the said George Carkettle against all and sundry heritors, feuars, farmers, annual tenants, possessors and occupiers of the lands and rents, annuals, and others pertaining to the chaplainrie and altarages foresaid. Dated 12th March 1613.

13. Item.—Letters of horning at the instance of the said George against the tenants and heritors of the said chaplainrie. Dated the fifth of July 1616. Signed the 19th July 1616.

14. Item.—Letters of horning at the said Mr George, his instance against the said heritors. Dated the last of June 1630. Signed, primo. July 1630.

15. Item.—A registered disposition by the said Mr George thereof to James Symson, deceased, postmaster, burges of Haddington. Dated 21st Jan. 1630. Regrat. 12th July 1630.

16. Item.—Inhibition at the instance of the said James Symson against Patrick Carkettle, younger of Markle. Dated 11th May 1630. Signed 13th May 1630. Registered 24th May 1630.

17. Item.—Summons at the instance of the said Patrick Carkettle, younger, and James Symson, against the heritors of the chaplainrie of St Catherine and St Sebastian altarages, within St Giles Church of Edinburgh. Dated 22d Jan. 1630.

18. Item.—Disposition of certain ground annuals by Euphemia Carkettle, relict of the said Umquhile James Symson, and Marion Carkettle, spouse to John Froagg, servitor to Umquhile Patrick Lord Elibank, and with his consent and taking burden upon him for her, as heirs portioners to their brothers, father, grandfather, great-grandfather, and others, their predecessors, heritors of the said annuals to, and in favour of David Farmer, writer in Edinburgh. Dated the second and fifteenth days of November 1649.

Which writs and evidents respectively above written and exprest upon the other preceding page, we, Mr John Alexander, advocate, and Alex. Abernethie, grant us to have received in loan from David Farmer, to whom they do pertain and belong, and therefore we hereby bind and oblige us conjunctly and severally and our heirs to redeliver the same to the said David Farmer, his heirs or assignees, within twenty-four hours after the date hereof; and these presents (written by the said David) we have subscribed at Edinburgh the last of March 1659 years before these witnesses—James Symson, burges of Edinburgh, and Wm. Ritchie, servitor to the said Alex. Abernethie. The whole number of the said writs extends to eighteen.

(Signed)

J. ALEXANDER.

ALEX. ABERNETHIE.

Likewise I, the said David, hereby grant me to have received from the said Mr John Alexander and Alex. Abernethie a disposition made by me with consent of James Symson to them, which hereby I bind and oblige me and my heirs to redeliver to them, but that not within twenty-four hours after the date hereof by these presents. Written and subscribed with my hand the said day, month, year, and place.

(Signed)

D. FARMER.

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#### LXXXIV.

### THE CHURCH IN INVERNESS—1359, 1560, 1606, & 1769. PART FIRST.

Authentic information as to the early history of Inverness is to a great extent wanting owing to its inferior ecclesiastical position. Had it been a cathedral town, numerous ancient writings would in all probability have been preserved.

It is purposed, in this and the succeeding paper, to give copies of deeds relating to the church in Inverness at four periods—1359, 1560, 1606, and 1769.

The first is a dotation or gift of certain lands by David II. to the chapel at Inverness of the blessed Virgin Mary. This King was so lavish in ecclesiastical endowment, that a consequently impoverished successor piteously bewailed him as "a sore saint for Scotland." The document is of much interest. Unfortunately there is some doubt as to the names of the lands, and they are consequently not guaranteed. So far as can be judged, it is thought that as the lands adjoined the church, they consisted of what is now known as the Maggot, and the word "Cras" may signify Carse, it being well known that the Maggot lands within no very distant period were subject to tidal overflow. The road called "Scathegate" occurs in several old charters, and appears to have run along the river in the direction of Shore Street, and to the sea side.

John Scott, the pious burges of Inverness, in the same year did himself gift some lands to the church. The royal gift, translated from the Latin by Mr Allan Macdonald, A.M., is as follows:—

"David, by the grace of God, King of Scots, to all upright men in the whole earth, to his own clergy and laity greeting. You will all have known of the desire and special prayer of our well-loved and particular burges of Inverness, John, called Scott, the larger and more discreet part of the community of the said burgh having been formerly assembled in this matter in our presence and with our consent on the first Tuesday after the feast of the assumption of the blessed Virgin Mary in the cemetery of the Chapel of the blessed Virgin Mary of Inverness, in the year of our Lord thirteen hundred and fifty-nine,—for charity's sake, and for the safety of our own soul and the souls of our predecessors and successors whomsoever, to the praise and honour of God, the blessed Virgin Mary, and all saints, male and female whomsoever, we give, grant, and confirm, by this our charter, to God and the Chapel of the blessed Virgin Mary at Inverness for the maintenance of one chaplain to celebrate divine service, one peck of land of the Cras (*de le cras*), with its pertinents, containing twelve acres of land lying next the land of the parish church of the blessed Virgin Mary of the same burgh of Inverness, towards the south in the one direction, lying beyond the Scathegate to the east, extending in equal length with the land of the blessed Virgin Mary foresaid, and within the Cras towards the north in the other directions, To have, and to hold, the said peck of land, with its pertinents in pure and perpetual charity (*elemosinam*) of the said chapel for ever, freely and without molestation, fully, entirely, and honourably, well, and in peace as much so as any other land given in charity to any other church within our kingdom by us or our predecessors could be freely given or granted, possessed, or held. In witness whereof, we have caused this charter to be confirmed with the appending thereto of our own seal, in presence of these witnesses, the Venerable Fathers in Christ, William, Bishop of St Andrews; Patrick, Bishop of Brechin, our Chancellor; and Alexander, Bishop of Ross; Robert, Seneschal of Scotland, Earl of Strathcarne, our grandson; William, Earl of Ross; Mr Walter De Wardlaw, Arch-

deacon of Lothian; Mr Alexander Bar, Archdeacon of Moray\* ; Sir Walter De Halyburton; and Sir John Herries—knights; at Scone, in our full Parliament held there, on the 26th day of October, in the year of our Lord above-written, and of our reign the thirtieth."

The next deed—a charter by John Coupland to John Cuthbert in 1560—is noticed on account of the peculiarity of the holding.

Within the old limits of royal burghs, all lands were held burgage for service of watching and warding, afterwards commuted entirely into free burgage, or burgage maills. But in this case, besides the maills to the burgh, there is the further burden "to the chaplainry of the blessed Virgin Catherine, founded within the parish church of Inverness, two shillings Scots money."

The subjects in question, lying as they did on the west side of Church Street, must have been near the top, as, from the Caledonian Hotel downwards, most of the properties on that side were bounded on the west or back by the river, or the imperfect broken road which ran partially along it, and in all likelihood this deed refers to some of the houses in Church Street betwixt Bridge Street and Bank Lane. The deed was accidentally discovered recently among waste papers, and is so defaced that its decypheration was difficult.

Translated into English, the charter is as follows:—

To all who may see or hear this charter, John Coupland, son and heir of the deceased Richard Coupland, burges of Inverness, greeting in the Lord everlasting, know ye that I, indued neither by force nor fear, nor misled by error, nor circumvented by deceit or fraud, but out of my own simple, free, and spontaneous will, and after having carefully examined and diligently considered my interest in the matter, having regard to the payment of my debts and other rational causes me thereunto moving, have by a pure sale, and for an onerous cause, sold, alienated, and by this my present charter confirmed; likewise I do hereby for an onerous cause and by a pure sale, sell, alienate, and confirm to my lovite, John Cuthbert, son of the deceased James Cuthbert, burges of Inverness, his heirs and assignees, one half rood of my burgh ground, lying within the burgh of Inverness, in Church Street, on the west side thereof, between the lands of John Robertson at the north on the one side, and the lands of Thomas Man at the south, the front being towards the Queen's highway at the east, and the tail towards the lands of Thomas Waus, burges of Inverness, at the west, in consideration of a certain sum which the said John Cuthbert has well and faithfully paid to me, in ready money at the time of my executing the present charter, I being urged thereto by grave necessity, with which sum I hold me well content and fully paid, and therefore I do hereby for

\* Archdeacon Bar was afterwards Bishop of Moray, being consecrated by Urban V. at Avignon Dec. 1362.

me, my heirs and assignees, *exoner* and for ever *discharge* the said John, his heirs and assignees; To be holden the foresaid half rood of building ground, with all and singular its pertinents, by the said John Cuthbert, his heirs and assignees, from me, my heirs and assignees whomsoever, with all and singular commodities, liberties, profits, easements and righteous pertinents whatsoever, as well not named as named, as well under as above ground, far and near pertaining and belonging, or that may anywise justly pertain and belong, in time coming to the foresaid half rood of building ground with the pertinents, as freely, quietly, fully, honourably, well and in peace in all respects and by all things, as any burgage land within the said burgh is sold, alienated, or possessed, without any revocation, reclamation, or obstacle whatsoever, by me, my heirs, assignees, or others whomsoever, in our name or in our behalf in any way in time coming; *rendering* therefor annually the said John Cuthbert, his heirs and assignees, to our Sovereign Lady the Queen, two pennies and one half-penny, and to the chaplainry of the blessed Virgin Catherine, founded within the Parish Church of Inverness, two shillings Scots money, at the usual two terms in the year—*viz.*, Whitsunday and Martinmas by equal portions, and that for all other burden, secular service, exaction, question, or demand, which may be anywise justly exacted or required furth of the said half rood of building ground, bounded as aforesaid; and I, the said John Coupland, for me, my heirs and assignees, shall warrant, acquit, and for ever defend the foresaid half rood of building ground, bounded as aforesaid to the said John Cuthbert, his heirs and assignees whomsoever in all respects, and by all things in form, manner, and effect against all mortals. In testimony whereof my seal with my subscription manual to this present charter is annexed, together with the seal of an honourable man, Matthew Paterson, one of the Bailies of the burgh of Inverness, who after my pure and simple resignation in his hands spontaneously made in favour of the said John Cuthbert, his heirs and assignees, gave and delivered to the said John Cuthbert, his heirs and assignees, heritable sashine of the foresaid half rood of building ground, by delivery of earth and stone, as use is, and he introduced, instituted, and invested the said John Cuthbert, his heirs and assignees therein, with actual, real, and corporal heritable possession of the said half rood of building ground with the pertinents, and instantly demitted thereof, none opposing or contradicting the same, saving the right of every one. Whereupon and upon all and sundry the premises the said John Cuthbert asked of me, notary public, subscribing one or more public instruments. These things were so done upon the ground of the foresaid half rood of building land, the last day of May, in the year of our Lord one thousand five hundred and sixty, at the tenth hour before noon or thereabout, before these witnesses—Thomas Vans, junior, burghess of Inverness; John Reid, John Merschell, burghesses of the said burgh; John Hendyrsoun, burghess in Perth; Andrew Reid, Donald Grant, inhabitants of the burgh of Inverness; Thomas Robertson, officer; and William Cummyng, notary public, witnesses to the premises specially called and required.

(Signed) JHONE COPLAND, wit. my hand wret.

And I, William Cuming, clerk to the diocese of Moray, notary public; forasmuch as I, along with the witnesses before-named, was personally present at all and sundry the premises, while these things as above set down were said, acted, and done, and saw, knew, and heard that the same were so said and done, and I took a note of them, and from which I have therefore framed this public instrument, containing in it the form of a charter, faithfully written by another hand, and have signed and published it with my sign, name, surname, and subscription, used and wont, in faith and testimony of all and sundry the premises, being thereto asked and required. Witness my own hand,

(Signed) W. CUMING, *Notarius Publicus, Manu Propria.*

(To be continued.)



## LXXXV.

**THE CHURCH IN INVERNESS—1359, 1560, 1606, & 1769.  
PART SECOND.**

A religious order was founded in Inverness by Alexander II. in 1233. All charters describe the order as having been Dominican (Black Friars), but while the name of Grey Friars (Franciscans) still remains attached to a street and burying-ground, there is no trace of the name of Black Friars.

The document first quoted is a charter of that property on the west side of Church Street, which belongs to the heirs of the late Mr Williamson, cabinetmaker. The front part of the house was built early last century by one of the family of Achnagairn, who collected certain obnoxious excise dues to the amount of a bodle, and the building was at once dubbed "Castle Bodle." It will be noticed that, besides burgh mails, there is a payment of three shillings Scots to "St John of Jerusalem and his successors," and doubtless the keeper of the register of sasines, well versed as he is in local lore, will be somewhat surprised to learn that his ground was once "the lands of St Peter."

Such documents are of great interest, and throw light on dark periods of the history of Inverness. A charter dated in 1593 of subjects in Church Street also belonging to Mr Williamson's heirs, shows that these subjects belonged at that period to "John Jenor, inhabitant in Inverness," being that unfortunate Provost Junor who, some years afterwards, was assassinated at Drummond:—

In the name of God, Amen. Be it known to all men by this present public instrument, that in the year of our Lord's incarnation, one thousand six hundred and six, upon the twenty-first day of April, and in the year of the reign of our Sovereign Lord, &c., in presence of me, notary public, and of the witnesses subscribing, appeared a discreet man, Alexander Duff, brothergerman of the deceased Thomas Duff, shoemaker, residing in the burgh of Inverness, lawful son of the deceased Mungo Duff in Wilthevin (?) who, being neither induced by force nor fear, nor deceived by error, but out of his own

pure free will and pleasure, for his deliberate advantage and benefit, having considered and weighed the matter in all its bearings, and also in consideration of a certain sum of money paid to him by the hands of William Watson, weaver in Inverness, and Agnes Miller, his spouse, has alienated all and whole two roods of burgh land and half a rood of land, with the houses, biggings, yard, and other pertinents belonging to him, lying contiguously within the burgh of Inverness, in Church Street, on the west-side of the said street, and bounded between the lands of the heirs of the deceased Alexander Paterson at the south, the lands of Saint Peter at the north, the King's highway at the east, and the road which goes near the water of Ness at the west: moreover, he purely and simply resigned and surrendered the said lands and others into the hands of an honourable man, James Vaus, one of the bailies of Inverness, by staff and baton, as use is, without reversion, in favour of the said William Watson and Agnes Millar, his spouse, and longest liver of them two in conjunct fee, and the heirs procreated or to be procreated between them, whom failing, to the heirs and assignees whomsoever of the said William Watson, giving and granting to them saine and heritable possession thereof. To be holden of our Sovereign Lord the King and his successors, Kings or Queens of Scotland in fee, and in free burgage for payment annually therefor by the said William Watson and Agnes Millar, his spouse, and longest liver of them in conjunct fee, and their heirs and assignees to our Sovereign Lord the King and his successors, twelve pennies and one-half penny of the usual money of the kingdom of Scotland in name of burgage duty, as also for payment to Saint John of Jerusalem and his successors three shillings money foresaid at two terms in the year, Whitsunday and Martinmas, by equal portions only. Which resignation having been received and admitted by the said Bailie, he, by virtue of his office of Bailiary, and by the command of the resigner, gave and delivered heritable state and saine, with real, actual, and corporal possession of all and whole the foresaid two roods and half a rood of burgage land, with the houses, biggings, yard, and other pertinents lying contiguously and bounded as aforesaid, to the said William Watson and Agnes Millar, his spouse, and longest liver of them, who, being present, accepted thereof, and to their heirs and assignees as above written; and that by delivery of earth and stone of the ground of the said lands respectively, as use is, none opposing or contradicting the same, and the solemnities required in the like cases being duly observed. Whereupon and upon all and sundry the premises, the said William Watson and Agnes Millar, his spouse, asked of me, notary public subscribing, one or more public instruments. These things were done upon the ground of the said lands about the fourth hour afternoon, in the year, day of the month, and King's reign as above, in presence of John Duff and George Duff, burgesses of Inverness, Gilbert Vaus, son of the said James Vaus, Finlay Tam, and Andrew Duff, inhabitants of the said burgh, and William Gray, one of the town officers thereof, witnesses to the premises called and required.

By command of the said Alexander Duff, son of the said Mungo, he being unable to write, I, Alexander Duff, notary public, called to the premises, subscribe.

And I, Alexander Duff, clerk in the diocese of Moray, notary public, by royal authority and by the Lords of Council admitted, in terms of the Act of Parliament, and common clerk of the burgh of Inverness, whereas I was personally present along with the witnesses before named, while, as aforesaid, these things were said, acted, and done, and thus saw, said, knew, and heard all and sundry the premises above written, and took a note, from which I afterwards expedite this present public instrument, written by the hand of James Duff, my son, and I have with my sign, name, surname and subscription, used and wont, subscribed and signed the same, in faith and testimony of the premises, being thereto called and required.

(Signed)

ALEX. DUFF, Not. Publicus.

The present High Church was erected about 1770, and

the statement of the Magistrates of the time confirms what historical notices have alleged, that the date of the building of the old church was unknown. It may be safely said, therefore, that it was very old, perhaps the same building described in the deed of 1359, quoted in our last as "The Parish Church of Inverness."

Not one-third of the descendants of the heritors who signed the paper of 1769 now hold lands in the parish.

#### HIGH CHURCH OF INVERNESS.

1769.—Memorial and Proposals by the Magistrates and Town Council of Inverness to the Heritors of the Town and Parish of Inverness.

The Old Kirk some years ago having been declared insufficient, the Presbytery of the bounds threatened a prosecution against the memorialists and the heritors for building a new one; and the said kirk having been deserted, several inconveniences arise therefrom, such as, that for the greatest part of the year the English and Irish congregations meet but once a day, and occupy the New or Irish Church by turns, and the rest of the year the Irish congregation is often exposed to the inclemency of the weather by attending public worship in the churchyard.

The memorialists cannot find out how or by whom the said Old Church was built, nor who contributed to the same. There are very old charters from the Crown in favours of the town, conveying to them the churches; and as public worship was always performed there in the English language, so it was mostly occupied by the memorialists, the gentlemen of the parish, and inhabitants of the town who had their different seats and lofts occupied and possessed by them, while the tenants and landward part of the parish occupied the other church, where the Irish service was performed.

In the above situation, the memorialists proposed to set about building a commodious kirk, sufficient to accommodate a greater number of hearers than the Old Kirk, as the place is turning daily more populous, and for that end they applied to Mr George Fraser, Depute-Auditor of Excise at Edinburgh, for a plan and estimate of a kirk, and he, after a long correspondence, sent a plan in the model of the Chapel of Ease in the West Kirk parish of Edinburgh, but that the one to be built here will be larger, and he likewise sent estimates, which in whole will amount to about £1000 sterling. The memorialists therefore propose that they set about borrowing the said sum, and enter into contracts with the different tradesmen and undertakers, so as the work may begun early next year.

That when the kirk is completed, proper skilful men shall be appointed to estimate upon oath the different seats in the galleries and ground flat, in proportion to the outlay of the whole.

That the community shall be bound to uphold and keep the fabric of the church in repair in perpetuity.

That, next to the seat for accommodating the Magistrates and Councillors, the heritors of the parish shall have the first offer of seats for their accommodation according to their quality and rank, and as they pay of stipends; and they shall have such seats, either for paying a yearly rent to the Magistrates and their successors, or to be sold to them at the rate of seven and a-half per cent. of the outlay for the whole, and as the memorialists, from the foresaid considerations, propose that no time should be lost in executing the said plan, so they expect that such of the heritors as approve thereof shall sign these presents, adjecting consent to their names and the date.

(Signed) Gordon Castle, Nov. 13, 1769. I consent, as far as I shall find necessary for the accommodation of my Tenants.

GORDON.

- Dun. Fraser, p. John Forbes, of Culloden, consents.  
 James Fraser, for Culloden, and also for Geo. Ross, of Kinmylies.  
 Wil. Mackintosh of Holm, consents.  
 Dun. Grant, for Mr Sandilands, of Draikies, consents.  
 Alex. Baillie, of Dochfour, consents.  
 Alex. Fraser of Culduthel, consents.  
 Robert Fraser, of Phopachie, proprietor of three-fourths of Marinch and Newlands.  
 Wilm. Fraser, proprietor of Bught and two inclosures in town, consents.  
 W. Mackintosh, for Little Bealaferie, consents.  
 Alex. Baillie, of Duncan, consents.  
 Thomas Alves, of Shiplands, consents.  
 Hugh Chisholm, consents.  
 Geo. Baillie, as proprietor of Dempster, Gallowmuir, and other town lands, consents.  
 Charles Macklean, of Dochgarroch, consents.  
 Alex. Munro consents.  
 Willm. Murray, Hospital and Kirk Treasurer, 8th December 1769, consents.  
 Simon Fraser, for Donald Cuthbert, consents.  
 David Grant, consents.  
 Aeneas Mackintosh, for the lands of Esich, consents.

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 LXXXVI.

**THE CHURCH IN INVERNESS—1359, 1560, 1606, & 1769.  
 PART THIRD AND LAST.**

At the close of the seventeenth century, and for several years after, the authorities at Inverness were strongly attached to the Stuarts, and Mr Hector Mackenzie, the minister, who had been presented by the Earl of Seaforth, was suspected of disaffection.

To a great extent the Revolution party looked to the clergy for support and information, and in these unfortunate circumstances as regarded Inverness, the unusual step was taken of appointing a clergyman from the south of Scotland. This was one Robert Baillie, said to be connected with the Baillies of Lamington. Totally unacquainted with the people, ignorant of their prejudices, and opposed to their feelings, this person most actively bestirred himself for Government, as his letters, sermons, &c., testify. There are many of his letters in the Culloden papers. It is surprising, and says much for the peaceable disposition of the inhabitants, and their respect for the Church, that he was

left unharmed. But as "It is an ill wind that blows no one good," so out of his appointment arose the permanent establishment of the Gaelic Church. A Gaelic ministry had been appointed before, but failed for want of support.

Mr Mackenzie being superannuated, and Baillie not having Gaelic, though this did not prevent the Crown granting, or the incumbent's acceptance of a partly Gaelic-speaking charge, it resulted in so deplorable a state of matters, that the Crown in the year 1706 granted a stipend to a Gaelic minister out of the annexed revenues of the Bishopric of Moray. It was a good stipend at the time, but unfortunately it was a money, not a victual stipend; and hence, not having increased, the position of the third minister is unequal. It was very common to describe the Gaelic language as "Irish," "Erse," &c., and in a deed of 1719, one of the witnesses who wrote a capital hand is "John-Mic-Ian-duy (John, son of John the Dark), precentor in the Highland Kirk of Inverness."

The church, erected about 1706, was re-erected about 1790, and within its walls were numbers of Prince Charles' adherents confined after the battle of Culloden, and thence taken to the churchyard and shot kneeling, from the stones still standing.

The present building, with its rarely-carved pulpit,\* will ever be connected with the name of the late Rev. Alexander Clark, in his denunciations of the errors of the Church of Rome, and of the first mode of assessment under the Poor-Law Act, both subjects greatly popular in their day under Mr Clark's vigorous handling.

Mr William Stewart of Kiltearn, the friend of Lady Anne Ross of Balnagown (see Notes 22, 23, and 24), is supposed to be the person referred to by Burt, in his perhaps not over-coloured narrative of the minister's reading of the dialogue in the garden of Eden.

Paupers are now decently interred, and in consequence of the distance of the Poor-house, are invariably carried in a hearse. But it is perhaps not well known that there still

\* It at one time was the "deak" of an auctioneer in Holland, came by inheritance to the family of Inshes, who presented it to the church upwards of 200 years since.

lies in the High Church tower, never again to be used, the old coffin with false bottom, out of which many a poor person's body has been callously bundled into the grave. This hideous practice, it has been observed, still prevails in some parts of Germany, and has just attracted corrective notice.

One of the bells which was in use to be rung within the last thirty years, was reputed to have been at one time in Fortrose Cathedral. The present bells are cheerful, and so marked that at home or abroad we have never heard anything exactly similar, and we venture to say that to a native of the town, after a lengthened absence, passed it may be in foreign climes, nothing more vividly calls up boyish recollections, or exercises softening influences.

A pleasing tradition with relation to Mr Murdoch Mackenzie, one of the High Church ministers, has been handed down. He is stated to have died in the year 1774, but the incident is more in consonance with the old Catholic building than the bald and far from sightly modern church, improved as it has been of late years. Mr Mackenzie was minister of Inverness for thirty-two years, and deservedly held in the highest estimation. At this time the clergy were peculiarly "Mr" (Magister), and rarely called by their surname. "Mr Murdoch" was no exception. John Hossack, the well-known Provost of Inverness in 1746, had two daughters, one Barbara, whose second husband was Provost Phineas Mackintosh of Drummond, and the other daughter was Mrs Mackenzie, Mrs Hugh Miller being one of her descendants. The beadle, Ludovick, commonly called Lody Ross, was quite a character, highly superstitious, and, like many of his calling, the church was his "thought by day and dream by night." A favourite pursuit was to wander through the church and churchyard at night. When Mr Murdoch, who lived in Castle Street, lay a-dying, there was great lamentation, and none bewailed more than Lody, who was constantly in attendance. His evening bell-ringing could not be neglected, however. After discharging this duty, and emerging from the tower, what meets his

astonished gaze? Nothing else than all the windows of the kirk one blaze of light, while sacred music of the sweetest description rose in volume to the sky. But for a moment, however; and rushing back to the clergyman's house, Lody found that the soul of his pastor had a few minutes since taken its heavenly flight, resting, as Lody firmly believed, for a moment with its attendant angels in the arena of his close, searching, and pious ministrations.

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LXXXVII.

**AN OLD MAP OF INVERNESS-SHIRE.**

About one hundred and fifty years ago there flourished a geographer, one H. Moll, one of whose atlases, printed "and sold over against Devereux Court, between Temple Bar and St Clement's Church in the Strand," was lately presented to us by Mr Waterston, banker, Inverness.

There is no date, but the atlas bears internal evidence of having been framed 'twixt the years 1700 and 1720. In the preface, Moll expresses his obligations to John Adair, late Geographer for Scotland, Gordonius a Straloch, and for the "generous informations of some curious noblemen and gentlemen that have assisted him in the work." Little or nothing is said or prognosticated about coal and iron, which have made the Lowlands so rich; but on fishings it is said—"But the greatest and surest treasure of all is that from the sea, if sought after; for nowhere are there such multitudes of herrings, cod, ling, and the best kinds of white fish, as round this coast and amongst the isles, yea, in the bays and inlets; nor have any rivers greater plenty of salmon and other fishes; so that, considering the goodness and conveniency of the ports, the many people, their hardiness, strength, and easy temper, Scotland, in a few years, if encouraged and assisted by the Government, might easily be master of the fishing trade in Europe."

We have excerpted the names of all the localities noted in the maps of Inverness-shire from Nairn to Fort-Augustus, and from the confines of Ross to the course of the Findhorn, so far as the river runs in Inverness-shire. Many well-known names do not there find a place, while some of those marked, such as "Colwhinnack," are now obscure.

The names are arranged under five divisions, and it is proposed to offer some observations on certain of these names—

1. Mont Caploch.—In the map these words occupy large type, and give name to that great ridge from which, on either side, waters are drained off into the estuaries of the Ness and Beaully respectively, the name being found in many charters. The town of Inverness had right to cut peats in the mosses of Caiploch, which right having been challenged by the Lairds of Dunearn and Reelick, gave rise to considerable litigation two hundred years ago in the Supreme Courts. Through the valley of Caiploch was the old Urquhart road, and its tracks may yet be traced from Kinmylies to Gartallie. It is a pity that this track is not fit for carriages, for once the ascent of the Leachkin is completed, the ground for the whole journey is almost level, and, though destitute of wood beyond Dochgarroch, far from uninteresting. There is certainly a great want of timber, but a friend has informed us that he was told by a man who died twenty years ago in his 98th year (Alexander Roy Macdonald, in the Ballimore of Dochgarroch), that there was so much hazel in particular, in his youth, that he had gathered nuts from Mile-End to Urquhart without leaving the road-side. One of the pleasantest rambles ever had in the Highlands was the ascent, in company with a kindred spirit, from Lochend, of the steep hill of Dochnacraig, or the Red Rock, the descent into the valley of Caiploch, and on to Urquhart;—having in the journey tasted of the famous mineral Fuarandearg (Red Well); seen Cairnabaintearn (the Lady's Cairn), and heard the pitiful story of the abducted lady, accidentally killed by one of the rescuing party; also seen the hamlet of Bal-na-greasich



(the Town of the Shoemakers), where it is said no fewer than three shoemakers at one time found employment; Tomcon (the Hillock of the Dogs), where dogs met to deliberate in those days when they had the gift of speech; and the mysterious Loch-Laitt, with its occasionally floating islet.

2. Dochnacraig.—This Davoch is now universally known as Lochend. The front of the mountain facing Lochness is known as the red rock. On the small estate of Dunean are two of the most striking features in the scenery around Inverness—this red rock, and the beautifully wooded hill of Dunean. The bare and seemingly sterile point of land running into Bona Ferry was, we were told by a gentleman who knew it well sixty years ago (the late Colonel Maclean of Woodside), then covered with large trees, principally mountain ash.

3. The burn of Holm is correctly shown as taking its rise out of a lake to the north of Loch Duntelchaig, but the course of the Millburn is quite incorrect. Instead of coming from Dun Daviot and the Leys, it is made to take its rise from a source farther south than that of the burn of Holm.

4. Mou Rey.—This name was at first sight somewhat puzzling, but there is no doubt it is a contraction, and stands for Moulin-an-Righ or the Kingsmills.

5. Loch Drakies.—It is well known that the Beaully and Moray Friths are receding, and this is to some extent borne out by the appearance on the map of a considerable lake called Loch Drakies. A few years ago there was immediately below Raigmore House a marsh, the remains of Loch Drakies, but since the embankment for the railway, it has almost disappeared, and corn waves over its site.

6. Betwixt Alturlies Point and Loch Drakies, there appears on the map a stream of considerable flow running into the frith. It has no name, but must refer to either of these classic streams, the burns of "Scrittan" and "The Fidlers." Probably the former, which in its course is bold and sometimes impetuous, while the latter is placid if not sluggish.

7. *Monilies Moss* appears to occupy a large portion of the ground intersected by the *Castle Stuart* road, but the name is unfamiliar.

8. *Bracklich*.—The churchyard of *Bracklich* is situated close to the *Fort-George* station. It is long since the church was united to that of *Petty*, but an old man, now in his 89th year, recollects seeing the ruined walls of the church, which stood within the churchyard. The farmhouse of *Balspardan* and grounds immediately adjoining, a rich spot, surrounded by thin soil, was the glebe of *Bracklich*.

9. *Roads*.—One of the curiosities of the atlas is, that there is no road beyond *Inverness*, and only pieces of road here and there in *Ross-shire*. There was a road from *Kessock Ferry* to the mouth of the *Conon*. It did not go to *Dingwall*, but continued to *Brahan Castle*, where there was a final stop.

Follows the excerpts referred to:—

#### I.

From *Nairn* to *Inverness*, to the line of the *Highland* road, by the river of *Nairn* to the east, and the *Castle Stuart* road at the west.

*Nairn*, *Broadley*, *S. Kildrumy*, *Geddes*, *W. Kildrumy*, *Dalcross*, *Oroy*, *Kilravoch*, *Holme*, *Cawdor Kirk*, *Cawdor*, *Galcantray*, *Cantray-Dallas*, *Culwhinnig*, *Culclachie*, *Daviot more*, *Craggie mor*, *Mou Rey*, *C. Teabuy*, *Drakies*, *Inverness*.

#### II.

From *Nairn* to *Inverness* 'twixt the *Castle Stuart* road and the *Moray Firth*.

*Nairn*, *Delnies*, *Arderseir*, *Dalziel*, *Bracklich*, *Connage*, *Lonnie*, *Baliniskar* (*Fishertown*), *Petty*, *Alturlies*, *Culloden*, *Castle Stuart*, *Monilies Moes*, *Loch Drakies*, *Inverness*.

#### III.

East side of *Lochness* to the water of *Nairn* and the *Monalia* range.

*Inverness*, *Holm*, *Borlum*, *Torbreck*, *Leys*, *Balrobert*, *Essich*, *Faillie*, *Gask*, *Dunlichity*, *Duntelchaig*, *Achnabat*, *Duniches*, *Ruthven*, *Aberarder*, *Dunmaglass*, *Bochrubin*, *Balicheranach*, *Strath Arkeg*, *Gartern*, *Glentarff*, *Kilwhimmen*, *Abertarff*, *Foyers*, *Truning*, *Durris*.

#### IV.

West side of *Lochness* to the separating ridge from the *Aird* and *Strathglass*.

*Pitima*, *Portclair*, *Dalcattaig*, *Invermoriston*, *Urquhart Kirk*, *St Ninian's*, *Wrcheden*, *Mont Caploch*, *Abriachan*, *Dochnacraig*, *Lochend*, *Dochnearn* (*Dochnfour*), *Dochnalurg*, *Dochnarroch*, *Lacknalien*, *Duncan*, *Kinmylies*.

#### V.

From the *Aird* and *Strathglass* ridge, to the west border of the county of *Inverness*.

*Bunchrew*, *Phoppachie*, *Aird*, *Lovet*, *Farrar river* (*Beauly*), *Cambyr*, *Glen-Guisachan*, *Struy*, *Strathglash*, *Erchless*, *Brackachie*, *Beauly Abbey*.

## LXXXVIII.

**THE MEETING WHICH ESTABLISHED THE INVERNESS GREAT SHEEP AND WOOL FAIR, 1817.**

At the wool fair held at Inverness in July 1864, when good weather, high prices, and unprecedented attendance all combined, commanded an unqualified success, one unthinking gentleman, puffing his own following, but forgetting that he stood in the Highland capital, as well as the foolishness of modern prophesy, was good enough to predict that after this great meeting would come to be held no more, wool auctions in southern towns would subsist and continue. These observations were instantly resented, and he is dismissed in a line—

*Gird up false prophet, hence depart !*

Many of our readers may not be familiar with the circumstances under which the market was established, nor the time of its commencement. Interesting details are contained in the minutes after-quoted.

Seven and forty years have passed since the date of that meeting, and of those present only one survives. Long may he, a capital specimen of a now somewhat limited class—the *Highland* gentleman farmer—live to attend future markets and realise prices as handsome as those of 1864. His name is marked in italics.

Follows the minutes referred to:—

Inverness, 27th February 1817.

At a meeting convened here this day, by public advertisement in the *Inverness Journal*, to consider the utility and advantage to the public at large, of holding an annual market for sheep and wool, at Inverness, and to fix on the period of the year most suitable for holding the same;

Present, James Robertson, Esq. Provost of Inverness; James Grant, Esq. of Bught; Hugh Fraser, Esq. of Eskdale; James Grant, Esq. of Corrymony; Lachlan Mackintosh, Esq. of Raigmore; Lachlan Mackinnon, Esq. of Corrychattachan; Mr Farquhar Mackinnon, younger of Corrychattachan; Mr John Manson, from Skye; Major Jones, from Gortuleg; Captain Haggart; Mr Ranald Macdonald, Flouidgarry; Mr Alex. Maccallum, Culigeran; Bailie Alexander Anderson; Captain Macdonald,

Aonach ; George Jeffrey, Esq. Lochcarron ; *Mr Hugh Fraser, Aberakea* ; Mr John Stewart, junior, merchant ; Bailie John Simpson ; Mr Alexander Grant, factor for James Murray Grant, Esq. of Glenmorriston ; John Macintyre, Esq., Letterew ; Mr Alexander Fraser, manufacturer, Inverness ; John Fraser, Esq. of Farraline ; and Peter Anderson, solicitor in Inverness. The said James Grant, Esq. of Corrymony, having been chosen prees ;

A letter from the agent for the Sutherland Association of farmers, addressed to the growers of wool and stock assembled here this day, was read, with an excerpt subjoined thereto, from the minutes of the Sutherland Association, whereby they appeared to have resolved to give every possible support to the object of this meeting.

Mr Alexander Fraser, manufacturer, here, produced a list of manufacturers in Huddersfield, Wakefield, Halifax, Burnley, Aberdeen, and Elgin, favourable to the measure, and he assured the meeting that they would all, either by themselves or their travellers, attend the market now proposed to be held here. The names of the parties are—

Messrs Hawksley and Sutcliff, Huddersfield ; Messrs Samuel Hurst and Co. there ; Messrs George Lockwood and Co. there ; Samuel Eastwood, there ; John Rusher, Wakefield ; Messrs William Bariff & Son, there ; Messrs Rawson, Saltmarsh, and Co., Halifax ; Mr Barbar, from Waterhouse ; Messrs Holgate, Massey, and Co., Burnley ; Messrs Alexander Haddon and Son, Aberdeen ; Messrs Thomas Black and Son, there ; and Alexander Johnston, Elgin.

Lachlan Mackinnon, Esq. of Corryhattachan stated, that he had authority from John Macpherson, Esq., chamberlain, Skye ; Norman Macleod of Drynack ; Niel Macleod of Gesto ; the Rev. James Suter, factor for the Laird of Macleod ; Mr Ewen Macmillan, Glenbrittle ; Mr John Maclean, Braeoinurt ; Mr Norman Morrison, Satrun ; Mr John Gillespie, Kilmaree ; Kenneth Mackenzie, Esq. of Inverinat ; Mr Duncan Macrae, Linnassie ; Mr Alex. Macrae, Cluny ; and Mr Donald Macdonald of Skibost, to express their approval of the proposed market, and their resolution to support it.

Mr John Stewart, jun., represented that Mr William Mitchell, at Gordonhall, also approved of the market ; and Hugh Fraser, Esq. of Eskadale, stated that Barrisdale ; Mr William Fraser, Borlum ; Mr John Mackay, at Inchnacardoch ; William Fraser, Esq. of Culbockie ; Robert Fraser, Esq. of Aigas, and many others, had expressed to him their satisfaction at the prospect of the establishment of the proposed market.

Mr Jeffrey also informed the meeting, that Captain Mackenzie, Hartfield, Mr Murdoch Macleannan, Tulloch ; John Matheson, Esq. of Attadale ; Ninian Jeffrey, Esq., Inverew ; Mr John Mackenzie, Shildag ; Mr Roderick Mackenzie, Achvannie ; William Reid, Esq., Muirtown ; and James Mitchell, Esq., Mountrich, were very much disposed to promote the same object.

Bailie Simpson produced a letter from Simon Fraser, Esq. of Foyers, authorising him to attend this meeting in his name, and support the establishment of an object so likely to prove beneficial to the town and country at large.

A letter from Messrs Lockwood and Co. and Hurst and Co. of Huddersfield, to Mr Fraser of Farraline, was read, approving of the proposed market, and trusting that it will have the support of the present Provost, as it had that of Provost Grant ; upon which Provost Robertson stated, that he and the rest of the magistrates were disposed to give every possible encouragement to the measure.

Bailie Anderson represented, that he could state with confidence, that the proposed market was approved of by William Chisholm of Chisholm, Esq., and James Laidlaw, tacksman of Knockfin.

Mr Fraser of Farraline also mentioned, that Miss Fraser, Dell ; Mr Simon Fraser, Garthmore ; and Mr Mactavish, Garthbag, approved of the measure ; and the prees likewise stated, that James Murray Grant, Esq. of Glenmorriston, approved thereof, and had authorised him to state so.

James Grant, Esq. of Bught, further stated, that he had received authority from Colonel Francis William Grant, as acting for the Earl of Seafield, to

approve of the proposed market. In short, the general voice of the country is in favour of the measure; and the meeting unanimously agreed, that the establishment of the proposed market for the sale of wool and sheep at Inverness, is highly expedient and proper. They therefore resolved, first, to establish and encourage such a market by all the means in their power.

Secondly, they unanimously agreed and resolved, that the same should be held on the third Tuesday of June yearly.\*

Thirdly, in order to carry these resolutions into effect, and render them as public as possible,

James Robertson, Esq., Provost of Inverness; Lachlan Mackintosh, Esq. of Raigmore; James Grant, Esq. of Bught; Hugh Fraser, Esq. of Eskdale; Lachlan Mackinnon, Esq. of Corrychattachan; Alexander Anderson, Esq., agent for the bank of Scotland, in Inverness; John Fraser, Esq., of Farraline; Mr Alexander Fraser, manufacturer in Inverness; Simon Fraser, Esq. of Foyers; John Macintyre, Esq. Letterew; James Murray Grant, Esq. of Glenmoriston; William Fraser, Esq. of Culbockie; Mr James Laidlaw, at Knockfin; and Peter Anderson, solicitor in Inverness, and secretary to the meeting, were chosen as a Committee of Management; any five, including the secretary, to be a quorum, and the Provost to be convener.

Fourthly, the meeting directed the committee to hold their first meeting as early as possible; and particularly they requested them to print and circulate the minutes among owners of stock and buyers, and to insert three times, viz. once in March, once in April, and once in the end of May, an advertisement in the *Inverness Journal*, the *Courier*, and *Morning Chronicle* of London, the Hull and Liverpool papers, the *Edinburgh Weekly Journal*, the *Courant*, and *Advertiser*, intimating the date and place fixed upon for holding the market.

Thereafter, Provost Robertson proposed a vote of thanks to the press, Lachlan Mackinnon, Esq. of Corrychattachan; George Jeffrey, Esq., Lochcarron; John Fraser, Esq. of Farraline; and John Macintyre, Esq. of Letterew, for the aid and assistance they have given in the promotion of the measure in question, which was unanimously agreed to.

The meeting further directed the secretary to advance and pay the charges of advertisements and other incidental costs incurred by the Committee, and they pledged themselves individually to reimburse him for the same.

These minutes, consisting of this and the preceding page, are signed in name and by appointment of the meeting, by their said presses.

(Signed) JAMES GRANT, Pr.

Copy letter from the agent of the Sutherland Association of Farmers, referred to in the preceding minutes.

Culmally, 13th February 1817.

Gentlemen,— Observing by last *Inverness Journal*, that there is a meeting to be held at Bannet's Hotel, on the 27th inst., of the gentlemen interested in establishing a market for the sale of stock and wool at Inverness; and being uncertain whether any of the gentlemen from this county can attend there, I take the liberty to trouble you with the enclosed copy of our proceedings, on the very interesting subject which calls you together. Our subscription paper is now in the hands of the members of our Society, who are resident in England; and it was our intention, how soon the same was returned, to enter into correspondence with such individual buyers of stock and wool in England, and the South of Scotland, as were known to us, and to insert notices on the subject, in the different newspapers in both kingdoms, most likely to fall into the hands of the buyers of our commodities. But it is most likely, that your meeting may supersede the necessity of any further progress by us; and we shall feel very much obliged, by your directing your secretary to advise us of your progress, and to inform us how we can best co-operate with you in forwarding the object of your meeting.—I am, very respectfully, gentlemen, your most obedient humble servant,

(Signed) PATK. SELLAR, Agent for the Sutherland Association of Farmers.

\* The date was subsequently altered to July, and many suppose that July itself is rather early for wool.

Copy excerpt from the minutes of the Sutherland Association of Farmers, of 6th December 1816.

“Mr Reid stated, that at the Fort-William Market, for the sale of sheep and wool, there was a general feeling among both buyers and sellers, of the inconvenience of meeting in that part of the country; and the English buyers, in particular, stated their wish to do business with the growers of sheep and wool in the North Highlands at Inverness, pledging themselves to attend there next year, in case a prospect appeared of the growers meeting them in such number as to render their journey worth their trouble. He stated of what consequence it would be to the North Highlands, if a general mart of this sort could be established at Inverness, and he could not help thinking, that the members of the Association were particularly interested in the measure. The Committee, on drawing out a sketch of the stock and wool sold annually in Sutherland and Caithness, find that it does not fall short of 14,000 sheep, and 15,000 stones of Cheviot wool; they enter most readily into Mr Reid's ideas, desire their agent forthwith to prepare a subscription paper for the signatures of members, which, when revised by the Committee, he is to put in circulation, and when the subscription shall be filled up, forward it to Mr Lockwood, Huddersfield, who has kindly promised to do the needful among the wool and stock buyers; and a subscription paper being forthwith prepared and revised, one copy was given to Mr Gilchrist, to be communicated to the gentlemen interested in such affairs in Ross-shire, who are understood to hold a meeting in Tain to-morrow; and Mr Sellar is to extend the other copy, and circulate it among the members of the Society, and the other gentlemen of the county interested therein.”

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### LXXXIX.

#### PARLIAMENTARIA. INVERNESS, 1681.

MORAY, 1781. (D.)

There is here republished a fourth of Mr Dunbar Dunbar's contributions, being the bill of costs incurred by the county of Inverness in 1681 to The Mackintosh, as one of the Parliamentary representatives.

Many of the old Highland families have changed sides politically. While Lochiel, Cluny, and others have never altered, some of the Jacobite families, such as Lovat, Seaforth, and Glenmoriston, have become Whigs—the Whig and Hanoverian Grants becoming Tories. Counties also have changed, and in connection with the county of Moray and its rule by the Duffs, we offer some observations. It is said, but doubtless only by those prejudiced friends of Poland, who don't know Berg, and have no sympathy with Mouravieff, that even to this day the family of Fife has

something to say in the return of the member for these burghs, of which the Cathedral city is the chief.

From 1404 to 1627, a family of Duffs who made no great pretension to represent the famed Earls of Fife,\* possessed in obscurity the lands and barony of Muldavit. Three generations after the time of John Duff, who sold Muldavit, brings us to Alexander Duff of Braco and William Duff of Dipple. Through the latter the line was continued, and his eldest son, William, was created a Peer of Ireland by the title of Baron Braco of Kilbride in 1735, and Viscount Macduff and Earl of Fife in 1759.

Lord Braco was a most penurious man, and used to gather pins and other strays on the roads. Upon one occasion he was so fortunate as to pick up a farthing, which being observed by a passing beggar, the latter earnestly asked for the coin, but was chucklingly told to "fin' a farden for yoursel' puir boddie." Lord Braco and several of his predecessors were careful, prudent men, dealers in corn and cattle, and the embarrassments of many of their Jacobite neighbours enabled them to put together large landed possessions.

James, second Earl, a keen politician and unscrupulous partizan, added extensively to the family possessions. Holding most of his lands of the Crown, he parcelled out the superiorities so extensively that the real freeholders were totally swamped. We annex excerpts from a "Memorial for James Brodie of Brodie, Esq.; Alexander Penrose Cumming of Altyre, Esq.; and others, freeholders in the county of Elgin and Forres" in the year 1781, detailing their grievances; and it is not unsatisfactory to observe that the only Highlander among these parchment barons (Grant of Corrimonie) declined the oath. Follows the extracts referred to, which give a fair representation of the memorial:—

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\* Alexander Duff, wadseller of Keithmore, grandfather of Lord Braco, seems to have cherished the idea, as may be gathered from the Latin inscription on the tomb in the Parish Church of Mortlach, which may be freely translated thus:—"In this tomb are laid the remains of Alexander Duff of Keithmore, and Helen Grant, his wife. He, nearly and legitimately, sprang from the most noble Thanes of Fife, through the ancient family of Craighhead which still lately flourished. She was descended similarly from the distinguished and powerful family of Grant."

Of late years the practice of splitting the superiorities of estates, and dividing and giving them off into qualifications to persons having no real property in the counties where they are created, in order to serve the purpose of the great landholders, has become very common. In this county it is gone to such a height that the persons standing enrolled upon such qualifications, outnumber the real freeholders more than six to one. Earl Fife, who is one of the greatest landholders in the county, has divided his property in this manner to the last shilling, whereby he acquired the absolute command of returning the member, in so much that those created by him out-number the whole other freeholders in the county, so that he in reality returns the member for this large, cultivated, and populous country by his single fiat.

In prosecution of this plan, intimation was made in the different newspapers of the memorialists' intention; and, at the late general election, as many of their numbers as constituted a majority of the real freeholders of the county, attended the election at Elgin and put the foresaid oath to the following persons, all of whom they knew stood upon such titles as have been before described, viz. :—Keith Urquhart of Meldrum; Alexander Stronach of Knock; Sir James Duff of the Guards; William Rose of Sheriffstown; Alex. Stewart, of Parkbegg; John Macgregor of Clunymore; the Hon. Alexander Duff of Echt; William Donaldson of Morriestown; Thomas Geddes of Dalachy; Alexander Mill of Chapletown; James Mill, merchant, Portsoy; John Lawson of Westertoun; Alexander Adamson of Nethermills; the Rev. Mr William Leslie, younger of Balnagieith; Lieutenant James Stewart of Kirkhill; Mr John Ross, Professor of the King's College, Aberdeen; William Dunbar and Alexander Wilson, factors for the Earl of Findlater; John Duncan of Balchero, and James Grant of Corrimonie. James Grant of Corrimonie advocate, refused to take the oath, and his name was erased from the roll of freeholders. Keith Urquhart of Meldrum refused to take it, but was continued upon the roll notwithstanding, he being brother-in-law to the Earl of Fife. The other persons above-named all took the oath.

So standing the law, the memorialists think they are entitled and have a good right to insist in a prosecution before the Justiciary Court of Scotland against all or any of the fore-named persons, because, in their apprehension, the titles on which they stand enrolled in this county are *nominal* or *feictitious*, or otherwise that they are created in order to enable them to vote for a member to serve in Parliament; and if they can bring a proof sufficient to satisfy a jury of their countrymen, they think they are entitled to have them found guilty of perjury in terms of the foresaid statute; and they mean to state the several facts upon which they go to their counsel, and to lay before them a draught of their intended libell, in order to have their best advice and assistance in conducting this business with propriety and accuracy, as they think the question is of the first consequence to the nation.

The memorialists are determined to commence their prosecutions upon one or more indictments as they shall be advised, before the Circuit Court of Justiciary at Inverness, if the same is thought competent or proper, and to prosecute for one Sir James Duff of the Guards, present member of Parliament for Banffshire; and as he presently resides furth of Scotland, it becomes necessary to have the advice of counsel on this memorial and the libell so far as respects him, because they apprehend it will be necessary to have criminal letters executed against him at the Market Cross of Edinburgh, Pier and Shore of Leith, upon an inducie of sixty days.

The freeholders of Moray entered into a combination for their political protection, costing a deal of money, and were known as "the associators." In 1790, Lord Fife being created a British Peer, had to vacate his seat in the House



of Commons. Wishful to conciliate Sir Alexander Dunbar of Northfield, Lord Fife wrote intimating his retirement, and that he hoped by so doing he had wiped out past offences; further, that his Lordship bore no ill-will, and would have preferred that the association monies had been laid out in planting and cultivating Duffus.

Sir Alexander answered at some length and in like spirit, and, in these words, asks a favour:—"Since I have not frequently an opportunity of addressing you, let me say in a word that Robert Guthrie, Cullen born, and young, is lately married to a cousin of mine. She is main ugly, but of great ingenuity, and very low in circumstances. He has only a smattering of the writer business, but dresses in taste, writes a noble hand, and figures well. Let me beseech your Lordship to think of these when all your other petitioners are served, and let me then have it to say that I was instrumental in procuring bread for one single family!" This is so good that we hope the dressy "writer," husband of the ugly lady, got some snug berth.

The Duke of Gordon, in Aberdeenshire, carried on the same "splitting" practices, dividing himself into twenty-five parts; but, as will be seen by the annexed extract from the *London Daily Advertiser*, headed "Parchment Barons of Scotland," his Grace got a deserved "wiggling" from the woolsack:—

It is with great pleasure that we see the scandalous fraud, which has so long disgraced the kingdom of Scotland, at length taken up in the House of Peers, and that the great law authorities have pronounced their opinion on it. An appeal has been brought by several freeholders of Aberdeen against the Duke of Gordon, who parcelled out an estate into twenty-five lots, and made them over in trust to twenty-five friends, as qualifications to vote at elections for the county

The Lord Chancellor, highly to his honour, said it was impossible that the law of Scotland, when it limited the sum that was necessary to form a qualification, intended that any man should have as many votes as he had numbers of times the value of that sum. It certainly meant, exactly what a similar law meant in England, that he should have but one vote for one place, be his circumstances as opulent as they might. And that this was so appeared from the oath required by that law, for an oath more strict, more precise, and less open to mental reservation, he never read nor heard of.

In speaking further of this oath, he gave an opinion which will make a forcible impression on the minds of gentlemen. Sir John Macpherson's was the particular qualifications on which the appeal was made. He was made *Parchment Baron* while in India, and he has not as yet taken the oath. The Lord Chancellor said it was rather singular that such men should have been

chosen for such a trust. From the general character of the honourable Baronet, he could no more believe that he would take the oath than that he (the noble Lord) should ever so far forget what he owed to truth, to conscience, to honour, and to religion, as to take it himself.

Lord Loughborough congratulated his countrymen on the good fortune of this appeal having come before the House when the noble and learned Lord sat on the woolsack. The attention he had paid to this important subject—important not only to the constitution, but to the morals of Scotland—would be the means of rescuing them from a practice so derogatory of honour, and so hurtful to Christianity. He entirely agreed with the noble and learned Lord on the point of the appeal, and the decree of the Court of Session was reversed.

The Gordon family acted in the same way in Inverness-shire. But in the year 1791, much to their honour, the following real freeholders, constituting a majority at a meeting, viz.—Macleod, Culloden, Inshes, and Glenmoriston, expunged the names of no less than 78 nominal and fictitious voters. The matter was immediately suspended by Lieutenant Godsmen on the part of his constituent, the Duke of Gordon.

Follows what has been published by Mr Dunbar Dunbar :—

The following account shows that in 1681-5 the Laird of Mackintosh, while one of the representatives in Parliament for the shire of Inverness (the other being Hugh Fraser of Belladrum), had, as was usual, a stated allowance for his services and expenses which was assessed on the heritors, wadsetters, life-renters, and other local parties liable within the said shire. It will also be observed that eight days were allowed to go from Inverness to Edinburgh, where the Parliament was held—a sufficiently considerate arrangement in those days of slow locomotion :—

The Laird of Mackintosh, his disbursements for the shire of Inverness at the Parliament in anno. 1681 :—

Item—For 52 sitting days in Parliament and 16 days coming and going at £5 Scots per day is . . . . .	£340 0 0
Item—More for a consultation with the Lord Advocate . . . . .	36 5 0
Item—More to Mr David Thores and his servants . . . . .	21 15 0
Item—More given in with the commission to the Clerk Register . . . . .	13 6 8
Item—More the certificate of the diets of the Parliament sitting . . . . .	14 10 0
Item—More to Mr Thomas Gordon for keeping the council in mind from disjoining of the shire of Inverness with that of Ross in the excise . . . . .	8 14 0
	£434 10 8

The Laird of Mackintosh—his expense for his foot-mantle\* and furniture thereof, and other expenses for the shire of Inverness at the Parliament, in anno. 1681 :—

Item—For 10 ells fine black velvet, at £16 per ell is, Scots money . . . . .	£160 0 0
Item—For 5½ ells broad black calico . . . . .	5 15 0

\* The foot-mantle is described in a paper apart "for riding of ye Parlt," i. e. going in procession with the Sovereign's Commissioner to open the proceedings.

Item—For silk, and working the capes and fringes . . . . .	26 0 0
Item—To David Denoon for making the foot-mantle and mounting the same . . . . .	24 0 0
Item—For his part given in to the Clerk Register with the Commission . . . . .	20 0 0
Item—For 55 sitting days in Parliament, and 16 days coming and going at £5 Scots per day is . . . . .	355 0 0
Item—For the certificate of the diets of the Parliament sitting . . . . .	13 6 8

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£604 1 8

It is to be remembered that the Laird of Mackintosh when the Parliament first sat, after calling the Rolls of Parliament, did protest for the shire's presidency, and disbursed one guinea as other shires did, being . . . . .

18 6 8

Summed . . . . .

£617 8 4

The sum of all is . . . . .

£1051 19 0

(Signed)

L. MACKINTOSH of Torcastle.

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## XC.

### THE SCOTS "COMMITTEE OF PROCESS AND MONEYS" IN ACCOUNT WITH SIR ROBERT FARQUHAR, THEIR TREASURER, 1646. (D.)

Spalding, in his history of the troubles in Scotland, makes frequent mention of Robert Farquhar, one of the Bailies of Aberdeen, afterwards Sir Robert Farquhar of Mounie. Several of his papers are in Mr Dunbar Dunbar's hands, and there is given in this and the publication to follow, extracts from his account with the committee on public affairs in the year 1646—a document in many respects of historic interest.

This committee had long acted in entire opposition to royal authority. In the year 1646, Montrose gave up the contest, and the committee had sederunts at Aberdeen and Dundee, as well as Edinburgh, where, without fear of punishment on the part of the great captain, they gratified their malignity by fining loyalists, and decerning them to "lend" to the committee such sums, in many cases exorbitant, as they in their wantonness thought proper.

Sir Robert Farquhar was treasurer, and in the sederunt at Aberdeen, the committee threw a comprehensive net over the clan Kenneth, but as appears from the other side of the

account not one of the "sixteen" paid. Farquhar credits himself thus:—"Item of the loan moneys above set down there is yet resting unpaid, and wherefore no payment can be gotten, as follows—viz., Be the name of Mackenzie, sixteen persons, the sum of £28,666 13s 4d Scots.

For some cause, William Robertson, first of Kindeace, then an aged man, was selected for the enormous forced loan of £6666 13s 4d Scots, his two sons, Gilbert and David, and his brother James, being also included for various sums. Kindeace was eldest son, by his second marriage, of stalwart John, Laird of Inshes, and purchased the lands about 1631. His wife was Elspeth, daughter of Thomas Howieson, the first Protestant minister of Inverness.

The committee with whom Farquhar had to do at Dundee, consisted of the Earls Marischall and Findlater, with Viscount Arbuthnott for the nobility, the Lairds of Echt and Findourie for the barons, and Alexander Jaffray and James Pedie for the burgesses, who all got regular allowances. Though ten years had not elapsed since Lords Findlater and Arbuthnott received their patents of nobility from Charles I., they were now acting in open hostility.

The concluding part of the disbursements, containing a number of curious entries, will be given in next paper.

Follows excerpts from "The Compt of Moneys decerned to be lent upon public security by the Committee of Process and Moneys, and to have been paid to Mr Robert Farquhar, by the several persons under-written, in anno. 1646 years"—the names of all within the counties of Inverness and Ross being included:—

Loans Decerned at Aberdeen.

Walter Kinnaird of Cubin . . . . .	£333	6	8
William Robertson in Kindeace, and his son, Gilbert Robertson	6666	13	4
David Robertson, son to the said William Robertson . . . . .	533	6	8
Walter Robertson in Inverness . . . . .	166	13	4
James Robertson there . . . . .	200	0	0
Mr James Hay of Muldavit . . . . .	666	13	4
James Geddes of Brako . . . . .	200	0	0
Donald Dingwall, burgess of Dingwall . . . . .	333	6	8
Donald Macaulay of Alnes . . . . .	333	6	8
Robert Innes of Rosskeen . . . . .	666	13	4
Lachlan Mackintosh of Borlum . . . . .	666	13	4

Duncan Bayne of Kilmuir . . . . .	333	6	8
Hector Douglas, elder of Mulderg . . . . .	1333	6	8
Thomas Ross of Priesthill . . . . .	333	6	8
John Bayne of Tulloch . . . . .	1333	6	8
Alexander Bayne of Tarradale . . . . .	1000	0	0
George Graham of Drynie . . . . .	333	6	8
Alexander Dunbar of Bennetsfield . . . . .	1000	0	0
George Ross of Ballemuckie . . . . .	666	13	4
Thomas Mackenzie of Pluscardine . . . . .	2000	0	0
Mr Alexander Mackenzie of Kilooy . . . . .	2000	0	0
Roderick Mackenzie of Redcastle . . . . .	2000	0	0
Alexander Mackenzie of Coul . . . . .	6000	0	0
Kenneth Mackenzie of Gairloch . . . . .	3333	6	8
Hector Mackenzie of Scotsburn . . . . .	2000	0	0
Roderick Mackenzie of Dochmaluag . . . . .	1333	6	8
John Mackenzie of Dawack-kairne . . . . .	1333	6	8
William Mackenzie of Multavie . . . . .	1000	0	0
Kenneth Mackenzie of Scatwell . . . . .	2000	0	0
Mr Thomas Mackenzie of Inverlael . . . . .	1333	6	8
Colin Mackenzie of Mullochie . . . . .	666	13	4
Donald Mackenzie of Logie . . . . .	666	13	4
Kenneth Mackenzie of Assint . . . . .	1000	0	0
Colin Mackenzie of Kincaig . . . . .	1000	0	0
Alexander Mackenzie of Suddie . . . . .	1000	0	0

Fines Decerned at Dundee.

	Scots.		
Patrick Kinnaird of Smythistone . . . . .	£1000	0	0
Alexander Carnegie of Cookstoune . . . . .	266	13	4
Laird of Inverquharitie . . . . .	10,000	0	0
Laird of Fintray . . . . .	20,000	0	0
Patrick Guthrie of Achmethie . . . . .	1450	0	0
David Ogilvie of Kinnatie . . . . .	1866	13	4

Decerned at Aberdeen.

Mr William Davidson, Sheriff-Depute of Aberdeen . . . . .	£2000	0	0
James Hay of Moorifauld . . . . .	6000	0	0
Mr John Ross, minister at Birse . . . . .	2000	0	0
Andrew Strachan, in Kirktown of Straquhan . . . . .	200	0	0

£44,783 6 8

Summa of the fines above set down extends to the sum of forty-four thousand, seven hundred four-score three pounds six shillings and aught pennies Scots.

We now give extracts from Farquhar's disbursements. He appears to have advanced large sums for the committee, and is minuted to be allowed to retain in his own hands fines to the extent of £15,000 Scots. Then follows:—

Item—Disbursed by the said counter by warrants of the Committees of Moneys and Process, to Umquhile Colonel			
William Forbes . . . . .	£400	0	0
To Major-General Middleton, for incident charges . . . . .	1200	0	0
To his man, Robert Peddie . . . . .	27	10	0
To the Earl Marischall for victual . . . . .	3333	6	8
Two months' "sederunts" to three noblemen, Marischall, Findlater, and Arbuthnot, in Dundee, 200 lb. monthly . . . . .	1200	0	0
Two months' sederunts to two barons there—viz., the Lairds of Echt and Findourie . . . . .	533	6	8

Two months' sederunts to two burgesses there—viz., Alex. Jaffray and Jas. Pedie . . . . .	354 13 4
One months' sederunt there to Mr James Baird . . . . .	200 0 0
To Adam Wat, clerk, by precept . . . . .	400 0 0
To William Downie, clerk, sicklike . . . . .	400 0 0
To John Boyes, canonier, by order of the committee . . . . .	30 0 0
Payment of charges conveying twelve flat-bottomed boats from Dundee to Sanct Johnstone . . . . .	63 14 0
Expenses and horse-hire sending my servant to Guthrie at com- mand for receiving the keys of the house, when the laird was taken and sent to Edinburgh . . . . .	2 15 0

(To be continued.)

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## XCL

### THE SCOTS "COMMITTEE OF PROCESS AND MONEYS," IN ACCOUNT WITH SIR ROBERT FARQUHAR, THEIR TREASURER, 1646. PART SECOND. (D.)

We finish on this occasion Farquhar's disbursements. The concluding item in last publication showed that the unfortunate Laird of Guthrie was apprehended and taken to Edinburgh, his name figuring in the forced loan list for a very large sum.

The other disbursements, which are detailed, show the sums paid to wounded soldiers, to the surgeons for attendance, &c. ; and in reference to one unhappy "relict," whose husband was executed by the Lord Gordon, there is the following entry:—"To the relict of William Nicolsone, post, whom the Lord Gordone causit be hangit, being employeit carrying letters of the Committee of Estates to Lieutenant-Generall Bailyie, £200 Scots."

Having played into the hands of the English Parliamentarians, the Scottish self-constituted authorities, civil and religious, found themselves extinguished by the strong hand of Cromwell, and this humbling state of matters in Scottish history did not come to an end until—

"Charlie cam o'er the water,  
And the King did enjoy his own again."

Before time of Edward I., the old Scottish records were more complete than those of England. As is well known,

Cromwell removed many to London, and great part of them were lost at sea on their re-transmission to Scotland. The question "Shall Cromwell have a statue?" so much agitated a few years ago, ought to have had a decided answer from Scotland.

In the north the destruction at this time of the Cathedral of Fortrose, of the remains of the convent at Inverness, and of the records of Fortrose, have to be deplored. The cavalier joy at Cromwell's death was unbounded—

"Old Noll is dead. Now Satan has his due.  
I' faith ye news is good, if it be true.  
'Tis true, and no mistake.  
In Charon's wherry,  
He's o'er the ferry,  
Call'd the Stygian Lake."

Follows the conclusion of the disbursements:—

Paid freight of the cannon and ammunition sent from Dundee to Aberdeen, and expenses in finding out a bark and at the embarking thereof at Dundee, and putting out the same in Aberdeen, and my own servant his expenses going therewith to Aberdeen and returning by land to me to Dundee . . . . .	£63 18 0	Scots.
To Peter Walker, one lame soldier, by order . . . . .	58 0 0	
To Captain Little for the garrison of Innerquharitie, one boll of salt . . . . .	4 0 0	
Item—allowed by the committee to the compter for charges disbursed by him, being sent from them from Dundee to the committees at Linlithgow and Edinburgh in March 1646 . . . . .	86 0 0	
Item—to Mr James Kennedy at Dundee by warrant . . . . .	13 15 0	
And his expenses while he lay in ward there . . . . .	5 16 0	
To John Brown, surgeon, for curing four hurt and wounded soldiers who had come from the fight at Aberdeen . . . . .	30 0 0	
To Jonet Guild for curing other two wounded soldiers . . . . .	13 6 8	
To David Thomson, who attended the committee door in Dundee, twelve weeks, one dollar weekly . . . . .	34 16 0	
To the Town officers of Dundee for their attendance and service and ringing the bell for the committee . . . . .	11 0 0	
Paid in Dundee posthires, conform to the account thereof . . . . .	45 0 0	
Payments to messengers of arms for summoning many persons, some compliers, some to lend money, others as witnesses, viz., to James Nicol, messenger . . . . .	43 13 6	
To David Robertson and David Wilson, messengers . . . . .	113 19 0	
To John Tyrie, messenger, first . . . . .	11 6 0	
And thereafter to him by warrant . . . . .	20 0 0	
Item—to several persons for information of mens' estates and rents and moneys in bank, 5 dollars, 7 do., and 4 do. . . . .	44 0 0	
Paid the expenses of 6 hurt soldiers kept in Dundee, who had come from the fight at Aberdeen, beginning the 22d day of May to the 7th day of June, at 4s. . . . .	19 4 0	
And of three of them, beginning the 7th day of June to the 29th thereof . . . . .	13 4 0	
And of one of them, pitifully wounded, who with great difficulty was recovered, beginning the 29th of June to the 20th August . . . . .	10 8 0	
And for fire and candle attending him . . . . .	2 15 0	

And for proclaiming the Acts of Excise at Arbroath, Aberdeen, and Montrose . . . . .	1	16	0
Item—paid by order of General-Major Middleton for six complete colours to Lieut.-Colonel Blaw* his Dragoons, conform to compt.	155	14	0
To Mr David Hay, by warrant of the committee . . . . .	1333	6	8
Item—the committee ordained Andrew Ogilvie at the Mill of Trottock, Wm. Gib, in Bandean, Andrew Blair there, and Mr James Blair, minister at Rossie, to pay their lent monies to my Lord Cooper, extending to £900, and so the comptur ought to be exonered thereof . . . . .	900	0	0
To Mr Andrew Cant, by warrant of the committee . . . . .	1333	6	8
To one lame soldier, John Wilson . . . . .	133	6	8
To the surgeons of Aberdeen for curing hurt soldiers . . . . .	66	13	4
To the relict of William Nicolson, post, whom the Lord Gordon caused to be hanged, being employed carrying letters of the committee of estates to Lieut.-General Baillie . . . . .	200	0	0
To Captain William Straton, who was taken prisoner at the fight at Aberdeen, and robbed of his horse and all that he had—given to him by order of the committee . . . . .	200	0	0
Item—for two barks loading of coals to the town of Aberdeen, conform to the warrant of the committee and their receipt . . . . .	960	0	0
Item—to the Laird of Leys, Sir Thomas Burnet, by order of the committee, in part of payment to him of a greater sum . . . . .	466	13	4
Item—to General-Major Middleton, by order, which he had advanced to the garrison at Athole . . . . .	666	13	4
Item—to James Pedie, by warrant . . . . .	600	0	0
More to pay him one month's sederunt and one half . . . . .	133	6	8
Item—to John Forbes of Aalowne, in part of payment to him of one thousand pounds, ordained by the committee at Aberdeen to have been given him for his subsistence, the half of Mr John Reid, Alex. Burnet, Mr Alex. Ross, and Mr John Cheyne, their loan monies, extending to . . . . .	516	13	4
Item—to the Earl of Findlater, in part payment of five thousand marks ordained for him at Aberdeen by the committee . . . . .	1000	0	0
Item—for signeting the horning against the Laird of Fintray for payment of his fine . . . . .	1	16	8
And for charging him therewith . . . . .	11	0	0
Disbursed in Aberdeen for incident charges, conform to the sub- scribed account thereof . . . . .	299	18	0
Item—to Daniel Monro, by precept . . . . .	133	6	0
Item—for signetting letters of horning against about thirty persons decerned to lend money, at 36s 8d . . . . .	55	0	0
Item—to Major Towers, by warrant . . . . .	333	6	8
To Robert Neill, by warrant . . . . .	800	0	0
To Adam Watt, in complete payment of his precept of four score pounds sterling money, whereof four hundred pounds Scots paid him before, and now paid him . . . . .	560	0	0

\* A most significant name for a Colonel of Dragoons, beyond the imagination of a writer of comedy.



## XCII.

**THE LOST HOUSE OF CULBIN. PART FIRST—THE  
MORAYS AND KINNARDS. (D.)**

The pleasurable reminiscences of an interesting day spent in the autumn of 1864 wandering over the sands of Findhorn, exploring and guessing where lies the "Manor place of Culbin, with its houses, biggings, yards, and orchards," now sand-hidden and lost these hundred and seventy years past, had not faded, when we were favoured by Mr Dunbar Dunbar with a mass of papers connected with the estate. As the unfortunate owner states in his petition to the Scottish Parliament in 1695 after-quoted, the catastrophe was without parallel.

The lands at one time pertained to the family De Moravia, the first distinctively styled of Culbin being Richard Moray, brother of Gilbert, fourth Bishop of Caithness, grandson of Friskinus Lord of Duffus, and nephew of Hugh Freskin, ancestor of the Earls of Sutherland. This Richard Moray lived about 1240, and in the year 1390, mention is made of Thomas Moray of Culbin, and Janet Maxwell, his spouse, daughter of Maxwell of Pollok. In 1391 Alexander Moray of Culbin grants a charter of lands in the county of Forfar, and in all probability he was father of Walter, the last in the male line; for early in the fifteenth century Egidia Moray, called Giles by Shaw, was heiress in possession. Among the Thunderton collection of charters, there is a renunciation by Thomas Tarrel of lands in the lordship of Skibo in favour of "the honourable lady Egidia Moray of Culbin," dated 16th October 1449.

Egidia, heiress of Culbin, married Sir Thomas Kinnaird of that Ilk, the estate of Culbin descending to Walter Kinnaird, the second son. The present Lord Kinnaird is descended of Sir Reginald Kinnaird of Inchtute, younger brother of Sir Thomas, and as it is affirmed that the male

descendants of Sir Thomas' two sons are extinct, the family of Inchtute may be held to represent the Kinnairds of that Ilk.

In 1493, Sir Thomas Kinnaird and his wife were dead, and Thomas, probably their grandson, in possession. Duncan Mackintosh, Captain of the Clan Chattan, Sheriff of Inverness, issues a precept to Alex. Neilson, Robert of Moray, dougal beg, Donald Nicolson, George Barclay, Thomas of Brodie, and David of Brodie, as his deputies in the sheriffdom of Inverness, to infest Thomas of Kinnaird in the castle and lands of Skibo and others, which precept is sealed at Inverness, 25th Aug. 1493, before these witnesses, Hucheon Rose, Baron of Kilravock; John Paterson, Alderman of Inverness; John ye Grant, bailie of Inverness; Gilbert ye Waus, burgess and common clerk of Inverness; Sir Alexander, parson of Croy, &c. It will be observed that one of the sheriff-deputies was curiously named "dougal beg," not even a capital "D" is vouchsafed to him; but notwithstanding, and that doubtless little Dougall habitually wore the kilt, he knew his duties, which is more than can be said of some of his successors in office.

In 1509, Walter Kinnaird was proprietor, and was succeeded by his grandson Walter, who in 1586 got a charter confirmed by King James VI. of the lands and estate, granted him by Walter, Abbot of Kinloss, with consent of his convent, following on a prior grant made by Robert Reid, Bishop of Orkney and Abbot of Kinloss.

The following is the description of the lands from an old deed:—

All and hail the lands of Culbin, comprehending therein the lands, mill, fishings, and others under-written, viz. :—All and hail that part of the lands and barony of Culbin called the Mains of Culbin, with the manor place, houses, biggings, yards, orchards, tofts, crofts, and hail pertinents of the same; the hill of Findhorn, with houses, biggings, and pertinents, the ferme coble on the water of Findhorn, with liberties, commonties, and privileges thereof, with the mussell scalp and salmon fishing and pertinents, as well in fresh as salt waters of Findhorn, commonly called the Stalls of Culbin, with other fishings pertaining and belonging to the said lands and barony of Culbin, as well in fresh as salt waters; the lands of Mackrodder, *alias* Mirristown; the lands of Aikenhead, *alias* Ranchkers, with houses, biggings, yards, orchards, doves, dovescots, tofts, crofts, parts, pendicles, outsets, fishings, as well in salt as fresh waters, *annexis, connexis*, dependencies, cottages, tenant's, tennandries, and service of free tenants, and hail pertinents thereof, lying within the barony of Culbin and

sheriffdom of Elgin and Forres; as also all and hail the remainder of the said lands and barony of Culbin; the lands of Binn, *alias* Middle Binn, with houses, biggings, yards, orchards, and pertinents of the same; all and hail the lands of Laick and Sandifield, the lands Delaith, *alias* Delpottie, with the mill of Delpottie, multures, and sequells of the said lands and barony of Culbin, with houses, biggings, yards, orchards, doves, dovecots, tofts, crofts, parts, pendicles, outsets, *annexis*, *connexis*, dependencies, tenant's, tenandries, and service of free tenants, and hail other pertinents of the same, lying within the barony of Culbin and sheriffdom of Elgin and Forres aforesaid, together also with the teinds, both great and small, parsonage and vicarage of the hail barony, fishings, and others above written, with the pertinents; and sicklike all and hail the manse of the Chapel of Saint Ninian, with the yard, houses, biggings, crofts, and pertinents of the same, lying within the parish of Dyke and sheriffdom of Elgin and Forres aforesaid; and, moreover, all and hail the salmon fishing on the water of Findhorn, called the common stell, *alias* the Sheriff Stells, with parts, pendicles, and universal pertinents of the same, used and wont, lying on the west side of the said water of Findhorn, within the parish of Dyke, regality of Kinloes, and sheriffdom of Elgin and Forres aforesaid; as also all and hail the lands of Earnhill, with the manor place, houses, biggings, yards, orchards, parts, and pendicles, and pertinents of the same; and all and hail the lands of Easter Binn, with houses, biggings, yards, parts, pendicles, and pertinents of the same; both the said lands of Earnhill and Easter Binn, with the pertinents of the same, lying within the parish of Dyke and Moy, and sheriffdom of Elgin and Forres—all united and incorporated into a hail and free barony, called the barony of Culbin, whereof the manor place is declared to be the principal message conform to a charter under the Great Seal granted by his late Majesty. All holden taxward of the Crown, excepting the said manse of the Chapel of St Ninians, with the pertinents, which hold feu of the Crown, for the yearly feu-duty of ten shillings Scots money, and the said salmon fishing on the water of Findhorn, called the common stell, or the Sheriff Stall, with the pertinents, which hold feu of the Crown, for payment to the King or Lord of erection of the Abbey of Kinloes of the yearly feu-duty of five pounds ten shillings Scots money.

On 15th February 1604, Patrick Kinnaird of that Ilk, heir male of Sir Thomas who married the heiress of Culbin, for some evidently important object procures himself served heir male in general to Thomas Kinnaird of Culbin, his great - great - great - grandfather (*Atavus*), and on 31st March 1604, to Sir Thomas Kinnaird of Culbin, his great-great-great-great-grandfather (*Tritavus*). It may be fairly assumed that something was at stake, seeing the very remote ancestors to whom the services were expede.

In 1626, Alexander Kinnaird of Culbin is served heir male in special to his father Walter, and in 1642 Walter Kinnaird is in possession, and receives a charter from Charles I. on 20th June of that year. His wife's name was Helen Forbes, and the eldest son Thomas, married to Anna Elphinstone, was served heir in special to the father Walter in 1677. Alexander, eldest son of Thomas, married to Anna Rose, was the last of the Kinnairds of Culbin, and it was in his

time, in the year 1694 or beginning of 1695, and not in 1705, as stated by Shaw, that the catastrophe occurred.

We conclude for the present by giving Alexander Kinnaird's petition to the Scottish Parliament for relief of cess and taxes, which was granted :—

At Edinburgh, the seventeenth day of July, one thousand six hundred and ninety-five years, anent the petition given in and presented to his Majesty's High Commissioner and the Estates of Parliament, by Alexander Kinnaird of Culbin, showing that where the best two parts of his estate of Culbin, by an inevitable fatality, was quite ruined and destroyed, occasioned by great and vast heaps of sand (which had overblown the same), so that there was not a vestige to be seen of his manor place of Culbin, yards, orchards, and mains thereof, and which within these twenty years were as considerable as many in the county of Moray ; and the small remainder of his estate, which yet remained uncovered, was exposed to the like hazard, and the sand daily gaining ground thereon, where through he was like to run the hazard of losing the whole ; notwithstanding of which sad calamity he had been obliged hitherto to pay the cess conform to the valuation of his estate when the same was entire ; and the whole rent of what remained entire of his estate at this day pays not half so much again as the cess amounts to ; and seeing the fund out of which he was liable to pay so great a cess as formerly was quite destroyed, and the remaining small part of his estate is liable to the like unavoidable fate, as a certificate therewith produced under the hands of thirty of the most worthy gentlemen of the shire of Moray, where his lands lie, and of the shires of Nairn and Inverness next adjacent thereto can testify ; and therefore craving that his Grace and the honourable Estates of Parliament would be pleased to take the premises to their consideration, it having no parallel in Scotland, and which was notour to a great many members of Parliament, and exempt that and the small exposed remainder of his estate from paying any cess in respect of the daily hazard it lies under from the sand, without which act of their lordships' justice the petition was not able to subsist, as the said petition bears ; which being upon the day and date of these presents considered by his Majesty's High Commissioner and the said Estates of Parliament, they remitted and hereby remit the petitioner's case to the Lords Commissioners of the Treasury to do in the matter as they find just.

*(To be continued.)*

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### XCIII.

#### THE LOST HOUSE OF CULBIN. PART SECOND—THE KINNAIRDS AND DUFFS. (D).

Before the death of Thomas Kinnaird of Culbin in 1691 the estate was greatly embarrassed. The following parties, among others, had debts on the lands, viz. :—Mr Alexander Forbes, minister at Dyke ; Sir James Abercromby of Birkenbog ; Sir James Calder of Muirtown ; Alexander Hay, Mer-

chant in Elgin; Alexander Dunbar of Barmuckity, Provost of Inverness; Walter Kinnaird, eldest lawful son to the deceased John Kinnaird, some time in Montcoffer; Patrick Tulloch of Bogtown; William Dunbar of Durn; and Wm. Duff, elder, Bailie of Inverness. The latter advanced largely, and acquired assignations to most of the debts, which were consolidated into one wadset right and disposition in his favour for 25,000 merks, granted by Thomas Kinnaird, and by his son and apparent heir, Alexander Kinnaird, in 1682. This deed shows that the wives of the three last proprietors of Culbin were all alive—Walter's relict, Helen Forbes, at Fortrose, and the two Annas, Elphinstone and Rose, at "the manor house of Culbin," where they on 3d June 1682, ratify and confirm the wadset right to Bailie Duff.

It is thus unquestionable that the catastrophe had not then occurred; and as there is among the papers a rental of the estate contained in a legal process before the Court of Session of date February 1694, there can be little or no doubt that the event occurred, as stated in our last, during the year 1694 or beginning of 1695. No doubt a cursory perusal of Alexander Kinnaird's petition in July 1695, might lead to the inference that it had occurred a considerable time before, as he refers to his continuing to pay cess, but it must be kept in mind that cess was then leviable monthly.

An intelligent person who guided us to the "Cockle Road," and resides by the sand margin at Wellhill, stated that he had heard old people speak traditionally of Culbin as "the granary of Moray,"—and from the rental of 1694 now given, the saying was no exaggeration. A rental of £2720 Scots, 640 bolls of wheat, 640 bolls of bear, 640 bolls of oats, and 640 bolls of oatmeal, besides salmon fishings, was very considerable, while the sameness of rent paid by different tenants, points at there having been a regular and uniform division of farms.\*

Rental of the estate of Culbin, anno. 1693 :—

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\* It appears that for the satisfaction of one of the proprietors, a measurement of the sands has lately been made, and the area, on the authority of Wm. Sclanders, Esq., of Forres, is 3600 acres.

- 1, James Dunbar in Sandifield, two hundred pounds Scots money, forty bolls wheat, forty bolls bear, forty bolls oats, forty bolls meal.
- 2, Item—William Smith in Culbin, forty bolls wheat, forty bolls bear, forty bolls oats, forty bolls oatmeal, and forty pounds money foresaid.
- 3, Item—Walter Maver, in Middlebin, forty pounds money, forty bolls wheat, forty bolls bear, forty bolls oats, and forty bolls oatmeal.
- 4, Item—William Falconer there, forty pounds money, forty bolls wheat, forty bolls bear, forty bolls oats, and forty bolls oatmeal.
- 5, Item—James Dunbar there, two hundred pounds money foresaid, forty bolls wheat, forty bolls bear, forty bolls oats, and forty bolls oatmeal.
- 6, Item—George Duncan there, two hundred pounds money, forty bolls wheat, forty bolls bear, forty bolls oats, and forty bolls oatmeal.
- 7, Item—Alexander Maver there, two hundred pounds money, forty bolls wheat, forty bolls bear, forty bolls oats, and forty bolls oatmeal.
- 8, Item—David Duncan in Earnhill, two hundred pounds money, forty bolls wheat, forty bolls bear, forty bolls oats, and forty bolls oatmeal.
- 9, Item—Alexander Milne, elder, in the Laik, two hundred pounds money, forty bolls wheat, forty bolls bear, forty bolls oats, and forty bolls oatmeal.
- 10, Item—Robert Elgin there, two hundred pounds money, forty bolls wheat, forty bolls bear, forty bolls oats, and forty bolls oatmeal.
- 11, Item—Alexander Lauchlan there, two hundred pounds money, forty bolls wheat, forty bolls bear, forty bolls oats, and forty bolls oatmeal.
- 12, Item—Robert Bluntach in Delphotie, two hundred pounds money foresaid, forty bolls wheat, forty bolls bear, forty bolls oats, and forty bolls oatmeal.
- 13, Item—James Jack there, two hundred pounds money foresaid, forty bolls wheat, forty bolls bear, forty bolls oats, and forty bolls oatmeal.
- 14, Item—Alexander Milne, younger, in the Laik, two hundred pounds money, forty bolls wheat, forty bolls bear, forty bolls oats, and forty bolls oatmeal.
- 15, Item—John Laughton in Delphotie, two hundred pounds money, forty bolls wheat, forty bolls bear, forty bolls oats, and forty bolls oatmeal.
- 16, Item—John Kynock there, two hundred pounds money foresaid, forty bolls wheat, forty bolls bear, forty bolls oats, and forty bolls oatmeal.

By 1693 matters had begun to be pressed by Bailie Duff, and from that time up to 1697, processes of apprising, adjudication, mails and duties, and finally of ranking and sale were carried on. The papers do not show precisely what sum was paid for the estate at the judicial sale, but it appears that Bailie Duff alone lost several thousand pounds Scots. The estate was purchased in name of Alexander Duff, eldest son of Bailie Duff, who having married Catherine, heiress of Drummur, was thereafter styled of Drummur. Bailie Duff was younger son of Adam Duff of Clunybeg, grandson of John Duff of Craighead, his eldest brother Alexander being predecessor of the Fifes.

The magnitude of the loss is shown by the rental of 1733 after given, which may be contrasted with that of 1693, and not only was there an extraordinary loss of land, but parts of the fishings were destroyed. In the articles of roup of

the estate in 1733, there is the following clause explaining why the sellers did not warrant the Sheriff's stell fishings—on account “of the said salmon fishings on Findhorn, called the common stell, alias the Sheriff's stell, being now quite lost by the alteration of the course of the river, and having yielded no rent these several years bye past.”

Altogether the event was so dreadful, that its occurrence was in all probability looked upon as a judgment by people at the time. That the purchasers had some uneasy thoughts is shown by a remarkable document, entirely superfluous in a legal view, taken from the utterly broken down Alexander Kinnaird in 1698, acknowledging a sum of money, that he had been well treated by the Duffs all along, who had lost money by him, and that he gave the “transfer his goodwill and blessing.”

The document, together with a few observations on the Duffs and Grants, will be given in next and concluding paper under this head.

Rental of the Lands and barony of Culbin, anno. 1733 :—

1, William Falconer, Laik of Culbin, nine bolls two firlots bear, six hears of yarn, four capons and a half, two hens, and thirteen loads of peats.

2, James Duncan there, nine bolls two firlots bear, six hears of yarn, four capons and a half, two hens and thirteen loads of peats.

3, David Maver there, ten bolls two firlots, two pecks of bear, six hears of yarn, five capons, two hens, and fifteen loads of peats.

4, Robert Duncan there, two bolls one firlot, two pecks bear, two capons and a half, two hens, and three loads of peats.

5, James Kerr, Delpottle, sixteen bolls bear, five pound, six shilling, eight pennies money, twelve hears yarn, six capons, eight hens, and twenty loads of peats.

6, John Kynock there, nine bolls, one firlot, one peck, two lippies bear, three pound, six shilling, and eight pennies money, six hears and a half of yarn, four capons, six hens, and ten loads of peats.

7, William Macphail there, one boll two firlots of bear, one heer and a half of yarn, one capon and a half, and four loads of peats.

8, Margaret Innes there, two firlots bear, and half a capon, and two loads of peats.

9, John Nicoll there, five pound, ten shilling money, two hens, and six poultry.

10, Robert Malcolm there, four bolls, two firlots, two pecks, and two lippies bear, two pound, thirteen shilling, four pennies money, three hears yarn, three capons, four hens, and five loads peats.

11, John Duff of Culbin, for Waken wae, three bolls, three firlots bear.

12, James Grant in Earnhill, for land rent, twenty-two bolls bear, eleven pounds, one shilling, four pennies money.

13, The said James Grant, in Earnhill, for the mill of Delpottie, nine bolls bear meal, one boll, two firlots flour, and eleven bolls bear. Gross rental, nine bolls bear meal, one boll, two firlots flour, one hundred bolls, three firlots bear,

twenty-seven pound, eighteen shilling Scots in money, forty-one heers yarns, thirty-one capons, twenty-eight hens, six poultry, and eighty-five loads peats.

Annual deductions from the above rental—To the minister of Dyke's stipend, being the whole valued teind of the said lands, seventeen bolls, three pecks, two lippies bear, five pound, five shillings, four pennies in money; feu duty for the manse of St Ninians, ten shillings Scots. Inde, seventeen bolls, three pecks, two lippies bear, and five pounds, fifteen shillings, four pennies in money. Neat rental, nine bolls bearmmeal, one boll, two firlots flour, eighty-three bolls, two firlots, two lippies bear, twenty-two pound, two shilling, and eight pennies in money, forty-one heers yarn, thirty-one capons, twenty-eight hens, six poultry, and eighty-five loads peats.

Follows the scheme of the above rental :—

To the nett money rent, twenty-two pound, two shilling, eight pennies; to nine bolls bear meal at four pound per boll, thirty-six pound; to one boll, two firlots flour at ten marks per boll, ten pound; to eighty-three bolls, two firlots, two lippies bear at five pound per boll, is four hundred and seventeen pound, thirteen shillings, two pennies; to forty-one heers of yarn at one shilling per heer, two pound one shilling; to eighty-five loads of peats at one shilling, six pennies per load, six pound, seven shillings, six pennies; annual nett produce in money, four hundred and ninety-four pound, four shilling, and four pennies, which at twenty-two years purchase amounts to ten thousand eight hundred and seventy-two pound, fifteen shilling, and four pennies.

*(To be continued.)*

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#### XCIV.

### THE LOST HOUSE OF CULBIN. PART THIRD AND LAST —THE DUFFS AND GRANTS. (D.)

The last unfortunate Kinnaird of Culbin did not long enjoy the pecuniary grant made him by the Duffs. The disposition after quoted giving his good will and blessing to the transfer, is dated at Inverness, 27th July, 1698, and as appears from a deed of date 16th November of that year, Alexander was "then deceased." Alexander left a son, Alexander, who died without issue, and thus, after three hundred years' possession, the Kinnairds of Culbin disappeared.

The tenure of the Duffs was but brief, notwithstanding the "good will and blessing." Alexander Duff of Drummuir, on the 15th of February, 1725, disposed the estate to his second son, John Duff, who was thereafter styled of Culbin. Besides containing a minute description of the



lands, there is embodied in the deed the following clause:—  
 “As also I hereby dispone to and in favours of the said John Duff and his foresaids, all the desks, seats, burying place, and any other accommodation, right, and privilege competent to me, of or within the churches of Dyke and Moy, and churchyards thereof, and all title and interest I have or can pretend thereto to be peaceably possessed and enjoyed by him and his aforesaids as his and their property in all time after my decease.” But it was not to be that “in all time”—

“Geordie sit in Charlie’s chair.”

and John Duff’s descendants, fortunate though they have been in the possession through entails of wide lands in the counties of Moray and Banff, have no right to the “accommodation” of seat and burial in Dyke and Moy, so carefully conveyed by their predecessor.

John Duff of Culbin must have got into difficulties very soon after his father’s *mortis causa* grant, as in the year 1733, eight years later, the estate was sold by his trustees for behoof of creditors, and purchased at a public roup in Edinburgh on 19th January of that year, at the sum £11,366 19s 8d Scots, or under £1000 sterling. The purchaser was Ludovick Colquhoun of Luss, advocate, who appears to have acted for his uncle, Major George Grant of Grant. Upon the death of his elder brother Humphrey, Ludovick Colquhoun became apparent of Grant, and ultimately succeeded to the baronetcy, and to the lands of Culbin on his uncle’s death in 1755. The lands of Easter Binn, held of the Earl of Moray, had been wadsetted to a family of Dunbars, afterwards belonged to the Grants of Dalvey, to the Lords Kinnaird, &c., and were sold very recently for a few hundred pounds. The sand is said to be gaining on these lands of Easter Binn, or Binnsness; but by the judicious and extensive planting some years ago, done on the part of Glenmoriston and Kincorth, further encroachment on their estates has been pretty well prevented. In 1677 the valued rent of Easter Binn was £390 17s 2d, and of Culbin £913 13s 4d Scots.

Besides Culbin, Major George Grant purchased Moy from

the Dunbars, and as the new mansion was erected at Moy, it became the title. Sir James Grant of Grant lived at Moy for several years after his marriage, his son, the first Earl of Seafield (of the Grants) being born there. Sir James Grant sold the estates in 1772 to Colonel Hugh Grant, who had in foreign climes "shaken the pagoda tree" with some effect, and was a member of that whilome proud and ostentatious but stirring race, the Grants of Sheuglie.

Colonel Grant, who died in 1822, though an unkind relative testamentarily, was buried with all the honours in the picturesque family burying-ground at Urquhart; and of him it is related he was so devoted to "king and country," that, when the window tax was first imposed, and he was recommended by thrifty neighbours, who had done so themselves, to close up some of his windows, he stoutly declined, saying — "The King's Government must be supported."

Follows Alexander Kinnaird's disposition to Drummuir :

Be it known to all men by these present letters, me, Alexander Kinnaird of Culbin, forasmuch as Alexander Duff of Drummuir, by virtue of the Lords of Council and Session's Decreet of sale, bearing date the            day of 169—, purchased as the greatest offerer the hail lands and barony of Culbin and others after specified, for and in consideration of the sum of            as the full value and price of the said lands and estate, thereby decerned to be paid by him to William Duff, late Provost of Inverness, for himself, and as deriving right from Sir James Abercromby of Birkenbog, the only preferable creditor of the said estate, in payment and satisfaction, *per quantum*, of the respective debts and securities adjudged for by them, and mentioned in the said decreet, in manner therein contained, as the same bears; and seeing the extent of the said sums contained in the respective adjudications held by the said William Duff and Sir James Abercrombie, whereof the said Alexander Duff holds, or at least is to hold, right from the said William for himself, and as assignee constitute by the said Sir James of the above estate, does exceed the value above specified of the same in six thousand pounds Scots and upwards; and yet the said Alexander, out of his kindness and goodwill to me, does not only by his acceptation hereof exoner and discharge me of all right and interest he has acquired, or shall acquire, of so much of the sums aforesaid contained in the said adjudications, as is over and above the value and price above expressed of the said estate in so far as the same may be extended against my person and hail goods and gear belonging, or that shall happen to belong, to me; but, likewise, has at the date hereof advanced and delivered to me a certain sum of money for, and in consideration of, the transmission after specified, with my goodwill and blessing; therefore, without hurt, prejudice, or derogation, to the foresaid decreets of sale and adjudicature and grounds thereof, with what has followed or may follow therefrom, all which I hereby ratify and approve of; but in further coroboration of the same *accumulando jura juridibus*: Witt ye me, the said Alexander Kinnaird of Culbin, to have sold, over given, and disposed, likeas by the tenor hereof I sell, over give, and dispoise from me, my heirs, and all others my assignees, to and in favour of the said Alexander Duff of Drummuir, his heirs and assignees, whatsoever, heritably and irredeemably, with my said goodwill and blessing,

the ground right and property, and all other right, title, interest, claim of right, kindness, property, and possession, as well petitory as possessory, which I for myself, and as eldest lawful son and representative of umquhile Thomas Kinnaird of Culbin, and eye and representative of umquhile Walter Kinnaird, his father, or by virtue of whatsoever other title had, have, or any way may have claim or pretend in and to, and concerning the lands and estate above and after mentioned, viz. :—The hail lands and barony of Culbin, comprehending the mains of Culbin, Middlebinn, the Laik and Sandefield, Dollush, *alias* Delpottie and mill of Delpottie, mill lands, multures and sequels; the town and lands of Earnhill, hill of Findhorn, mussel scalp thereof, and hail other lands contained in the original or late rights and infettments of the said barony, or whereunto I may any way succeed as heir to my said deceased father and grandfather, or either of them, with the manorplace, houses, biggings, yards, orchards, mosses, muirs, grazings, pasturages, tofts, crofts, properties and commonties, parts, pendicles and universal pertinents of the lands and barony above-mentioned lying within the parish of Dyke and Sheriffdom of Elgin and Forres, as the same extend in length and breadth, and are bounded, meathed, and marched by the said original and late rights and infettments, herein holden as repeated, *brevitatis causa*, together with the hail fishings belonging to the said lands, as well in fresh as salt water, privileges, commodities and pertinents thereof, particularly the salmon fishings on the water of Findhorn, and several stells and seats of the same contained in the old and late rights, with the ferry-boat or coble of the water of Findhorn, privileges and commodities thereof, together likewise with the hail teinds, as well parsonage as vicarage of the hail lands and fishings above-mentioned, lying as said is; likewise, I hereby bind and oblige me my heirs and successors to grant, perfect, subscribe, and deliver to the said Alexander Duff and his above-expressed all writs, documents, and securities requisite and proper for infetting and securing them in the lands and barony, mill, fishings, and others above-mentioned, in due and competent form, yet always on their own expense, and to do all and every other thing for their said security of the said lands and estate as shall be advised by men of law and judgment, with full power to him and them peaceably to possess, bruik, enjoy, sett, raise, and dispose of the same lands and estate, intromit, seize, and uplift the hail rents, customs, casualties, and duties thereof in all time coming, and use and exercise all other things in relation to the premises as freely in all respects as I or my said predecessors could have done at any time before the granting of the present right, the which I bind and oblige myself and my fore-saids to warrant in the terms above narrated from my own proper fact and deed alienarily; and, sicklike, I oblige me and them to deliver up to the said Alexander Duff and his above-mentioned all the charters, sasines, writs, evidents, and securities, which I have and shall recover, off and concerning the hail lands and estate above-written, betwixt the date hereof and the second day of August next to come, under the penalty of five hundred merks Scots money, attour performance; and, lastly, I bind and oblige me and my fore-saids to alter, iterate, and renew these presents to the said Alexander Duff and his above-mentioned on their own expenses as oft as they shall desire the same, ay, and till they find themselves sufficiently secured anent the premises, keeping always the substantial heads above written unaltered; and for the more security I consent to the registration hereof in the books of Council and Session or other books competent therein to remain for preservation, and if need be, that execution pass hereupon in form as effairs, constituting to that effect

my Pros. in witness whereof I have subscribed these presents, written by John Taylor, writer in Inverness, at Inverness, the twenty-seventh day of July one thousand six hundred and ninety-eight years, before these witnesses—Alexander Mackintosh, lawful son to James Mackintosh of Termit; Andrew Smith, lawful son to John Smith, living in Aberarder, and the said John Taylor. (Signed) ALEX. KYNAIRD. (Signed) Jo. Taylor, witness; Alex. Mackintosh, witness; Andrew Smith, witness.\*

\* When the foregoing papers were written it was not known that a short account of the Kinnairds was contained in Shaws Moray, 2d edition, appendix 56. The writer, said to be Mr Grant of Kinorth, is very correct.—C. F. M.

## XCV.

**THE HIGHLAND CLUB.—A SUGGESTION.**

As these papers will soon be brought to a close, it is wished to offer some remarks on this subject, seeing that so convenient an opportunity may not again present itself.

Book clubs with excellent results have been established in different localities, the nearest to the north, at Aberdeen—the Spalding Club. For the Aberdeen of the past, we have for many reasons every respect and good feeling, but for the Aberdeen of the present—monopolistic, grasping, and hard, none whatever. Some of the Spalding Club publications are next to worthless. The most interesting, such as “The Roses of Kilravock,” and the like, are drawn from northern sources, and not long since the dissolution of the club was seriously mooted.

Inverness, enjoying a flow of prosperity, destined, it is hoped, never to have an ebb, will more than ever be Capital. The Highlands, north and west of the Spey, will more and more be dissociated and dissevered from Aberdeen, through which for some years all northerners were unwillingly compelled to pass, until that happy time in the autumn of 1863, celebrated in an ode, of which one verse ran—

“By delays, changes, pains,  
By Great North, North-Eastern chains;  
We to Perth will run our trains,  
And evermore be free.”

It is now time that the Highlands should have their own book club at Inverness. Ample materials exist within its bounds for the next fifty years, supposing a volume issued every two years. While, on the one hand, many classes of books, like money, can be multiplied and are multiplying without number; on the other hand, publications regarding our past history, like land, are of limited supply. In both cases their value is rising. The contributions of the family of Sutherland have been princely, but there are yet at

Dunrobin, as well as at Tarbat, Brahan, Beaufort, Moyhall, Culloden, Dunvegan, Duffus, Altyre, Inshes, and elsewhere, treasures of papers.

The real state of the Highlands at different periods is far from being known, and cannot be satisfactorily elucidated except by the publication of authentic documents. In no way can this be more correctly or comprehensively done than by our Highland book club. There are many Highland families who can show clear descents for six and seven hundred years, in comparison with whom more than half of British peerages are very mushrooms. Tartan is of world wide renown, and the once prescribed Highland dress is the representative of all Scotland in foreign eyes. Holding so presently influential a position, with such romantic histories attached, would it not well become the principal Highland families to contribute to so important a matter as the satisfactory elucidation of their past history? A sum of ten thousand pounds of capital would be ample, the interest whereon would defray the cost of publications, together with all necessary expenses. This sum might be raised by fifty gentlemen contributing £200 each, or a hundred subscribing half this sum. Such a Club might also well have a care over antiquarian remains, and superintend excavations, besides attending to the state of the records in the different counties. This last is a matter which has been too long neglected, and ought to be remedied by a grant from the county, with directions for its accomplishment by the depute keeper, or other methodical and competent person. The Lords of Justiciary at their circuits are bound to enquire as to the safety of the County Records. In the county of Inverness the records are not indexed nor numbered, and in some of them pages have been torn out. A memorandum ought to be made of these leaves, to prevent further mutilation. It is not unlikely the other Northern counties have their records in the same unsatisfactory state.

We have said enough, as a suggestion is all that was contemplated, and conclude by saying that if the Club were once formed, we would, other avocations permitting, con-

tribute within two years thereafter, "The Mackintoshes of that Ilk, Captains of Clan Chattan 1160-1860," which, judging from materials presently within reach, and hereafter accessible, ought to prove as useful as history, as interesting as romance.

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## XCVI.

### REMINISCENCES OF THE "FORTY-FIVE"—1. HOW SHEUGLIE WAS PRESERVED TO JAMES ROY GRANT. 2. THE COLOURS OF CLAN CHATTAN.

I. In the year 1864 we spent some hours in the Braes of Urquhart, and from an eminence on the north side of the beautiful valley, had the house of Sheuglie before us, a well defined object, bare and gaunt almost as the weird Tower of Fairburn, in strong contrast with the charming position, warmth, and finish of Lakefield.

Trenching an ugly piece of land, once a lochan fringed with firs, we found an aged man in his 89th year, well known in the district, and whom we were sorry to find necessitated to labour at so advanced an age. Seating himself on a fir stump, the old man was easily led into speaking of old times, and, to the Highland peasant, the never-dying, the ever-interesting theme of Prince Charlie and Culloden. From his fluent Gaelic, we now give the story of James Roy, very much in his own words.

The Grants of Sheuglie were of the house of Grant, and had been there for many generations.\* Lord Glenelg's father belonged to them, and was born at Balbeg, near to where we now are, the very year of Culloden. Like most of the Urquhart and Glenmoriston people, the family of Sheuglie sided with the Stuarts, and the elder Grant was an officer in Prince Charles's army, but to which regiment he was attached I cannot say. He was not at the battle of Culloden, and considered himself safe. My grandfather

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\* The MS. history of the Grants, from 600 to 1600, says the Sheuglies are of Corrieemony.

was in active service, and when the English soldiers came to apprehend men in Urquhart, he was chased for hours upon one occasion. This I had, and all I am now saying, from my grandfather, who was alive and of good memory after I came to manhood. The Laird of Grant, of that time, was a time-serving person, and did not know which side to take; but when he found that the Prince's cause was lost at Culloden, he made himself very active in searching for and bringing in the "rebels," so called. He accompanied the English soldiers to Urquhart, and met with a hospitable reception from Sheuglie, with whom he remained for several days. The Laird of Grant had secretly, however, vowed the utter destruction of himself and his family. According to old kindly Highland custom, Sheuglie and his son, James Roy, conveyed with all ceremony the Laird on his return to Inverness as far as Abriachan, when he proposed retracing his steps. The Laird of Grant urged him to go a little further, and he agreed to go to the Ballimore of Dochgarroch, as the road to Inverness then went by the Caiplich. At the Ballimore, Sheuglie said he would go home; but he was never to see his home again, for, throwing off all disguise of purpose, the Laird of Grant ordered him to be bound as a prisoner. Confined for a time in Inverness, Sheuglie and his son were removed to London, and the father some time thereafter executed. James Roy, being but a youth, was discharged; and there he was, wandering about the streets of London, without a friend or a farthing, for the house of Sheuglie, with the cattle and plenishing, had meantime been burnt and driven away. As he was walking one day in a disconsolate manner, whom did he meet but Hugh Baillie of Dochfour, who behaved with the greatest kindness, and gave him money to take him to the Highlands, whither he walked home on foot every step. As James Roy came out of Athole into the slopes of the Spey, he bethought himself of calling on the Laird of Ballindalloch, with whose family he was connected; and lucky for him was the thought, for Ballindalloch took great pity on him, and said the house of

Sheuglie would not perish if he could help it. So one day soon after, Ballindalloch, leaving James Roy at his house, set off on a visit to Castle Grant; for the families, notwithstanding the long-standing ancient feud, had some time before become reconciled, and were the best of friends. The Laird of Grant met Ballindalloch in the grounds very near the castle, and they spoke for a good while indifferently about various matters—Ballindalloch, to the laird's surprise, making no movement to enter the castle. At length the Laird of Grant said, "Will you not go in?" to which Ballindalloch replied that he could not unless the laird would swear to grant him the favour he had to ask, and which he would mention after dinner. The Laird of Grant agreed, and after the cloth was removed, and the two gentlemen comfortably drinking their wine, became anxious to know what the favour was Ballindalloch had so darkly come about. Whereupon Ballindalloch said he wished "a lease for three nineteen years of Sheuglie;" and at this word, the Laird of Grant interrupting, said—"With the greatest pleasure"—"what a pother about such a trifle;" but Ballindalloch begged to be allowed to finish his request, which he had not done when interrupted, and it was "a lease for three nineteen years of Sheuglie for James Roy." Upon this the Laird of Grant's countenance fell, and he replied after some thought, that unless he had sworn to grant the favour he would not have done it—no, not for the whole Lordship of Urquhart. And did not James Roy leave Ballindalloch with a glad heart, and give only an occasional thought how he was to stock his place, ravaged and destroyed by the cursed Englishers. Well, he hied him over the lands of Buntait, which a prodigal Macshimi had parted with to The Chisholm, on to Strathglass, to see his relation, Alexander Chisholm, younger of Chisholm, who, much doubting, lent him £20 stg. With these £20, he bought from the Laird of Foyers twenty head of fine black cattle, with their followers, only £1 per head, which I have heard hundreds of times talked over as, as marvellous a bargain as ever happened in the wide districts whose waters run into Loch



Ness. And James Roy prospered so much that he speedily repaid The Chisholm—ay, and by-and-bye built the house of Sheuglie, where his name and that of his lady, daughter of the Laird of Dunballoch, can be read this very day above the door. Not only this; but Sir Ludovick Grant, son of the foresaid Laird, and after him the good Sir James, nourished and protected the family, who became the greatest in Urquhart, and the real lords of the place—several of them distinguishing themselves at home and abroad, men of whom any Chief might be proud. Many have I seen and served under; but, alas! except one gentleman, very kind to me, there is not now in all Urquhart one of kith and kin of Sheuglie.\*

II. In the letter of an English officer giving an account of the battle of Culloden, and published shortly afterwards, it is stated that “All the rebel colours (except the Mackintoshes) were taken and burnt by the hands of the hangman”—an act worthy of the “Butcher” and of the modern “Butler.” Among the Mackintosh papers, it is recorded, in reference to the above—“The Mackintoshes ensign, who carried the colours, being killed, a private man of the name stripped them from the pole, and rolling them round his middle, escaped from the field. He is still alive, and has a farm on Kyllachies’ estate, near Inverness.”

Not far from our occasional residence for some years past lives a very old man, now in his 90th year, but curiously styled and known as “John Oig” (young John). The old man, who is hale and hearty, and daily works on his farm, favoured us lately with a deal of interesting information about the parish of Petty, within whose bounds he has resided all his days. Being asked if he knew personally any one present at the battle of Culloden, he immediately answered that he knew “Donuil na braiteach” (Donald of the colours). Asked who was Donald, and how got he this name, and answered that Donald was born on the estate of Flemington, served as a private in the regiment of Clan

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\* The above tradition may be qualified by the Petition Appendix, No. 7, most appositely supplied to us by Mr Dunbar Dunbar after this paper appeared.

Chattan, and, as the ensign was shot, he seized the colours, carried them so long as the line stood, and then wrapping them round him, escaped. Asked if Donald related this to himself, and answered, yes, to himself, and often to others in his presence; and though he is dead more than seventy years ago, he could, as it were, see Donald, a good-looking, strong man, standing before him at that moment. That Donald lived near his father's house at the Loch of the Clans, and his two sons, long since dead, were not called Mackintoshes, but in Gaelic, "Angus and Charles of the colours;" that the widow of Lachlan, Oye to the said Donald, is still alive. Asked if he personally knew any other present at Culloden, and answered he did not, but knew one Paul Macphail in Ballinreich, one of those who, the day after, helped to cut the big trench where so many were interred, and which is green to this day. Paul told him this often. Asked if in his youth there was much conversation about Prince Charles, his cause, and what view did the country people take; and answered that Prince Charles and his cause was the universal talk in the evenings, and all the country people were for him, and it was said that if the Prince's men were not nearly starved and fatigued with the march to the River Nairn, and a storm in their faces, they ought to have gained the day, as many present had been in several fights, and were very eager; that the Mackintoshes were dreadfully cut up, losing 310 out of the 700 present; that it occurred to himself with reference to this on one occasion, that going to the South to the Falkirk market, a party lodged at a widow's house. Upon leaving the next morning, she asked all their names, and he was the youngest and last; that upon hearing he was a Mackintosh, she burst into tears, and broke out into a lament, how few there were now of the name, that she had lost husband, father, and sons.

" I was the happiest o' the clan ;  
Sair, sair may I repine,  
For Donald was the bravest man,  
And Donald he was mine.

Till Charlie he came oure at last,  
Sae far, to set us free ;

My Donald's arm it wanted was  
For Scotland and for me.

Their waefu' fate what need I tell!  
Right to the wrang did yield;  
My Donald and his country fell  
Upon Calloden field!"

## XCVII.

**JAMES, SECOND LORD DUFFUS, "SLAUGHTERS"  
WILLIAM ROSS OF LITTLE KINDEACE. LETTERS FROM  
THE COUNTESS OF SEAFORTH AND LADY DUFFUS,  
1688.**

The territorial name of Duffus is one of the oldest in the county of Moray and long known there, before its subsequent intimate connection with the county of Sutherland.

A branch of the Sutherlands was raised to the peerage in the year 1650, in the person of Alex. Sutherland, eighth of Duffus. In the year 1688, James the second Baron, with some of his retainers and others, had criminal letters directed against them for the "slaughter" of William Ross of Little Kindeace, at the instance of David Ross of Balnagown, "in his own behalf as Chief, and in name and behalf of David Ross, brother of the deceased, then furth of the Kingdom, and the rest of the nearest of kin."

The papers now before us do not mention the date or place of the "slaughter," but the particulars may be gathered from the following excerpt from one of the papers for the prosecution:—"That besides that John Sutherland, hag-butter to my Lord Duffus, and William Mitchell, his footman, are his menial servants, it is offered to be proven that the said John Sutherland did act as a party in the said slaughter by pursuing the said William Ross with his gun, of full purpose to shoot him, until having come his length, he saw him drop dead from his horse, having been formerly mortally wounded, so that his intention of taking the said William Ross his life, was still the same with his design who did perpetrate and commit the fact, and was only pre-

vented of his malicious bloody design by having the same done to his hand; and, as to the said William Mitchell, he was not only servant, as said is, but he did hinder and impede the said William Ross to make his escape out of reach of the sword which killed him, by holding the said William his horse by the bridle till he received his deadly wound."

It is inferred from the papers that it was Lord Duffus himself who slew the unfortunate man; and along with him were included in the criminal letters, besides his hagbutter and footman above-named, John Bayne of Delnie; John Munro, his servant; and Hugh Munro of Newmore. The defence set up was that the slaughter was committed in self-defence; but Lord Duffus found it necessary instantly to leave Scotland. He repaired to Court, his address on one paper, decypherable with some difficulty, being "The Cross Keys, Pall Mall, Whitehall." Lord Duffus had married Lady Margaret, eldest daughter of Kenneth, third Earl of Seaforth, by Isobel, daughter of Sir John Mackenzie of Tarbat, sister of the first Earl of Cromarty. The Countess's letter to her son-in-law, dated 6th April 1688, on the subject, is altogether unique. The "Keny" mentioned is probably her son, fourth Earl, and "Meg," her daughter, Lady Duffus:—

"My dear Duffus,—We are mightily afraid of your health, and has sent this expresse to conjure you to be careful of yourself. As for what is done, Lord pardon you the sin of it; but no man thinks you could have done less, or that you could have borne with what you met with. I pray you have a care of yourself, and go on to do your business, and let us know where or to whom we shall direct your letters while you are at Court. I think to my Keny when you are at London. You may write to Meg with every occasion to give her assurance of your health, which she will still be doubting. We all think, and Suddie, who has better skill in such affairs, that after all the provocation you met with, yet that it was in your own defence what you did, for certainly you had been killed had it not fallen out as it did. So your business will not cost you much trouble to get it done. Be careful of yourself for Meg's cause and the babies. Many a man has fallen on such an accident worse than your circumstances was, yet has been at peace with God and all the world, and lived very happily for all that. The Lord's peace be with you and direct you and preserve you from all ill.—I am, your affectionate mother,

(Signed) ISOBELL SEAFORTH.

Chanori, 8th April, 1688.

Lord Duffus' friends were anxious to get a commission to the north to examine witnesses to confirm the defence, but this step was vehemently opposed by Balnagown as a fragment of a letter shows:—"My Lord,—This day was Balna-

gown before the Council for the expense of witnesses. He had (used?) such language that the Chancellor did cast him down stairs, and it is thought he will be secured (warded?).” In one of the papers Lord Duffus is told that his advocates were “Sir Robert Coutts, Sir John Lauder, and your cousing Mr Rorie”—the last probably Prestonhall.

Having procured the commission to Hugh Dallas, commissary clerk of Ross at Chanonry, Lord Duffus’ friends hastened to execute it, and the papers would seem to have been carried across, probably at Findhorn, to Inverbreakie, now Invergordon. Meantime, David Ross had posted to the north with all speed, but was detained in consequence of a severe storm at the Ferry of Ardersier, from a Monday to Wednesday, and on proceeding to Dallas’ house, he, in the words of Lady Duffus, “enquired about it, but when Hugh told that it was done, *he looked very blue on it.*” The italics are our own, and a respectable antiquity must be awarded to this common but significant saying. All the above particulars will be found in Lady Duffus’ clever letter of the 9th May, 1688, which is as follows:—

“Chanonry, the 9 of May, 1688.

“Dearest Heart,—I have not much to say now but that we are all well, blessed be God, and I long till I hear of your being safe at London. I am in hopes there is letters from you at Elgin, which, if there be, I expect this day, but I had not will to delay longer in writing, because the morn is the post day. I received your letter from Newark, which I was very glad of. My last I wrote to you was with Mitchell, whom I sent with the account of the witnesses; but after that commission was sent north, we got word from Tarbat that David Ross, Kindeace’s son, had raised an odious process before the judges. He endeavoured to get it stopped, but law would not allow it, it being an ordinary thing to get; but your friends thought then that it was best to have it examined before the Council, since that David Ross desired to stop the examining here. This Tarbat sought, and it was granted; also, he writes that he was just going about the summons, which we expect daily; but in case they have put off the day long, we may write to Tarbat to put him in mind to haste it, that it may be soon over, for you know I will be at more peace when it is over. David Ross came from Edinburgh on the Friday, and was at Ardersier on the Monday before twelve o’clock, but the wind was so great that it would not let the boat cross sooner than Wednesday. Yet it was so favourable to us that the boat crossed at Inverbreakie on Monday, and we got the business done. But he came to Hugh Dallas’, and inquired about it; but when Hugh told that it was done, he looked very blue on it. Although it be examined before the Council, yet we here think it the better that it was done here too. Before I write the next, I will remove from this, God willing, but the weather was so boisterous that it was not possible for me to do it sooner. I wrote in my last to know what shift you would have me make to get money to you. I am informed by Mr John Stuart, the commissar’s wife told him if you stood in need that she would make a shift to get you a hundred pounds sterling between

gold and money, but he said he knew she could give a thousand merks of money. I would send to her to put her to the trial, but you need not speak of it, in case it come to her husband's ear, for I fancy if she do it, it is unknown to him. Dearest heart, let me know when you write how you keep your health, and give me the satisfaction and assurance of your taking a good heart, for I trust in the Lord we shall have no reason to do otherwise. No more at this time, but begs you may have a care of yourself for your baby's sake and her who is, dearest soul, your own till death, (Signed) M. DUFFUS.

"My lady gives you her service. She got a letter from Prestonhall and several others, who says they admired when they heard that you was so much concerned, for all that hears of it think that you could do no less than you did. Once more, adieu, my dearest. Give my service to your sister and her lord."

Readers will doubtless heartily endorse our opinion that Lord Duffus was singularly fortunate in having such clever and hearty supporters. The upshot of the affair we have not been able to learn, but have little doubt that, as the Countess had written to her brother Tarbat, his Lordship would have a trifle to say in the matter, and that the criminal proceedings came to nothing.

The Countess of Seaforth's writing is large and well formed, that of Lady Duffus being very inferior. The spelling of both, judged by present standard, is sometimes very absurd. We conclude with specimens of both. In the Countess' letter occurs the following:—"Be cairfull of yourself for Mygg's caws and the babyes;" and in Lady Duffus' letter—"Bot he cam to Hew Dolase, and inkweard about it, but when Hew told him that it wase doon, he louked very bloo on it."

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### XCVIII.

#### VALUATION ROLL OF THE SHERIFFDOM OF INVERNESS, INCLUDING ROSS, 1644. PART FIRST.

Regret has been frequently expressed in these papers for the loss of the early county records. An insignificant-looking faded document of three sheets very closely written upon, which had been the wrapper of a bundle, was on the point of being destroyed by Mr Dunbar Dunbar, when he bethought himself of examining it. No more valuable

paper has been published in the Notes than the document in question, the first part of which is now given. The rental of 1691 (Notes 20 and 21) was valuable, but besides being 47 years later in date, it was confined to Invernessshire alone. The oldest roll in the county records is a valuation in 1674, which guided until lately county assessments. Some observations, which have occurred in perusing the valuation, will be given in next number.

The valuation of the shire of Inverness in anno. 1644, and first of the Presbytery of Inverness and parish thereof, viz. :—

	Scots.
William Mackintosh (of Mackintosh) . . . . .	£133 6 8
John Grant, apparent of Glenmorrison . . . . .	574 15 0
Hugh Lord Fraser of Lovat . . . . .	1320 16 0
Duncan Forbes of Culloden . . . . .	1067 5 0
John Maclean of Dochgarroch . . . . .	131 13 4
Alexander Baillie of Dunain . . . . .	156 6 8
Thomas Sheviz of Moortown . . . . .	60 10 0
Margaret Fraser, Lady Glenmorrison . . . . .	124 15 0
Marquis of Huntly . . . . .	191 13 4
Angus Macbean of Tordarroch . . . . .	110 3 4
Janet Mackenzie of Castlehill . . . . .	266 13 4
James Fraser of Culduthel . . . . .	325 10 0
Sir James Fraser of Bray . . . . .	193 6 8
Janet Cuthbert and Alex. Innes. . . . .	164 16 0
William Baillie of Dochfour . . . . .	110 0 0
William Mackintosh of Holm . . . . .	150 12 0
Laird Cawdor, feu duty of Holm . . . . .	4 10 0
Wm. Baillie, son of Alex. Baillie of Dunain . . . . .	563 0 0
John Gordon of Hilton . . . . .	200 0 0
	5789 12 4
<i>Parish of Petty.</i>	
James Earl of Moray . . . . .	4318 18 4
John Ross of Bellivat . . . . .	200 0 0
John Mackintosh of Leys . . . . .	141 13 4
Hector Mackintosh of Connage . . . . .	276 13 4
Angus Macqueen, Culdoich . . . . .	20 0 0
James Cuthbert of Alturlie . . . . .	564 0 0
Wm. Mackintosh of Holm . . . . .	95 0 0
Hugh Rose of Kilravock . . . . .	170 0 0
John Macqueen in Coull . . . . .	66 13 4
	5852 18 4
<i>Parish of Croy and Dalcross.</i>	
Earl of Moray . . . . .	68 0 0
Alister-Mac-Homas-Vic-Shim . . . . .	83 6 8
Mr John Ross of Leys . . . . .	268 10 0
Inverallochy . . . . .	133 6 8
Geo. Campbell of Belchauld . . . . .	266 13 4
Hugh Fraser of Daltullich . . . . .	83 6 8
William Dallas of Cantray . . . . .	478 1 4
Dame Catherine Ross . . . . .	321 6 8

	Scots.
Lord Lovat . . . . .	£333 6 8
John Robertson of Inshes . . . . .	226 13 4
David Rose of Holme . . . . .	368 0 0
	<hr/>
	2630 11 4
<i>Brason or Braicklie.</i>	
William Dallas of Budget . . . . .	274 13 4
<i>Daviot Parish.</i>	
Allan Mackintosh of Daviot . . . . .	133 6 8
Donald Macgilliphatrik of Faillie . . . . .	58 13 4
Alex. Macgillivray Mackerchar . . . . .	57 6 8
Wm. Mackintosh of Kyllachy . . . . .	64 16 8
Ewen Macpherson, his part of Craggie . . . . .	33 6 8
Wm. Mackintosh of Torcastle . . . . .	260 0 0
Ewen Macpherson of Brin . . . . .	216 0 0
Inverrallochy . . . . .	33 6 8
Earl of Moray . . . . .	1018 13 4
Duncan Forbes of Culloeden . . . . .	172 13 4
Hector Mackintosh of Connage . . . . .	85 0 0
	<hr/>
	2138 3 4
<i>Duntichity.</i>	
Hector Mackintosh of Connage . . . . .	28 13 4
Hugh Rose of Kilravock . . . . .	53 6 8
Paul Macphail of Inverairnie . . . . .	113 6 8
Malcolm Macbean of Dalcroimby . . . . .	93 6 8
Ewen Macpherson of Brin . . . . .	148 0 0
Leohlan Mackintosh of Borlum . . . . .	133 6 8
Duncan Macgillivray . . . . .	66 13 4
Earl of Moray . . . . .	700 0 0
Wm. Mackintosh of Torcastle . . . . .	100 0 0
Thomas Fraser of Strechin . . . . .	193 6 8
Angus Macbean of Tordarroch . . . . .	61 6 8
Duncan Mackintosh of Aberarder . . . . .	186 13 4
	<hr/>
	1878 0 0
<i>Moy.</i>	
William Mackintosh of Torcastle . . . . .	697 10 0
Angus Macqueen of Corribrough . . . . .	37 0 0
Agnes Mackintosh, her liferent . . . . .	53 6 8
Jane Macpherson . . . . .	166 13 4
Dugald Macqueen's wadset . . . . .	53 6 8
Thomas Macqueen . . . . .	30 0 0
Ben Macgilliphatrik of Free . . . . .	34 0 0
John Mackintosh in Tomatin . . . . .	27 6 8
Sweyn Macqueen of Muroloyn . . . . .	29 6 8
Donald Macgilliphatrik of Faillie . . . . .	64 0 0
Alexr. Macqueen of Raigmore . . . . .	53 6 8
James Grant, for a part thereof . . . . .	66 13 4
Earl of Moray . . . . .	234 0 0
	<hr/>
	1546 10 0
<i>Dalarossie.</i>	
Earl of Moray . . . . .	292 13 4
Dond. Mackintosh of Benchar . . . . .	17 6 8
Alexr. Macpherson of Strathnoon . . . . .	17 6 8
Wm. Mackintosh of Kyllachie . . . . .	460 0 0
Heirs of Mr. Angus Mackintosh . . . . .	112 0 0
Ewen Macpherson of Brin . . . . .	6 0 0



	Scots.
Wm. Mackintosh of Holm . . . . .	£30 0 0
James Mackintosh of Clune . . . . .	143 6 8
Laird of Cawdor . . . . .	8 0 0
Wm. Mackintosh of Torcastle . . . . .	218 0 0
John Mackintosh of Benchar . . . . .	40 0 0
Kilravock . . . . .	13 6 8

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 1358 0 0
*Dores.*

Alex. Fraser, Bortalloch . . . . .	41 13 4
Lachlan Mackintosh of Borlum . . . . .	666 13 4
Angus Macphail of Kinchyle . . . . .	280 6 8
Alex. Fraser of Erogy . . . . .	79 13 4
Margaret Baillie for Auldourie . . . . .	179 6 8
John Dow-Mac-Andrew-mhic-William . . . . .	292 6 8
John Mackintosh of Dandelchek . . . . .	133 6 8
James Fraser of Garth . . . . .	60 0 0
Alex. Fraser of Erchite . . . . .	333 6 8
Alex. Macdonald of Auchsildach . . . . .	73 6 8
Lord Lovat . . . . .	448 0 0
Wm. Mackintosh of Torcastle . . . . .	183 6 8
Laird of Strichen . . . . .	464 18 4
Laird of Cawdor . . . . .	52 6 8
Alex. Fraser of Aberakie . . . . .	82 13 4
Iss. Mackenzie of Dunchea . . . . .	79 12 0

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 3409 17 0
*Boleskine and Abertarf.*

Lord Lovat . . . . .	1152 0 0
Strichen . . . . .	506 16 8
Don. MacAngus of Glengarrie . . . . .	1066 13 4
Thomas Fraser of Boblainie . . . . .	41 6 8
Col. Hugh Fraser . . . . .	146 18 4
Thomas Fraser of Farraline . . . . .	266 13 4
Hugh Fraser of Foyers . . . . .	965 6 8
Thos. Fraser of Garthbeg . . . . .	152 0 0
James Fraser of Garth . . . . .	142 13 4
Hugh Fraser of Dalcrag . . . . .	153 6 8
Hugh Fraser of Kinnamoy . . . . .	80 6 8
John Macneil Mac-Ian . . . . .	26 10 0
Al. Fraser of Knockobolluin . . . . .	176 0 0
John Fraser of Foyers-beg . . . . .	62 13 4
James Fraser of Culduthel . . . . .	181 6 8
Gruer Macalester-Mac-Ewen . . . . .	74 0 0
Thos. Fraser of Struy . . . . .	373 6 8

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 5561 13 4
*Urquhart and Glenmoriston.*

John Grant, apparent of Glenmoriston . . . . .	1907 6 8
John Grant of Corrimony . . . . .	188 2 4
Wm. Grant, apparent of Corrimony . . . . .	165 0 0
Robert Grant of Shenglie . . . . .	140 0 0
Jas. Cumming of Dalhangie . . . . .	111 6 8
John Macgillies of Achmonie . . . . .	83 6 8
Executors of Lady Glenmoriston . . . . .	266 13 4
Archibald Maclelan . . . . .	53 6 8
Exrs. of Umquhile Macgillies . . . . .	16 13 4
Margaret Fraser, Lady Glenmoriston . . . . .	548 0 0
Dame Marie Ogilvie . . . . .	1413 6 8

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 4888 2 4

*Wardlaw and Farnaway.*

	Scots.
Lord Lovat . . . . .	£998 0 0
Goodwife of Keand Kyle . . . . .	200 0 0
Strichen . . . . .	425 0 0
Dame Catherine Ross . . . . .	1316 13 4
Alex. Fraser of Bellick . . . . .	258 13 4
Mr Wm. Fraser of Phopachie . . . . .	148 6 8
Wm. Fraser of Culbokie . . . . .	565 0 0
Hugh Fraser of Belladrum . . . . .	573 0 0
Inverallochie . . . . .	333 6 8
Alex. Fraser of Foyers . . . . .	112 0 0
	<hr/>
	4980 0 0

*Conveth and Kiltarity.*

Lord Lovat . . . . .	1291 6 8
Alex. Chisholm of Comar . . . . .	968 0 0
Thos. Fraser of Struy . . . . .	104 8 4
Goodwife of Culbokie . . . . .	88 0 0
Al. Fraser of Foyness . . . . .	41 6 8
Ewen Cameron of Bellichragan . . . . .	50 0 0
Hugh Fraser of Belladrum . . . . .	132 13 4
John Fraser of Clunevackie . . . . .	105 16 8
Wm. Fraser of Culbokie . . . . .	736 0 0
Mr John Ross, Pettindreich . . . . .	150 0 0
Janet Fraser in Mayne . . . . .	37 3 4
Sir James Fraser . . . . .	190 0 0
Colonel Hugh Fraser . . . . .	626 13 4
Thomas Fraser of Eskadale . . . . .	120 13 4
Thos. Chisholm of Wester do . . . . .	261 0 0
	<hr/>
	5002 16 8

## PRESBYTERY OF DINGWALL.

*Parochin of Contin.*

Earl of Seaforth . . . . .	926 0 0
Bory Mackenzie of Redcastle . . . . .	193 6 8
Mr Murdo Mackenzie of Kildin . . . . .	208 13 4
Colin Mackenzie of Tarvie . . . . .	636 0 0
Alex. Mackenzie of Coul . . . . .	687 6 8
Alex. Bain of Achnaclach . . . . .	100 0 0
John Logie of Tulloch . . . . .	301 5 0
Goodwife of Ord . . . . .	110 0 0
Rorie Mackenzie of Daachmaluack . . . . .	402 0 0
Robert Innes of Roskeen . . . . .	50 0 0
Kenneth Mackenzie of Scotwall . . . . .	400 0 0
	<hr/>
	4014 11 8

*Parish of Kilmorack.*

Lord Lovat . . . . .	1364 16 8
Mr John Ross, Pittendreich . . . . .	150 0 0
Allan Macdonald . . . . .	170 16 8
Alex. Chisholm of Comar . . . . .	2830 6 8
John Mackintagart . . . . .	10 13 4
Laird of Innes . . . . .	22 15 0
Laird of Strichen . . . . .	300 0 0
Struy . . . . .	520 0 0
Thos. Fraser of Eskadale . . . . .	520 0 0
Sir James Fraser . . . . .	375 0 0
John Fraser of Clunevackie . . . . .	70 13 4
Hugh Fraser of Belladrum . . . . .	468 0 0

	Scots.
John Macculloch in Alter . . . . .	£33 6 8
Alex. Fraser in Little Struy . . . . .	111 13 4
Thomas Chisholm of Kinneris . . . . .	40 0 0
John Hectorson . . . . .	66 13 4
	7082 15 0
<i>Parish of Lockbroom.</i>	
Seaforth . . . . .	466 13 4
Donald Maciver in Laicknail . . . . .	266 13 4
Mr Thos. Mackenzie of Inverlaul . . . . .	664 0 0
Thos. Mackenzie of Pluscardine . . . . .	333 6 8
Mr Colin Mackenzie of Kinnoch . . . . .	300 0 0
Alex. Mackenzie of Ballon . . . . .	800 0 0
Colin Mackenzie of Mullochie . . . . .	186 13 4
Dod. Mackenzie of Logie . . . . .	333 6 8
Hugh Mackenzie of Grunseard . . . . .	80 0 0
Hector Mackenzie of . . . . .	106 13 4
Sir John Mackenzie of Tarbat . . . . .	460 0 0
Dame Margaret Macleod, his mother . . . . .	1400 0 0
	5397 6 8

(To be continued.)

## XCIX.

### RENTAL OF THE SHERIFFDOM OF INVERNESS, INCLUDING ROSS, 1644. PART SECOND. (D.)

#### 1.—ALASDAIR MAC-HOMAS VIC-SHIM.

This person's name is found in the parish of Croy in 1644 as a heritor with land of the value of £83 6s 8d Scots. As may be gathered from his patronymic, he was a Fraser, and acquired a portion of the Leys called Leys Cruin, in the year 1621, as appears from the original charter extant among the valuable papers of Mr A. J. Robertson of Inshes, viz., "Imprimus-Principal Contract of Wadsett betwixt Simon Lord Fraser of Lovat, with the special advice and consent of Lady Dame Jane Stuart, his Lordship's dearest spouse, and Hugh Fraser, Master of Lovat, on the one part, and Alexander Fraser M'Homos M'Hym, now in Castleleathers, on the other part, of all and hail the town and lands of Leys Cruine, lying within the Barony of Dalcross, Lordship of Lovat, and Sheriffdom of Inverness, dated the 19th May 1621; the sum paid is 2000 merks."

Alexander or his successors did not long remain in possession, as Leys Cruin became the property of William Robertson of Inshes in 1663. Simon was the Lord Lovat who built Dalcross Castle, where he chiefly dwelt, and there can to this day be found here and there traces of that highway, known to the old Gaelic people as "Lovat's Great Road," made by him in a *straight line* from Dalcross Castle to his hunting seat of Achnabat, in Stratherrick—great part of the intervening lands being his own.

In connection with the names of Leys Cruin, we give copy of a letter addressed by that excellent man the Rev. Murdoch Mackenzie of Inverness to Mr Andrew Robertson, Town Clerk of Dingwall, as a good specimen of the power and interference of the clergy at the period mentioned. The letter was ferreted out by Arthur then Laird of Inshes, who caused the minister to make but a confused appearance in regard to it, when put in the witness box:—

"Inverness, 8th January, 1761.

"DEAR SIR,—There is a widow in Leys Cruin, and her son Donald Macpherson, whom I venture to recommend to your protection and favour. I spoke to Inshes about her, and assured him that, if he oppressed her, the Session of Inverness would without delay prosecute an adjudication of twirlt £4 and £500 stg., which is an ante-talkied debt, and for payment of which Provost Hossack informs me provision is made in the very talkie.—I am, &c.,

(Signed) "MURDOCH MACKENZIE."

### 2.—THE MARQUIS OF ARGYLE.

The name of Huntly hardly appears in the rental. The family had been forfeited, and Argyle had his innings in the possession of Badenoch and Lochaber. These were soon lost, but Argyle retained his hold of the Lordship of Mamore for a considerable period.

### 3.—MACKINTOSH AND LOCHIEL.

The great extent and value of the lands in dispute is seen by their being placed at £6000 Scots value, putting Mackintosh 6th in value in the two counties.

### 4.—GOODWIFE OF SUDDIE, &c.

The wife of the owner of a Barony was always styled "Lady," such as Lady Glenmoriston, Lady Inshes, &c. The wife of a landowner of respectable standing was styled

“ Goodwife,” such as Goodwife of Kilbokie, Goodwife of Suddie, &c. ; while the wife of the humblest order of landholders was styled “ Mistress,” such as “ the Mistress of Kinchyle,” a dowager lady, whose name and title have been preserved from oblivion, by reason of her having got into a mesh of litigation with a neighbour in the year 1721.

5. The following is the order in which, according to value, the twelve chief landholders of Inverness and Ross stood in the year 1644 :—

1. Macleod, £15,000 Scots and upwards yearly.
2. Seaforth, £14,000 and do.
3. Argyle, vice Huntly, £13,000 and do.
4. Macdonald of Sleat, £10,000 and do.
5. Clanranald, £9000 and do.
6. Mackintosh, £8000 and do.
7. Lovat, £7000 and do.
8. Tarbat, £7000 and do.
9. Moray, £6000 and do.
10. Glengarry, £6000 and do.
11. Grant, £3000 and do.
12. Chisholm, £3000 and do.

And while it is painful to think how many in the rental have disappeared, it is gratifying to think that nine of the representatives of these twelve do at the present day stand in a high position.

Follows the continuation of the rent roll :—

				Scots.
<i>Parish of Urray.</i>				
Earl of Seaforth	...	...	...	£548 0 0
John Mackenzie of Fairburn	...	...	...	750 13 4
Rorie Mackenzie of Daschmaluack	...	...	...	257 3 4
Duncan Mackenzie of Park	...	...	...	37 0 0
Goodwife of Ord	...	...	...	162 0 0
Suddie	...	...	...	128 6 8
Gairloch	...	...	...	278 6 8
Alex. Bain of Tarradale	...	...	...	160 6 8
Redcastle	...	...	...	210 6 8
Lord Lovat	...	...	...	641 13 4
Colin Mackenzie of Kincaig	...	...	...	100 0 0
				3278 16 8
<i>Parish of Dingwall.</i>				
John Bain of Tulloch *	...	...	...	909 6 8
Rorie Mackenzie of Tollie	...	...	...	66 13 4
Janet Fraser, his mother	...	...	...	66 13 4
Colin Mackenzie of Kincaig	...	...	...	233 6 8
				1326 0 0

\* The present family of Tulloch are descended of the old family through one of the daughters of Sir Donald Bayne.

				Scots.
<i>Parish of Fodderty.</i>				
Earl of Seaforth	...	...	...	£1145 6 8
Wm. Dingwall in Ussie	...	...	...	41 6 8
William Bain of Tulloch	...	...	...	166 13 4
Mr Murdoch Mackenzie of Kildin	...	...	...	83 6 8
John Mackenzie of Daachharn	...	...	...	166 13 4
Mr Colin Mackenzie of Kinnooh	...	...	...	158 0 0
Lady Coigach, her conjunct fee	...	...	...	1400 0 0
Murdoch Maculloch of Park	...	...	...	283 6 8
Colin Mackenzie of Kinraig	...	...	...	248 13 4
Rorie Mackenzie of Daachmalnag	...	...	...	295 13 4
Laird Tarbat	...	...	...	983 0 0
				4922 0 0
<i>Parish of Kiltearn.</i>				
John Munro of Lemlair	...	...	...	1209 0 0
Hugh Munro of Arduikie	...	...	...	133 6 8
Mr David Munro, minister of Kiltearn	...	...	...	195 15 0
Neil Beaton of Culankea	...	...	...	83 6 8
Hector Douglas of Muldearg	...	...	...	533 6 8
Farquhar Munro of Taynard	...	...	...	92 0 0
Mr John Munro of Swordell	...	...	...	52 8 0
Andrew Munro of Culkeirn	...	...	...	103 13 4
Dond. Finlayson, portioner thereof	...	...	...	103 13 4
Hugh Munro of Teaninich	...	...	...	165 14 8
Hector Munro of Kiltearn	...	...	...	104 3 4
General-Major Robert Munro	...	...	...	133 6 8
Laird of Fowlis	...	...	...	2295 15 0
				5205 9 4
<i>Parish of Ainess.</i>				
Hugh Munro of Teaninich	...	...	...	278 6 8
John Mackenzie of Daachcairn	...	...	...	852 13 4
Robert Innes of Calrossie	...	...	...	20 0 0
Dod. Macaulay in Ainess	...	...	...	295 13 4
John Munro, Burgess of Edinburgh	...	...	...	335 13 4
Hugh Munro of Contulich	...	...	...	477 6 8
Hector Munro of Coul	...	...	...	300 0 0
Hugh Munro of Fyrish	...	...	...	122 12 0
Mr Wm. Rose of Sandwick	...	...	...	66 13 4
Kenneth Mackenzie of Assint	...	...	...	817 6 8
John Munro of Lemlair	...	...	...	66 13 4
Robert Munro of Obsdale	...	...	...	23 15 0
Laird of Fowlis	...	...	...	88 11 8
General Major Robert Munro	...	...	...	433 16 8
Wm. Mackenzie of Multavie	...	...	...	457 13 4
Neil Munro, one quarter of Tayninoir	...	...	...	199 3 4
				4810 18 8
<i>Parish of Kintail.</i>				
Earl of Seaforth	...	...	...	2072 0 0
Mr Ferquhard Macra	...	...	...	400 0 0
Alex. Macra	...	...	...	266 13 4
				2738 13 4
<i>Parish of Lochcarron.</i>				
Earl of Seaforth	...	...	...	666 13 4
Kenneth Mackenzie of Torridon	...	...	...	533 6 8
Kilcoy	...	...	...	733 6 8
Murdoch Mackenzie of Armatach	...	...	...	160 0 0

	Scots.
John Oig-Mac-Ian ... ..	£183 6 8
Goodwife of Park ... ..	80 0 0
Mr Thomas Mackenzie ... ..	16 0 0
Rorie Mackenzie of Applecross ... ..	621 6 8
Coul .. ..	560 0 0
	<hr/>
	3504 0 0

*Parish of Lochalsh.*

Earl of Seaforth ... ..	1000 0 0
Donald Murchison ... ..	298 6 8
Murdoch Matheson ... ..	100 0 0
	<hr/>
	1393 6 8

*Parish of Gairloch.*

The Laird of Gairloch ... ..	1081 6 8
Kilcoy .. ..	466 13 4
Coul .. ..	1133 6 8
Murdoch Mackenzie, Gairloch's brother .. ..	106 13 4
John Mackenzie, Daachcairn ... ..	80 0 0
Murdoch Mackenzie, Kearnfern ... ..	266 13 4
	<hr/>
	3184 13 4

## PRESBYTERY OF CHANONRY.

*Parish of Rosemarkie.*

Earl of Seaforth ... ..	642 6 8
Robert Lealie of Findrossie ... ..	1607 6 8
Mr Colin Mackenzie of Kinnoek ... ..	121 6 8
Mr Thomas Mackenzie ... ..	226 6 8
Thomas Thomson ... ..	100 0 0
Hugh Gowan ... ..	166 13 4
Alex. Thomson in Chanonrie ... ..	207 13 4
Mr John Mackenzie, minister at Urray ... ..	125 0 0
Alex. Hood in Chanonrie ... ..	168 13 4
William Lauder ... ..	199 0 0
Robert Innes of Rosskeen ... ..	298 3 4
John Macrae ... ..	50 0 0
Alex. Davidson ... ..	25 0 0
Alex. Robertson ... ..	33 6 8
Robert Barbour ... ..	33 6 8
Relict of Mr George Munro ... ..	108 6 8
Colin Mackenzie of Kincaig ... ..	20 16 8
Henry Urquhart ... ..	12 10 0
George Graham ... ..	18 15 0
Alex. Grant ... ..	25 13 4
Alex. Smith ... ..	8 6 8
Wm. Smith ... ..	16 13 4
Andrew Crombie ... ..	50 0 0
John Anderson ... ..	37 10 0
Ihone Alschoner ... ..	33 6 8
Exrs. of umgle. Jas. Innes ... ..	166 13 4
John MacThornie ... ..	16 13 4
Sir Robert Innes ... ..	66 13 4
Hector Munro of Findone ... ..	158 6 8
Donald Macanlay's fishing ... ..	274 13 4
	<hr/>
	5019 1 8

*Parish of Cullicudden.*

Sir James Fraser ... ..	1573 6 8
Alex. Urquhart of Craighouse ... ..	398 0 0
Widow of Saint Martins ... ..	166 13 4

	Scots.
Thomas Urquhart of Kinbeachie ... ..	£201 6 8
Gilbert Paip ... ..	29 3 4
	<hr/>
	2368 10 0
<i>Parish of Kirkmichael.</i>	
Alex. Urquhart of Craighouse ... ..	175 0 0
<i>Parish of Killearnan.</i>	
Seaforth ... ..	545 6 8
Kilcoy ... ..	378 0 0
Redcastle ... ..	714 13 4
Murdoch Mackenzie of Hiltoun ... ..	198 10 0
	<hr/>
	1836 10 0
<i>Parish of Suddie.</i>	
Kilcoy ... ..	485 6 8
Colin Mackenzie of Mullochle ... ..	333 6 8
Alex. Mackenzie of Suddie ... ..	216 13 4
Mr Thomas Mackenzie ... ..	139 18 2
Alexander Dunbar of Bennetsfield ... ..	91 0 0
Goodwife of Suddie ... ..	91 0 0
	<hr/>
	1357 2 10
<i>Parish of Avoch.</i>	
Earl of Seaforth ... ..	235 3 4
Coul ... ..	1208 10 0
Alexander Dunbar of Bennetsfield ... ..	719 6 8
Mr Thomas Mackenzie ... ..	80 6 8
Relict of Alexander Mackenzie of Balon ... ..	666 13 4
John Dunbar of Balloch ... ..	129 15 0
Robert Innes of Roskeen ... ..	184 11 0
Alex. , portioner of Pitfuir ... ..	133 6 8
The lands of Bernard Mackenzie ... ..	300 0 0
Goodwife of Suddie ... ..	452 13 4
Agnes Mackenzie, Goodwife of Avoch ... ..	468 6 8
	<hr/>
	4328 12 8
<i>Parish of Kilmuir.</i>	
Earl of Seaforth ... ..	400 0 0
Kilravock ... ..	331 6 8
George Graham of Drynis ... ..	466 13 4
Rorie Mackenzie of Redcastle ... ..	350 3 4
Duncan Bain of Kilmuir ... ..	212 0 0
Alex. Bain of Tarradale ... ..	52 0 0
Mr Colin Mackenzie of Kinnoek ... ..	122 0 0
Gairloch ... ..	14 13 4
Chisholm of Kinnairis's wife, her conjunct fee ... ..	500 0 0
	<hr/>
	2448 16 8
<i>Parish of Ardersier.</i>	
Lady Brodie ... ..	706 13 4
John Campbell of Cawdor ... ..	333 6 8
Robert Mackay for the fishing ... ..	40 0 0
	<hr/>
	1080 0 0
<i>Parish of Chanonry.</i>	
But I think it and Rosemarkie be valued together. Crom-	
arty parish is a shire by itself.	
<i>Nota.</i> —Forgot in Dingwall Presbytery, the parishes of	
Urquhart and Logie Wester, viz. :—	
Laird of Gairloch ... ..	685 0 0



				Scots.
Donald Mackenzie of Logie	...	...	...	£131 0 0
Hector Mackenzie of Kinkell	...	...	...	112 6 8
Hector Munro of Findon	...	...	...	615 0 0
William Fraser of Culbockie	...	...	...	219 8 4
His mother	...	...	...	318 13 4.
Hugh Fraser in Culbockie	...	...	...	50 0 0
Christina Munro, her wadset	...	...	...	50 0 0
Murdoch Mackenzie of Little Findon	...	...	...	78 0 0
Alexander Mackenzie of Coul	...	...	...	279 6 8
John Mackenzie of Fairburn	...	...	...	269 6 8
Fowlis	...	...	...	26 13 4
				2894 10 0

C.

**RENTAL OF THE SHERIFFDOM OF INVERNESS,  
INCLUDING ROSS, 1644. PART THIRD AND LAST. (D.)**

The conclusion of this interesting paper is now given, and as Cromarty is now combined with Ross, it is to be regretted that no rental of it at this period can be given.

It was stated in our last that the family of Macleod had the highest valuation; and readers to-day will gather some idea of the power of Sir John Macleod of Dunvegan, when they see himself, with his mother and his brothers Norman, William, Donald, and Rorie, all with splendid rentals.

There has been a great change in the county of Ross north and east of Dingwall. Sinclair of May, Douglas of Mulderg, Rig of Ethernie, Laird of Innes, and Innes of Inverbreakie, as well as Munros and Rosses in numbers, have disappeared. The family of Macleod of Cadboll took their place to a great degree, and, it is believed, paid quite a disproportionate amount of rates, according to the real rents of their properties, before the passing of the Valuation Act. On the other hand, many of the descendants of the old possessors in this roll still hold their lands.

Follows the conclusion of the rental:—

PRESBYTERY OF TAIN.

*Parish of Tain.*

				Scots.
Robert Gray of Balone	...	...	...	£383 6 8
Thos. Dingwall of Kinnocks hortie	...	...	...	208 6 8
				s 2

	Scots.
Walter Rose of Moringie ... ..	£266 13 4
Mr Gilbert Murray of Tarlogie ... ..	600 0 0
John Ross of Auldrie ... ..	116 13 4
Alex. Ross of Kirkcaldie ... ..	133 6 8
Sir John Sinclair of Dunbeith ... ..	300 0 0
Life-rentrix of Pittogartie ... ..	300 0 0
George Gordon of Ballecuith ... ..	333 6 8
Laird of May ... ..	548 6 8
Alex. Hay, for the Teinds of Plaidy ... ..	133 6 8
Mr David Ross, for Petneillie ... ..	133 6 8
Walter Innes of Inverbreackie ... ..	460 0 0

3866 13 4

*Parish of Kingscairn and Strathoikel.*

Laird of Balnagowan ... ..	2333 6 8
Laird of Fowlis ... ..	532 6 8
Hugh Munro of Tainagart ... ..	261 6 8
Walter Ross of Invercharron ... ..	400 3 4
Walter Ross in Meikle Tarrel ... ..	106 13 4
Laird of May ... ..	60 13 4
Hugh Rose of Little Tarrel ... ..	66 13 4
Walter Innes of Inverbreackie ... ..	66 13 4
Laird Tarbat ... ..	100 0 0
Wm. Robertson of Kindeace ... ..	53 6 8
Alex. & John Ross there ... ..	100 0 0
Alex. Mackenzie of Coul ... ..	200 0 0
Bain in Glenbeg ... ..	33 6 8
Wm. Macleod of Ferrenlea ... ..	333 6 8
David Ross of Pitcalnie ... ..	52 13 4
Hugh Munro of Contulich ... ..	261 6 8
Mr Hector Munro, minister, Kincairn ... ..	66 13 4

5078 10 0

*Parish of Eddertoun.*

Laird of Balnagowan ... ..	1466 13 4
Mr Thomas Rose of Milltown ... ..	266 13 4
Thos. Rose of Priesthill ... ..	387 13 4
Alex. Forester of Cullinsauld ... ..	98 6 8
Jas. Rose for an oxgate in Fearn ... ..	66 13 4
Mr Hector Munro of Daan ... ..	80 16 8
Laird of Fowlis ... ..	6 13 4

2373 10 0

*Parish of Fearn,*

Laird of May ... ..	1759 9 2
John Corbet of Little Rainie ... ..	233 6 8
Thomas Rose in Meikle Rainie ... ..	66 13 4
Donald Rose, portioner thereof .. ..	66 13 4
Andrew Denoon, portioner thereof ... ..	41 13 4
Hector Douglas of Muldearg ... ..	1540 0 0
Geo. Rose of Ballemuckie ... ..	580 0 0
John Rose and David Forrester ... ..	58 0 0
John Ferguson ... ..	333 6 8
Thomas Polson and John Rose ... ..	68 13 4
George Stromach ... ..	58 6 8
Alex. Rose of Easter Little Allan ... ..	133 6 8
Andrew Ross, Provost of Tain ... ..	503 6 8
Alex., John, and George Ross ... ..	66 13 0
Thomas Denoon ... ..	50 0 2

Wm. M'Leod's wife, her conjunct fee	...	...	£378 13 4
Wm. Rose or Mr Alex. Munro	...	...	232 13 4

6170 15 10

*Parish of Tarbat.*

Laird of Tarbat	...	...	320 <sup>s</sup> 13 4
Inverbreackie	...	...	366 13 4
Hugh Rose of Little Tarrel	...	...	350 0 0
David Ross of Pitcalnie	...	...	704 10 0
Laird of Dumbeath	...	...	683 6 8
William Corbet	...	...	33 6 8
Alexander Sinclair of Camislie	...	...	33 6 8
Thomas or Mr Alexander Munro	...	...	308 6 8
Balnagowan	...	...	13 6 8
Thomas Dingwall	...	...	125 0 0
Laird of May	...	...	99 6 8
Alexander Sutherland, Cambusais	...	...	50 0 0
Alexander Corbet of Arkboll	...	...	466 13 4

6937 10 0

*Parish of Nigg.*

Alex. Clunes of Dumskeith	...	...	252 0 0
Andrew Fearn of Pitkellan	...	...	88 13 4
David Ross, elder of Pitcalnie	...	...	83 6 8
Alexander Forrester of Cullinauld	...	...	229 13 4
Donald Mac-thomas-Mor	...	...	42 13 4
Donald Riach	...	...	16 0 0
Margaret Beaton	...	...	121 3 4
— Munro, for his part of Pitkellie	...	...	42 6 8
Alexander Macleay	...	...	14 13 4
Donald Thomson	...	...	87 14 8
Margaret Rose	...	...	20 16 8
Is. Rose	...	...	75 1 8
Thomas Macculloch	...	...	76 10 0
William Macculloch	...	...	72 4 0
Alexander Corbet of Arkboll	...	...	114 13 4
David Ross of Pitcalnie	...	...	350 0 0
Thomas M'Culloch of Kindeace	...	...	466 13 4
Gilbert Robertson of Meikle Kindeace	...	...	574 0 0
Mr William Rose of Sandwick	...	...	190 16 8
Mr Thomas Rig of Ethernie	...	...	1666 13 4
Andrew Rose and Alexander Forrester	...	...	933 6 8

5519 5 4

*Parish of Easter Logie.*

Robert Innes of Calrossie	...	...	1200 0 0
Laird of Innes	...	...	585 6 8
Andrew Macculloch of Glastullich	...	...	229 3 4
Thomas Macculloch of Kindeace	...	...	33 6 8
Mr David Rose of Logie	...	...	109 0 0
Donald Rose of Ballen	...	...	192 16 8
Thomas Rose of Bladaill	...	...	254 13 4
Mr Thomas Rig of Ethernie	...	...	266 13 4

2871 0 0

*Parish of Easter Kilmuir.*

Laird of Innes	...	...	1200 0 0
Mr Thomas Rig of Ethernie	...	...	933 6 8
William Macleod of Ferrinlea	...	...	166 13 4

	Scots.
Thomas Reid in Ferrinles ... ..	£66 13 4
Donald Rose of Dalnacloch ... ..	66 13 4
Mr Thomas Mackenzie ... ..	217 10 0
Arthur and John Sutherland ... ..	211 6 8
Thomas Rose, Priesthill ... ..	183 6 8
Colin Mackenzie of Kincaig ... ..	125 0 0
Duncan Bain of Delnie ... ..	391 13 4
William Rose of Beltrait ... ..	266 13 4
Mr David Munro, Knocknoprisk ... ..	89 6 8
The Life-rentrix of Buiffis ... ..	41 13 4
Hugh Macculloch of Bogfearn ... ..	36 10 0

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3946 6 8

*Parishes of Roskeen and Nonakill.*

The Widow of Achnacloch ... ..	854 3 4
Walter Innes of Inverbreakie ... ..	1199 0 0
Robert Innes of Roskeen ... ..	484 0 0
Colin Mackenzie of Kincaig ... ..	332 0 0
Alexander Clunes of Achnatoul ... ..	119 4 8
Robert Munro of Obedale ... ..	1083 6 8
William Macleod of Ferrinles ... ..	328 6 8
Laird of Fowlis ... ..	20 0 0
Alexander Ross of Coinlich ... ..	209 14 8
Hector Munro of Nonakill ... ..	36 13 4
Donald Macleay of Culkenzie ... ..	94 11 8
Laird of Innes ... ..	70 13 4
William Robertson of Kindeace ... ..	488 16 8
Heirs of Umquhile Achnacloch ... ..	297 0 0

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5112 11 0

THE PRESBYTERY OF DUTHIL, OR ABERNETHY, OR STRATHSPY, VIZ. :—

*Parish of Cromdale.*

Laird of Grant ... ..	1333 6 8
Lady Grant .. ..	355 6 8
William Grant of Anchowan ... ..	183 6 8

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1822 0 0

*Parish of Inverallan.*

Laird of Grant ... ..	133 6 8
Patrick Grant of Tullochgorum ... ..	200 0 0
Duncan Grant of Clury ... ..	266 13 4
John Grant of Curr ... ..	183 6 8
Robert Grant of Gartenbeg ... ..	266 13 4
Thomas Grant his wadset ... ..	138 0 0
James Grant his wadset ... ..	80 0 0

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1218 0 0

*Parish of Duthil.*

Marquis of Argyle ... ..	972 11 4
Wm. Mackintosh of Tor Castle ... ..	206 13 4
Ewen Macpherson of Clury ... ..	400 0 0
Angus Mackintosh ... ..	40 0 0
John Macpherson of Crathie ... ..	200 0 0
Soirle Macpherson of Corronach ... ..	66 13 4
Donald Macpherson of Breakachie ... ..	166 0 0
Ewen Macpherson of Gasklyne ... ..	183 13 4
Wm. Macpherson in Blarach ... ..	80 0 0
Laird of Grant ... ..	200 0 0

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2432 0 0

*Parish of Abernethy.*

	Scots.
Laird of Grant ... ..	£47 6 8
Mungo Grant his wadset ... ..	180 0 0
Lady Grant ... ..	82 13 4
James Stewart for Aultcherue ... ..	66 13 4
	376 13 4

*Parish of Kincardine.*

Lady Grant ... ..	266 13 4
John Grant of Gartenmore ... ..	266 13 4
Baron of Kincairn ... ..	66 13 4
Wm. Cumming for Clachglassack ... ..	166 13 4
	766 13 4

*Parish of Laggan and Rothiemurchus.*

Lady Rothiemurchus ... ..	744 0 0
John Shaw in Rothiemurchus ... ..	66 13 4
Alex. Macfarquhar there ... ..	33 6 8
	844 0 0

*Parish of Kingussie.*

Marquis of Argyle ... ..	2322 9 4
Malcolm Macpherson, Fiar of Ardbryllich ... ..	200 6 8
Dugald Macpherson of Bellichroan ... ..	267 0 0
Wm. Mackintosh of Strone ... ..	526 13 4
Donald Macpherson of ... ..	404 6 8
Lachlan Mackintosh of Borlum ... ..	500 0 0
Wm. Macpherson of Phoness ... ..	166 13 4
John M'James Dow for Inverallochie ... ..	66 13 4
Thomas Macpherson of Etteridge ... ..	106 13 4
Sorle Mac-Ian-Macpherson ... ..	533 6 8
	5094 2 8

*Parish of Skeirinch.*

William Mackintosh of Torcastle ... ..	226 13 4
Angus Macpherson of Invereahie ... ..	1000 0 0
Marquis of Argyie ... ..	200 0 0
	1426 13 4

*Parish of Alvie.*

Marquis of Argyle ... ..	359 13 4
William Mackintosh of Torcastle ... ..	468 3 4
Robert Mackintosh of Lynvuilg ... ..	186 13 4
Alex. Maclean, portioner of Logie ... ..	200 0 0
Paul Macpherson of Dalraddy ... ..	214 13 4
Alex. Mackintosh of Kinrara ... ..	200 0 0
Alex. Macpherson of Petchurin ... ..	133 6 8
John Gordon of Buckie ... ..	653 6 8
Alex. Mackintosh of Dellifure ... ..	104 0 0
Donald Macqueen's wadset ... ..	66 13 4
James Grant of Freuchie, feu-duty ... ..	8 0 0
	2574 10 0

*Parish of Kilmaire.*

Laird of Glengarry ... ..	1333 6 8
Allan Macronald of Lundie ... ..	466 13 4
	1800 0 0

			Scots.
<i>Parish of Kilmonivaig.</i>			
Alex. Baillie of Dunain	...	...	£53 6 8
James Fraser of Culduthel	...	...	66 13 4
The whole lands of old pertaining to Huntly, now to Marquis of Argyll, 182 merkland, each merkland 75 merks inde.			9100 0 0
			9220 0 0

<i>Parish of Kilmallie in Lochaber.</i>			
Mackintosh, his lands, possessed by Allan Mac-Ian-dhu and Mac-ronald, 120 merkland, at £50 ilk merkland, inde.	...	...	6000 0 0
The Lewis, pertaining to the Earl of Seaforth, valued to			5988 13 4

## THE ISLES.

			Scots.
<i>Parishes of Skirn and Kilhedder.</i>			
Captain of Clanranald	...	...	4000 0 0
Macneil of Barra	...	...	1000 0 0

<i>Parish of Kilchrist.</i>			
Mackinnon	...	...	2400 0 0
Sir Donald Campbell of Canna	...	...	1066 13 4
Laird of Coll, for the Isle of	...	...	533 6 8
Mr Hector Maclean, for Muck Isle	...	...	533 6 8
Captain of Clanranald, for Eigg	...	...	1733 6 8
			6266 13 4

<i>Parish of Kilbride.</i>			
Sir John Macleod of Dunvegan	...	...	2333 6 8
Norman Macleod, the laird's brother	...	...	533 6 8
			2866 13 4

<i>Parish of Kilmuir in Skye.</i>			
Sir John Macleod of Dunvegan	...	...	2666 13 4
Wm. Macleod, his brother	...	...	533 6 8
Donald Macleod, his brother	...	...	666 13 4
			3866 13 4

<i>Parishes of Oynart and Brackadale.</i>			
Sir John Macleod of Dunvegan	...	...	2000 0 0
Rorie Macleod, his brother	...	...	1200 0 0
Lady Macleod, elder	...	...	666 13 4
			3866 13 4

<i>Parish of Kilchunnun in Glenelg.</i>			
Sir John Macleod of Dunvegan	...	...	4000 0 0
Lady Macleod, elder	...	...	533 6 8
Laird Glengarry	...	...	2666 13 4
Allan Macdonald of Lundie	...	...	433 6 8

			7633 6 8
North Uist Parish, all pertaining to Sir James Macdonald			2400 0 0
Kilmure in Trotternish, all pertains Sir James Macdonald			8000 0 0

<i>Parish of Snizort.</i>			
Sir James Macdonald	...	...	2000 0 0
Laird of Raasay	...	...	666 13 4
Mac-Coul of Morar	...	...	200 0 0
			2866 13 4

	<i>Parish of Sleat.</i>	Scots.
Sir James Macdonald	... ..	£1200 0 0
Lady Macdonald, his mother	... ..	1538 6 8
		<hr/> 2733 6 8
Parish of Kilmorie pertains to the Laird of Moydart	...	4000 0 0
	<i>Parish of Kilchoan in Knoydart.</i>	
Laird of Glengarry	... ..	1333 6 8
Allan Macdonald of Lundie	... ..	466 0 8
		<hr/> 1800 0 0
The Bishop of Ross' rent within Ross was valued to	...	5333 6 8

The proportion of cess upon the shires following, imposed according to the valuation roll of each shire, agreed upon at the meeting of the shires in Edinburgh in July, 1643 years :—

Orkney and Zetland.—Their valued roll is three score seven thousand seven hundred and eight pounds Scots. Their proportion of the cess is eighteen hundred and forty-one pounds 13s 1d Scots monthly, in sterling money £153 9s 9d, whereof abated to them monthly £40 sterling. So they pay only monthly £113 9s 6d sterling money, by collector's fee ninepence of the pound sterling.

Caithness.—Valued rent, thirty-seven thousand two hundred and fifty pounds Scots. Their proportion of cess, £1013 4s Scots monthly, in sterling money £84 8s 8d, whereof £4 abated. So they should pay £80 8s 8d sterling monthly, by and attour collector's fee.

Sutherland valued rent, £20,833. Their cess, £566 13s 1d Scots monthly, or £47 4s 6d sterling money, whereof abated £5, and so they are due to pay monthly £42 4s 6d sterling.

Cromarty's valued rent, £4167 Scots. Their proportion of the cess, £113 6s 8d Scots money monthly, or £9 8s 10d sterling money, whereof abated 28s 10d sterling. And so they are due to pay monthly £8 sterling, by the collector's fee ninepence of each pound.

Inverness and Ross.—Their valued rent promiscuous, one hundred three score and one thousand one hundred three score and seven pounds Scots money. Their proportion of the cess, £4383 14s 8d Scots, or in sterling money £365 6s 2d, whereof abated £45 6s 2d, and so they are due to pay monthly £320 sterling.

Nairn's valued rent, £17,208 Scots. Their proportion of the cess, £468 1s 9d, in sterling money, £39, whereof £9 abated. So they are due to pay only £30 sterling monthly.

Elgin's valued rent, £65,833 Scots. Their proportion of the cess monthly is £1790 13s 1d ; in sterling money, £149 4s 6d, whereof abated £19 4s 6d. So they are due to pay only monthly £130 sterling.

Dornoch's proportion of cess is 45s sterling monthly, whereof abated 35s, and so should pay only 10s sterling monthly.

Inverness should pay, according to their proportion, £37 10s sterling monthly, which is totally abated to them.

Tain's proportion, £7 10s monthly, whereof 40s sterling abated.

Dingwall's proportion, 30s sterling monthly ; totally abated.

Nairn's proportion, £3 sterling, whereof 20s abated, and must pay 40s.

Elgin's proportion, £10 sterling, whereof only 20s abated.

Forres—Its proportion, £4 10s sterling, whereof 50s abated, and they should pay only 40s sterling monthly.

Banff always alike with Forres.

## CL. AND LAST.

**THE ROBERTSONS OF INSHES, 1448-1599.**

Well would it be for many titled heads could they show so old a standing, with so complete a verification, as the family whose name heads this paper.

There are a few families connected with the neighbourhood for a longer period, but none perhaps for such a time so intimately connected with Inverness. Descended of the Strowans, the head of all the Robertsons, the family of Inshes took up their residence in Inverness as early as 1330. Up to the time of John Robertson of Inshes, who succeeded to the management about 1703, though his father, William Robertson, did not die until the year 1728, the family continued to enlarge their borders.

Among the papers belonging to the family, the oldest extant is a charter by John Robertson to William Michart or Mushet of a particate of land in Doomsdale, Inverness, dated the 29th day of April, 1448. Another of the oldest documents is a charter by John Young to Andrew Birr of a particate of land in the East Gate, Inverness, dated in 1452. This particate, in a deed dated 24th March, 1504, is described as a sasine upon "the four cuppill taill fork and yaird in favours of the said George and Robert Waus'es' upon the resignation of Finlay Donald's son."

Though of much later date, still of far higher interest is the document of 1517, thus described in an old inventory:— "Charter granted to Laurence Robertsons be Henry Dewar, pryor of the monasterie and convent of Inverness, with consent of the remanent breitheren, of ane ruid of land in the heid of the Bridge Street, callit Sklait House, dated the 20th of July, 1517."

Of considerable interest, also, is "the Apostolical license in favour of John Grant of Culcabock and his wife, 1544;" and the charter by Mary, Queen of Scots, to James Grant of



“ the ward of the lands of Culcabock, the six merk land called the Haugh, and croft at the town end of Inverness, and the six merk land of Knockintinnel and pertinents, dated the 9th day of December, 1548.”

Besides charters there are a mass of interesting and valuable letters. In one letter from Alexander Baillie of Dunean to the Lady Inshes, dated Dochnacraig, 20th April 1656, he addresses her at the commencement, “ My flower of the forest ”—a style far in advance of even “ My dearest madam.” In another letter, Lord Lovat, writing from Tomich, 31st May, 1663, states to the Laird of Inshes that as he proposes journeying southwards on Wednesday next—

“ I should earnestly beg that you would do me the favour as to give me 5 or 600 merks upon bond, or then be pleased to come to Lovat to-morrow by twelve o'clock, and bring Andrew Sutherland along with you, and you and I shall condescend upon any reasonable terms you please. This I desire you would do, as ye would wish to save the credit of him who would be loth to see yours so low as I am. Your real friend to serve you.

(Signed) LOVAT.

“ I expect without fail to see you to-morrow at Lovat.”

In a word, the documents can only be done justice to by careful editing and publication in a volume. By the kindness of Mr Robertson of Inshes, we are permitted to publish an inventory of some of the writs ; but from lack of space, are unable to do more than give those from 1448 to 1599, which sufficiently indicate their character.

Follows the list of titles referred to :—

1. Charter by John Robertson to William Marshall of a particate of land in Demisdale, 2d April 1448.
2. Charter by John Young to Andrew Byrr of ane particate of land in the East Gate, dated 1452.
3. Charter be Allan William to James Donald of two particates of land in the East Gate, dated 8th January 1492.
4. Charter be James Donald to Donald Rude of ane particate of land in the East Gate of Inverness, dated 10th February 1497.
5. Instrument of Sasine in favor of Alexander Hay of Mains, in the lands of Culcabock and Knockintinnel, 7th November 1498.
6. Extract Special Retour of the Service of George Hay, as heir of Alexander Hay of Mains, in the Lands of Knockintinnel, Culcabock, and mill thereof and pertinents, 4th May 1513.
7. Retour Special Service of Sir Thomas Paterson, Rector of Assint, as heir of Sir William Paterson, Rector of Boleskine, his uncle, in the lands of Culcabock and Knockintinnel, 21st July 1513.
8. Retour Special Service of the said Sir Thomas to the said Sir William (design'd Patricii) his Uncle in the above Lands, 21st July 1513.

9. Charter by Morrill Bervick to Henry Simson-son in a piece of land in Deansdale, 14th November, 1514.

10. Charter be Andrew Low in favours of Henry Symondsons of a piece of burrow-land in Demsdell Street, dated 19th March, 1516, which contains a sasine.

11. Charter to Laurence Robertson by Henry Dewar, prior of the monastery of the convent of Inverness, of the slatehouse, 1517.

12. Contract between Janet Paterson and John Grant, 1st Dec., 1519.

13. Charter be Thomas Donaldsons in favours of Henry Symondsons of a yearly annual rent of three shillings Scots furth of a piece land in Damsdell, dated 14th January, 1519, which contains a sasine.

14. Assedation by the Magistrates and Council of Inverness to William Robertson, burges of Inverness, of a timber shop appended to the Tolbooth, 18th October, 1522.

15. Charter by Ewan Johnston in favor of Henry Simpsonson of a particate of land in Demsdale, 3d December, 1522.

16. Charter of confirmation by King James V. to John Grant, confirming to him and his heirs a charter granted in his favor by William Hay of Mains, of the lands of Culcabock, Knockintinnel, Haugh, and pertinents, 19th Nov. 1532.

17. Translation of the above charter.

18. Charter be William Gollan to James Symondsons of a piece land, with a barn, lying on the Barn Hills, containing sasine, dated 20th May, 1533.

19. Charter of alienation be John Rude to John Cuming of a rood of land at the East Gate of Inverness, dated 20th April, 1535.

20. Service and sasine in favor of William Robertson, as heir to John Robertson, his nephew, son to Laurence, in roods of burgage lands and houses in Inverness, and pertinents, 8th January, 1536.

21. Apostolical License in favor of John Grant of Culcabock and spouse, 1544.

22. Charter by Queen Mary to James Grant of Freuchy of the ward of the lands of Culcabock, the 6 merk land called the Haugh and Croft at the Town end of Inverness, and 6 merk land of Knockintinnel and pertinents, 9th December, 1548.

23. Charter of alienation be Maurice M'Clerigh, with consent of his spouse, in favor of Ewin Jonsons, of a rood of land in Demsdell, dated 10th April, 1550.

24. Instrument of resignation by John Robertson, burges of Inverness, to Janet Symmondson, for her life-rent of a rood of land on the Bridge Street, 28th October, 1551.

25. Charter be Findlay Donaldson to James and George Wause's of a barn and yard in the East Gate of Inverness, which contains sasine, dated 23d March, 1554.

26. Sasine upon the four cuppill tail fork and yard in favour of the said George and Robert Wauses, upon the resignation of Findlay Donaldsons, dated 24th March, 1554.

27. Charter by Findlay Donaldsons to Mr William Cuming of two particates of land in the East Gate of Inverness, which contains sasine, dated 17th October, 1561.

28. Sasine in favor of James Symondsons, as heir to his goodair, of the two roods of burrow land in Demsdell, dated 13th December, 1561.

29. Charter by Janet Simpson in favor of John Robertson, her husband, and sasine of 2 roods of land in the Doomsdale Street, 24th April, 1568.

30. Retour of the Special Service of Patrick Grant as heir to John Grant of Culcabock his father, in the lands of Culcabock and Knockintinnel, with the mill thereof, 4th October 1569.

31. Instrument of Sasine in favor of James Robertson and Janet Symondsons his spouse, of the foressaid two roads in Demsdell, dated 6th April 1570.

32. Letters of Reversion by James Vaus to John Robertson, burges of Inverness, of a nether booth or shop of the slatehouse, wadset by him to said James Vaus, 20th April 1573.

33. Charter by the Magistrates and Council of Inverness of a quarter of the Kings Milns in favour of George Ross, burges of Inverness, 21st October 1575.

34. Reversion by Patrick Skinner, burges of Inverness, to John Robertson burges there, of a 40 shilling mailing on the salmon fishing on the water of Ness disposed by him to said Patrick, 1st August 1575.

35. Letter of Reversion by James Abraham to John Robertson and William Robertson his son and apparent heir, of the alathouse in Inverness, 10th February 1575.

36. Letter of Reversion by Nicol Paterson to John Robertson of a booth in the Bridge Street, Inverness, 10th August 1575.

37. Disposition and Sasine John Robertson to his son William Robertson Elder, of his alathouse in Inverness, 26th September 1576.

38. Assedation by the Town of Inverness to Peter Vaus, of the half of Easter Inshes, dated 17th March 1580.

39. Charter Finlay Macphail upon the foresaid half, upon the resignation of the said Peter, dated

40. Charter be Thomas Kerr and his spouse in favors of Alexander Hay and his spouse of ane rood of land lying in the East Gate of Inverness, dated 11th July 1581, which contains Sasine.

41. Charter of Confirmation, under the Great Seal, in favor of William Cuming, of the lands of Knockintinnel, part of the Barony of Culcaebok, 30th July 1581.

42. Instrument of Sasine in favors of Isobell Bounne in liferant of ane piece land in the Bridge Street, upon the resignation of William Thomsone, her husband, dated 8th December 1584.

43. Charter by the Magistrates and Council of Inverness in favor of Laurence Robertson, burges of Inverness, of a particate of land or tenement in the said burgh, 1590.

44. Extract Charter of Confirmation, by King James VI., to the Burgh of Inverness, 1st January 1591.

45. Extracts Charter of the Burgh of Inverness in Latin and English, being relative to the Kings milne and the said lands of Inshes, dated 1st January 1591.

46. The Extracts of four several acts of the Burgh of Inverness all written upon one sheet of parchment, in relation to the heritors of the Kings milne, of the dates therein mentioned.

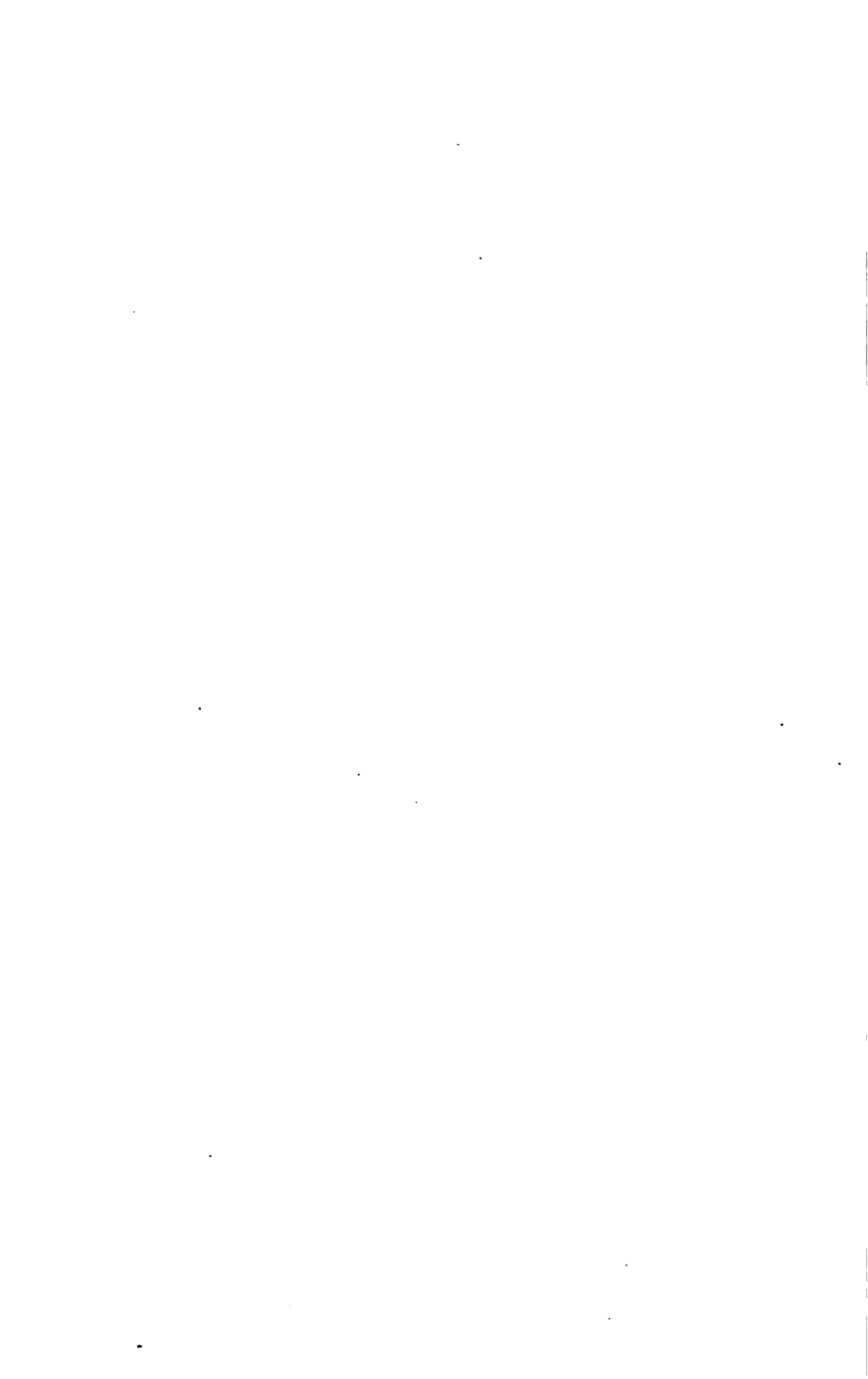
47. Letter of Reversion John Dow Macrobert of the lands and tenements in Demedale in favour of William Robertson, 20th November 1594.

48. Resignation Peter Vaus of his half coble fishings to Andrew M'Connell, 16th May 1595.

49. Instrument of Sasine of the fourth part of the Kings milns and the half of the lands of Wester Inshes in favors of Robert Vaus, burges of Inverness, 14th April 1598.

50. Charter by the Magistrates of Inverness in favour of Finlay Macphail of the lands of Easter Inshes, proceeding on the resignation of Peter Vaus.

51. Charter by the Magistrates of Inverness in favour of James Dempster of the lands of Mackerras and Deltmore and half coble salmon fishing in the water of Ness, 3d July 1599.



## APPENDIX.

No. 1 (*See Page 5*).

### CALL TO THE REV. JAMES HAY, INVERNESS, 1784.

We, the members of the Episcopal congregation in Inverness, considering that whereas by the decease of the Reverend Mr Robert Jameson, our late worthy pastor, we are deprived of the benefit of the public worship and other parts of the ministerial function; and that it is expedient the vacancy occasioned thereby should be supplied: And being well assured of the good character, prudence, ability, and other qualities of you, the Reverend Mr James Hay, minister of the Gospel to the Episcopalian congregation at Lockehills, in the Diocese of Moray, do therefore nominate, call, and invite you, the said Mr James Hay, to officiate and act as our pastor, and serving the cure amongst us, and we, on our part, do promise all due obedience in the several parts of your ministerial function. And in order to make your charge amongst us as comfortable as is in our power, we, for your encouragement to accept this our call, do assure you of thirty pounds sterling, besides the produce of the mortification of the deceased Alexander Duff of Drummur yearly during your incumbency amongst us; and to the end you may be secured to that mortification, I, William Duff, Esquire, son to the said Alexander Duff of Drummur, in virtue of the right of patronage conceded in my favours by the said Deed of Mortification, do present you, the said Mr James Hay, to the said mortification, giving, granting, and committing to you full power to intronit with the rents, profits, and emoluments of the hail subjects mortified by my said father, and that yearly during your incumbency, commencing your entry thereto as from the term of Whitsunday last, and to call and pursue therefor as accords, and upon payment, receipts and discharges to grant, which shall be sufficient to the receivers. And in the hope that this our call may be the more readily complied with by you, a committee of us have written to your Bishop for his approbation thereof, and granting letters of translation to that effect. In testimony of the hail premises, we have subscribed these presents at Inverness, the fourth day of June, one thousand seven hundred and thirty-four years.

(Signed) David Taylor.  
Duncan Macqueen.  
James Macqueen.  
Alexander Mackintosh.  
John Robertson.  
Duncan Macdonald.  
Thomas Fraser.  
John Paul.  
Alexander Ross.  
Jo. Taylor.  
Lachlan Mackintosh.  
Duncan Mackintosh.  
George Mackintosh.  
Geo. Dunbar.  
Duncan Munro.  
William Mackintosh.

(Signed) John Shaw.  
J. Cumming.  
William Duff.  
John Stewart.  
James Maclean.  
James Smith.  
Kenneth Mackenzie.  
Simon Mackenzie.  
James Houstoun.  
John Dallas.  
John Baillie.  
Jo. Mackintosh.  
Alexander Mackintosh.  
John Ogilvie.  
John Macdonald.

## No. 2 (See Page 28.)

## "THE HAILL CLAN CHATTAN."

In 1745 the clan could only muster by computation 700 men, but in 1513, upon the release after many years confinement in the Castle of Dunbar of Farquhar Mackintosh, their chief, it is related that the temporary leader, William Mackintosh, mustered in Farquhar's presence "1800 men at arms of Clan Chattan, upon the Haugh of Inverness." A century earlier, at the Battle of Harlaw, the two most powerful chiefs under Donald, Lord of the Isles, were Mackintosh and Maclean. For Mackintosh's services on that day, Earl Alexander, son to Donald, granted him the Stewartry and Bailliary of Lochaber. The charter dated the 23d November 1447, is in beautiful preservation.

It is most important to keep in view that most of the tribes which composed Clan Chattan joined *after* the marriage of Eva, and its composition to some extent can be correctly arrived at from the names of the officers who were out in 1715 under Borlum, viz. :—

Brigadier Mackintosh's Battalion of 13 Companies—50 men in each company.

John Farquharson of Invercauld, Lieutenant-Colonel.  
 John Mackintosh, Brother to the Brigadier, Major.  
 Lachlan Mackintosh sen., Brother to the Brigadier, Captain.  
 Farquhar Macgillivray of Dunmaglass, Captain.  
 Angus Macbean of Kinchyle, Captain.  
 Robert Shaw of Tordarroch, Captain.  
 Duncan Mackintosh, Brother to the Brigadier, Captain.  
 William Mackintosh, Captain.  
 Angus Mackintosh, Captain.  
 Lachlan Mackintosh junior, Captain.  
 Francis Farquharson of Whitehouse, Captain.  
 Lachlan Maclean, Captain.  
 William Macgillivray, Brother to Dunmaglass, Lieutenant.  
 John Farquharson of Kirktown, Lieutenant.  
 John Mackintosh, Lieutenant.  
 Farquhar Macgillivray, Lieutenant.  
 John Macbean, Lieutenant.  
 Angus Shaw, Lieutenant.  
 Benjamin Mackintosh (natural son of the Brigadier), Lieutenant.  
 James Mackintosh, Lieutenant.  
 William Macqueen, Lieutenant.  
 John Mackintosh, Lieutenant.  
 Duncan Mackintosh, Lieutenant.  
 John Abercromby, Lieutenant and Aide-de-Camp.  
 J. Skeen, Do. do.  
 David Stuart, Lieutenant.  
 William Mackintosh, Lieutenant.  
 John Mackintosh, Aide-de-Camp.  
 Daniel Grant, Adjutant.  
 David Macqueen, Paymaster.  
 William Shaw, Quartermaster.

## I.—THE MACKINTOSHES.

It would not only be out of place but impossible in these brief notes to enter into any investigation as to the origin of the Clan Chattan, or to determine on the pretensions of the elector of Hesse Cassel, the Earl of Sutherland, the Earl Marischal, and the host of others who have laid claim to the headship. It is enough to say that since the marriage of Angus Mackintosh, sixth of his house, with Eva, heiress of Gilliphadrick Doul Mac Gillicattan in 1291 or 1292, the leadership of the Clan has been *de facto* in the Mackintoshes, and recognised by Kings, Popes, and the Lords of the Isles, in grants and charters; by many of the nobility in bonds of friendship; and by the various septs and tribes of Clan Chattan in bonds of man-rent and service. The following are the titles given

to the chiefs at different periods during the last seven hundred years :— Macintoshiche-Mhic-Dhuie ; Mac-Mhic-a-h-Arasaig ; Captain of Clan Chattan ; Chief of Clan Chattan ; Principal of Clan Chattan ; Mackintosh of that ilk ; Mackintosh of Dunachton ; Mackintosh of Torcastle, The Mackintosh, the Laird of Mackintosh, Steward and Seneschall of the Lordship of Lochaber.

## II.—MACPHERSONS.

They are said to be descended of Murdoch of the race of Gillicattan, and in Gaelic were styled Mac Mhuirich—Murdoch being at one time a Priest or Parson, his descendants called themselves Macphersons. Duncan Macpherson who was chieftain during the last half of the seventeenth century took a good deal of trouble at the instigation of the family of Huntly his superiors, to cast off the leadership of Mackintosh, but singularly this stickler for male representation, having only one daughter married to a younger son of Campbell of Cawdor wished to settle his estates upon her and her husband. All the gentry of the name successfully combined to resist this resolution, otherwise the Clunie family would have sunk like the less fortunate Calder. Lachlan Macpherson of Nuide succeeded the above Duncan as heir male To put an end to the questions which had been raised by the insidious instigation of Huntly twixt the families, Mackintosh in the year 1728, at a full meeting of the clan, agreed to give Clunie the lands of Laggan, Gellovie, &c., in feu, while Clunie on the other hand, and all the gentlemen of the name, solemnly recognised Mackintosh as their chief, and the lands are held in feu by Clunie of Mackintosh to this day. The friends of Mackintosh on the occasion were William Mackintosh of Daviot ; John Farquharson of Invercauld ; Peter Farquharson of Inveray ; Farquhar Macgillivray of Dunmaglass ; James Shaw of Dell ; Angus Shaw of Tordarroch ; William Macbean of Kinchyle ; Donald Macbean of Faillie ; Robert Macphail of Inverernie ; Donald Macqueen of Corrybrough ; Lachlan Mackintosh of Kylochie ; Lachlan Mackintosh of Stroan ; Shaw Mackintosh of Borlum ; William Mackintosh of Aberarder ; John Mackintosh of Holm ; Alexander Mackintosh of Blairvie, and William Mackintosh of Corrybrough. And of Clunie—John Macpherson of Invereahie ; Angus Macpherson of Killiehuntly ; James Macpherson of Pitchern ; John Macpherson of Strathmaahie ; John Macpherson of Crubin ; and John Macpherson of Benchar.

The family of Invereahie were always of note, and their rental in 1644 and 1691 (notes 98, 99, 20, 21) was considerably higher than that of any other of the name.

## III.—MACGILLIVRAYS.

In the manuscript of Croy it is related that in 1268 a man named Gillivray took protection of Mackintosh, and his son Duncan Alin married the illegitimate daughter of Angus Mackintosh, husband of Eva. Duncan was succeeded by Iver Macgillivray, of whom was Duncan Macfarquhar the chieftain in 1609. In 1626 Farquhar-Mac-Alister received the lands of Dunmaglass in feu from Campbell of Cawdor. Their history since this period has been pretty clearly brought out in consequence of the great litigation which ensued on the death of the late John Lachlan Macgillivray in 1852, resulting in the establishment of claims as heir male and to the greater portion of the estates, of Neil John Macgillivray, Esquire, of the family of Dalcroimby. The name and family can never but be associated with Culloden, from the circumstance that their head, Alexander Macgillivray, was Lieutenant-Colonel of Clan Chattan and fell with all the officers save three.

From a Gaelic lament for some of the Highlanders who fell, it appears that Alexander was reddish haired and a great attender of markets, being termed "Alastair ruadh-na feile." Many of them were dealers in cattle and honourable men, as we learn from a Gaelic song in their praise :—

" Few are they that would not trust them,  
Often hast thou bought the drove  
Without obligation save the touch of thy right thumb,  
And paid again in truth with gold and gray silver."

Again, as to the general character of the family, the bard says :—

“ My love to the warlike race,  
The gentle, vigorous, flourishing,  
Active, of great fame, beloved  
Whom we have over us  
The race that will not wither, and has descended  
Long from every side.  
Excellent Macgillivrays of the Doun  
Whom I shall ever hold in esteem.”

An important branch of the Macgillivrays were long in the Island of Mull, at Pennygael, alluding to whom, when the summons to take the field was sent out, the same bard says :—

“ At short warning  
Thy friends will come from North and South,  
Men of excellent form  
From Mull of the green hills, like waves  
Pennygael with his men  
Will come over the seas,” &c.

#### IV.—SHAWS.

This was the Christian name of the first of the Mackintoshes, and became common among his descendants. The leader at the North Inch was Shaw, beg, who, in reward for his services, got the lands of Rothiemurchus ; and his descendants were Shaws by surname. Shaws' son James was killed at Harlaw, and he left a son, Alexander Kier, who parted with Rothiemurchus, which had long belonged to the Mackintoshes. This sept was numerous, the principals being at Dalnavert, Tordarroch, Leys, &c.

#### V.—FARQUHARSONS.

The fourth son of Alexander Kier, immediately above referred to, was named Farquhar, of whom are descended the Farquharsons in Braemar. There were many families of property, the principal being Farquharson of Invercauld. A constant intercourse was kept up betwixt the Farquharsons and Mackintoshes, and several intermarriages took place. As is widely known, the celebrated Lady Mackintosh of 1745 was Anne Farquharson of Invercauld. She died at Edinburgh on the 2d March, 1784, as appears by the following extract from the notification sent by Mackintosh to Sir Ludovick Grant of Dalvey, dated Edinburgh, March 5th, 1784 :—“ It is with pain I am to acquaint you that Lady Mackintosh died on Tuesday, the 2d instant, after suffering much by five months' illness, which she bore with becoming fortitude, retaining her reason to the last, and leaving the world without a sigh.” A very pleasing portrait is in good preservation.

#### VI.—MACBEANS.

In the time of William, first of the name, and sixth of Mackintosh, who died in 1368, William Mhor, son to Bean-Mac-Domhnuill-Mhor, and his four sons, Paul, Gillies, William Mhor, and Farquhar, after they had slain the red Comyn's Steward at Innerloch, came, according to the history, to William Mackintosh to Connage, where he then resided, and for themselves and their posterity took protection of him and his. No tribe of Clan Chattan, the history narrates, suffered so severely at Harlaw as Clan Veau. There were several respectable families of the name, such as Donald Mac-Gilliphadric, who received from the Earl of Moray, in 1632, a heritable tack of the lands of Faillie ; Macbean of Drummond ; Macbean of Kinchyle ; Macbean of Wester Tordarroch. The name of Bean Macbean of Tomatin is to be met with in 1691.

#### VII.—MACPHAILS.

This sept descended of one Paul Macphail, goodsir to that Sir Andrew Macphail, parson of Croy, who wrote the history of the Mackintoshes. Paul lived in the time of Duncan, first of the name, and eleventh of Mackintosh, who died in 1496. The head of the tribe had his residence at Inverarnie, on the water of Nairn.



## VIII.—CLAN TARRIL.

The origin of the word is unknown. The sept is mentioned as of Clan Chattan by the Lord Lyon, in a letter bearing date in August, 1672; and the history says—"In the time of Lachlan, first of the name, and eighth of Mackintosh, who died in 1407, were the Clan Tarril, a family that lived in Petty, were constant followers of the Laird of Mackintosh, and were in a most flourishing condition." Many of them were cut off in course of a raid by the Camerons through Culloeden and Petty. Those acquainted with Strathnairn know that there it is not long since the few remaining, changed their name to Mackintosh.

## IX.—GOWS.

There is a pleasing tradition that Henry the smith (Hal of the Wynd), who volunteered his services at the North Inch of Perth, accompanied the remnant of the Mackintoshes, and settled in Strathnairn. Being bandy-legged, he was called "An Gow chrom." At anyrate, this branch of Clan Chattan has long been known as "sliochd an Gow chrom."

## X.—CLARKS.

It is not meant to include this numerous family amongst Clan Chattan, but there were several strictly of the Clan, the first being, according to the history, "Gillimichel Mac-Chlerich, of whom the Clan Chlerich had their denomination, and was domestic servant and follower to Malcolm, first of the name, and tenth of Mackintosh, who died in 1457."

## XI.—MACQUEENS.

This was at one time a numerous and influential tribe. The principals were at Raig-beg, Corrybrough, Pollocheik, Strathnoon, &c.

## XII.—DAVIDSONS, OR CLAN DHAI.

They are said to be descended of David Dhu, who married Sloan, daughter of Eva, were at one time so influential as to disturb the peace of the Highlands, but after the fight at Perth never made any figure. The name is now numerous and influential. The old family were at Invernahaven.

## XIII.—CATTANAOH.

This sept for a long period embraced but few members, but are perhaps better entitled to be held the descendants of Gillicattan Mhor than most of the clan.

## XIV.—CLAN AY.

Not one of this very old tribe, who inhabited Upper Strathdearn, now remains. In the bond of 1609, Robert Mac-Bear-Mhic-Robert of Tordarroch binds himself for the Clan Ay. A most touching story of their extinction has been related to us this present year, 1865, on responsible authority, but the period could not be condescended on. At a Christmas shinty match, sixteen able-bodied men of Clan Ay contested with their neighbours successfully. Some pestilence broke out, and before mid-summer following, the sixteen slept in their graves at Dalarossie, side by side; and old people yet living can show the spot in the grave-yard. Alas, Clan Ay!

## XV.—NOBLE.

There were several respectable families of this name, chiefly resident at and about Gask, in Strathnairn. One of this sept married Jean Macgillivray, cousin to Alexander Macgillivray of Dunmaglass, a descendant thereby succeeding as heir portioner to part of the Dunmaglass estate.

## XVI.—GILLESPIES.

This was once a common name, but we are unable to give any particulars.

In addition to the above sixteen tribes, the Macleans of Dochgarroch or Clan Tearleach, the Dallases of Cantray, and others, generally followed the

Captain of Clan Chattan as his "friends." There is said to have been a song or rhyme in Gaelic, of but few lines, wherein the hail Clan Chattan were named, as well as their habitations, beginning at Glenlui and Loch Arkaig, by Brae Lochaber, Loch Laggan, Badenoch, Strathdearn, and Strathnairn, to Inverness; but all our enquiries have been ineffectual in obtaining any one who could repeat it.

No. 3 (See Page 71).

"IT IS NOT EVERY DAY MACKINTOSH HOLDS A COURT."

The lands of Petty, including Connage, had long been in possession of the Mackintoshes, but in 1495 Duncan Mackintosh, the Chief, was not only deprived of the keeping of the Castle of Inverness, but also of the lands of Connage. These were granted in the above year to Alexander, third Earl of Huntly, in tack; but afterwards, when James V. was born, the feu of all Petty was given to Sir William Ogilvie of Banff, because his wife, called Nannie Powell, an Englishwoman, was the first advertiser of the birth of the Prince to James IV. Sir William Ogilvie built the Castle of Petty (Hal Hill), and lived there for some little time, until the Clan Chattan, hearing that their Chief was released, after the battle of Flodden, attacked, besieged, and burnt the castle, slaying a son of Sir William's and the 18 men composing the garrison. At same time, John Ogilvie, brother of Sir William Ogilvie, with his wife and children, were driven out of Connage, and the whole Ogilvies thus dispossessed.

During the minority of Lachlan, second of the name, and fourteenth of Mackintosh, who succeeded in 1524, the clan was headed by Hector Mackintosh, his illegitimate cousin, a man of superior abilities, and much respected—the Earl of Argyll, Sir John Campbell of Cawdor, Hector Munro of Fowles, Donald Iles of Sleat,\* Hugh Rose of Kilravock, and others, entering into bonds of friendship with him. James, Earl of Moray, uncle to the young Chief, apprehensive of his safety, caused the child to be sent to the Ogilvies of Findlater, to be taken care of and educated, which so much displeased Hector that he resolved to vex the earl as much as possible, and, raising the clan, they overran, spoiled, and burnt the whole parish of Dyke, besieged the Castle of Darnaway, and returned home laden with spoil.

The Earl of Moray came shortly thereafter to Inverness to hold courts, and from thence went to Strathnairn, as it were to advise about the young chief, his nephew's, affairs. Having called the whole country people to a meeting at Tordarroch, he apprehended eighteen of those who were at the her ship of Dyke, and, in the words of the history of the Mackintoshes, "caused hang them over the balks of the house where the court was holden; but the country people who were out attending the court would oppose the execution, if done in a public way."

Though the court was holden in Mackintosh's name, yet it will be observed that the act was that of the Earl of Moray, and the Mackintoshes must be absolved from the stigma involved in the saying. The destruction of the Castle of Hal Hill has been confused with the her ship of Dyke as the cause of the execution and retaliation on the Mackintoshes. Hal Hill is a small eminence lying between the farmhouse of one of the Dalriels and the railway. Parts of the foundation were excavated within the last few years, when the hillcock was brought under tillage.

No. 4 (See Page 97.)

THE FRASERS AND THE BYSETTS  
TO THE EDITOR OF THE INVERNESS ADVERTISER.

BARRA, August 12th 1862.

SIR,—In the *Advertiser* of the 1st inst., under the heading "Antiquarian Notes," is the following note, viz. :—"It is still involved in obscurity how the

\* While the Sleat tribe were styled "Slochd Huistean," from Hugh, the first baron, the heads had their patronymic from this Donald "Mac-Dhomnall-nan-Eilean."

Fraser got their first hold on the Byssett's lands, and this inventory throws no light on the point; but from the time of the marriage in 1416 of Hugh, first Lord Lovat with Janet, sister of William Lord of Tenton, their title is clear."

Being possessed of a genealogical account, as originally written by Mr John Macrae, sometime minister of Dingwall, and afterwards of Kilmorack, and who died in 1704, which treats among other things of the subject above referred to. I transcribe therefrom so far as it relates to the matter in question, which is in the following manner:—"Anno, 1242, King Alexander the Second with many of the nobility living at Hadingdown. Patrick Cumming, Earl of Athol's lodgings, was burned in the night time, and he with two of his servants, perished in the flames. This fire was judged not to be accidental, and because of an enmity twixt him and William Bizet, nephew to King William the Lyon, and eldest son of John Bizet, the first Lord Lovat of that name, the suspicion was fixed upon him. William endeavoured to exculpate himself by offering to prove his being at Forfar the night of the burning, and also offered to vindicate himself by combat, as the custom then was, but neither would do, so that he was summoned criminally to a certain day, when finding the interest and power of his adversaries too great on being conscious of his own accession to the crimes, he did not appear, and was sentenced and forfeited, but by reason of his connection with the Royal Family, the King gave him a reprieve, with liberty to go to Ireland, where he had an estate called 'Glenns of Glenmones,' the rents of which estate on certain occasions before this forfeiture were collected by persons sent on the purpose from the estate of Lovat, as they were in like manner sent to raise the rents of Glenelg, when in possession of this family.

"The seizure of this William Bizet did not satisfy the Cummings. They leved next at his brother John, Lord Lovat, who by his own folly has timed what they desired, for in the year 1243 he joined Macdonald in his rebellion against the King, and when Macdonald was forced to return to the Isles, the King commanded the Earl of Ross to apprehend John Bizet, Lord Lovat, which he having heard, went and lurked in Achterlies, but a price being set on his head, he was taken by George Dempster of Moonhouse in the Wood of Achterlies, and sent to the King, by whom he was sentenced and forfeited, but was reprieved, as was his brother William, with liberty to go to Ireland.

"This John Bizet had no children, but three daughters, and on whom the King bestowed the estate as heirs portioners because of their relation to the Royal Family, Agnes, daughter of King William the Lyon, being the mother of John. The eldest daughter, Mary, with greatest part of the Lordship of Lovat with the title of Lovat, was given by the King to Sir Simon Fraser of Kinnel, second son of Alexander Fraser of Tweedale, anno. 1247. Elizabeth the second daughter was married to Andreas Aboset of Spelewood and Cecilia, the youngest to William Lord Fenton, whose portion of the estate with her was the Braes of Aird, Erchlees, Strathglass, Buntait, Gusachan, and Glenelg—all of which fell in again to the next Lord Fraser of Lovat, with Janet daughter of Lord Fenton, anno. 1274.

"When I was living at Kilmorack in the year 1672 a strong wind having cast down the top stone of the easter gable of the Kirk of Beauly, it fell on the altar and broke to pieces, whereof I laid most together, and found the letters M. B., supposed to be initials of Mary Bizet, raised on it in large letters. She was thought to have caused build, or at least finished this gable, and side walls adjoining the length of St Catherine and St Cross Chapel."

"In the year 1249 King Alexander the Second died, William and John Bizet having gone to Ireland and settled there. Their three brothers, Walter Malcolm and Leonard, who lived in Killichuimen and Abertarf, finding the Bizets greatly hated followed them to Ireland," &c. Yours, &c.,

DONALD MACRAE.

TO THE EDITOR OF THE INVERNESS ADVERTISER.

SIR,—The writer of the Antiquarian Notes was quite right in saying that it is involved in obscurity how the Frasers first got their hold of the Bissets' lands. The extract given in your last by your correspondent from Barra, from

the MS. of 1704, is, however, interesting, as showing that the idea, that one of the Frasers married a Bisset, is two hundred years old at least; but in Anderson's History of the Frasers, and the modern works of authority which treat of the subject, the notion is rejected, and shown to be erroneous.

Mary Bisset was married to David de Graham, who, in 1258, is designed "Dominus de Lovete," and is known to have lived to a great age. The worthy minister's dates also are very loose. He speaks of this alleged marriage 'twixt Mary Bisset and Simon Fraser as occurring in the year 1247, and the Aird, Strathglass, &c., "fell in again to the next Lord Fraser of Lovat, with Janet, daughter of Lord Fenton, Anno. 1274." But it is matter of certainty that this latter event did not occur until 1416.

Nothing is known with precision as to the connection of the Frasers with Lovat until 1367, when Hugh Fraser, styled "Dominus de Lovette et portionarius terrarum de Ard," does homage to the Bishop of Moray for certain lands.

The minister's account of what he himself saw in 1672, and his hypothesis that the letters "M. B." referred to Mary Bisset, are interesting, and probably correct. He is also in the main correct in his account of the forfeiture of the Bissets, &c.—I am, your obedient servant, M.

Fortrose, 28th August, 1862.

TO THE EDITOR OF THE INVERNESS ADVERTISER.

SIR,—With reference to the writer of Antiquarian Notes, and other correspondents in your columns, as to how the Frasers became possessed of the Bissets' lands, allow me to state the facts of the case. Bisset of Lovat left three, some say four daughters; one married De Bosco of Redcastle, another Rose of Kilravock, neither of whom got any of the Bissets' lands as marriage portions. The heiress married Sir David de Graham, nephew of Sir John de Graham, the companion of Wallace, who by her got Lovat and the most considerable portion of the Bissets' lands; the fourth married Fenton, who by her got Beaufort and other lands in Strathglass—so that in the first instance the whole of the Bissets' lands were in possession of the Grahams and the Fentons.

Fraser of Touch, Aberdeenshire, married one of the heirs of the Earl of Caithness. A son by this marriage named Simon married the daughter of Graham of Lovat, and by her, as heiress, got the lands of Lovat. This Simon Fraser of Lovat was killed at the battle of Halidon Hill, 19th July, 1333, and after him the Frasers of the Clan Fraser style themselves Simpsons, M'Immie, &c. The Beaufort portion of the Bissets' lands came into the possession of the Frasers in 1416 by marriage with the heiress of the Fentons.—Yours, &c.,

24th December, 1862.

SUUM CUIQUE.

No. 5 (See Page 118.)

RENTAL OF THE WEST COAST ESTATES OF THE EARL OF SEAFORTH. CROP 1756.

KINTAIL AND GLENSHIEL.

			Scots.	
Ariyngan—Alexander M'Rath	...	...	£47.10	9 4
Cambusnagawl—Malcolm M'Rath	...	...	} 14.17	9 4
Ardintowl—John M'Rath	...	...		
Dail—John M'Rath	...	...	12.06	8 0
Easter Druidag, Wester Druidag, Glenundalan—Christopher M'Rath	...	...	19.19	2 0
W. Achigintygart—The widow, Alexander MacChallan, Duncan M'Rath	...	...	07.05	3 4
E. Achigintygart—Duncan MacMillan	...	...	07.05	3 4
W. Leckichan—Rorie MacLinan	...	...	05.02	2 8
E. Leckichan, Muck, Achigichuirn—Mr John Beaton, minister of Letterfern	...	...	23.09	6 8

		Scots.	
Kilchuinort—Christopher M'Rath	...	£19.11	8 0
Little Rattagan—Kenneth M'Rath, Alex. M'Rath, John's son,	...	22.11	4 8
Alex. Christopher's son	...	22.11	4 8
Meikle Rattagan—Donald M'Rath's widow, Finlay Roy M'Rath	...	24.11	1 4
Torbysich—Donald Oig M'Rath	...	16.16	5 4
Achnashelach—Duncan M'Rath	...	20.12	2 8
Achinagart—Donald M'Rath, Christopher M'Rath	...	18.18	4 0
E. Achiguran—Duncan M'Rath, Alex. Roy M'Rath	...	18.07	2 8
W. Achiguran—Donald M'Rath, Farquhar M'Rath	...	22.01	1 4
Innercheall—John M'Rath, Alexander M'Rath	...	36.09	5 4
Morrivich—Donald Derg MacLennan, John and Donald Buy MacLennan	...	19.13	10 8
Little Achiyork—Alexander M'Lennan, Donald M'Lennan, Donald M'Leod	...	22.15	3 4
Meikle Achiyork—Duncan M'Lennan, Farquhar M'Lennan, Donald M'Rath	...	19.11	1 4
Inchchrow—4 tenants	...	29.08	3 4
Lienassie, &c.—Mr John M'Lean, minister of Crowe	...	25.01	1 4
Ardhullich, &c.—3 tenants	...	23.17	9 4
Little Inverinet—Farquhar M'Rath	...	20.18	10 8
Meikle Inverinet—Alister, Farquhar's son, Alister, John's son	...	8.05	6 8
Leault—Duncan M'Rath	...	4.07	9 4
Little Keppoch—John Cuthbert, Finlay Beg	...	18.04	3 4
Karr—3 tenants	...	26.07	9 4
Dornie—5 tenants	...	12.17	9 4
Bundaloch—2 tenants	...	33.06	8 0
Cambuslynie—Donald M'Rath	...	6.14	4 0
Nether Mamaig—Alex. M'Rath, &c.	...	19.11	1 4
Duilig—Christopher M'Rath	...	16.13	7 4
Fadoch—Duncan M'Rath	...	20.18	6 0
Upper Killilan—Duncan M'Rath	...	16.03	10 8
Nether Killilan—3 tenants	...	10.07	6 0
Corriyoine—Duncan M'Rath	...		
Kintail rental—crop 1756	...	£710.12	2 0
Stipend—Minister of Crow (Kintail)	...	38.13	0 8
Do. —Minister of Letterfern (Glenahiel)	..	47.15	6 8

*Rental of the same Lands in 1863-4, from Ross-shire Valuation Roll.*

		Sterling.	
Seaforth—Glenahiel	...	£1,380	0 0
Kintail	...	10	0 0
Mrs Stewart Mackenzie	...	1,390	0 0
Mr Matheson of Ardross and Lochalah— Kintail	...	3,123	5 0
Glenahiel	...	717	10 0
Mr Baillie of Dochfour and Glenelg, for Glenahiel	...	3,840	15 0
Present rental of the old Seaforth Kintail estate	...	1,570	0 0
		£7,175	15 0

**LOCHALSH RENTAL—CROP 1756.**

		Scots.	
Nonich—5 Tenants	...	£10.06	8 0
Achinbein—3 Do.	...	8.02	2 8
Sallschie—2 Do.	...	7.12	8 8
Altnason and Dronag—Alexander M'Rath	...	29.12	1 4
Conchra—John M'Rath	...	34.13	4 0

	Scots.
Ardelve—Hector M'Rath	£27.04 5 8
Achtaytorolan—John Matheson	12.11 1 4
Achteryre—Alexander Murchison	29.08 10 8
Achnacloich—Mr Donald Macleod, minister	5.11 1 4
Kirktown—Donald Matheson, and others	34.11 1 4
Raraig—Alexander Matheson, do.	20.00 0 0
Ballamacara—Donald Matheson	36.00 0 0
Erbysaig and Durinish—John Matheson	17.11 1 4
Plock—Duncan Roy Mackay	5.11 9 4
Achindarroch—Alexander Matheson and his son Farquhar	60 0 0
Farnaig—John Matheson (of Attadale)	59.18 10 8
Achonlich—Duncan Finlayson, Alexander Finlayson, John Finlayson	09.05 6 8
Ardnarve—John MacIennan	15.03 8 0
Lochalsh Rental in all	423.09 9 0
Stipend—Minister of Lochalsh	55.11 1 4

*Rental of Lochalsh 1863-4.*

Mr Matheson, Sole Heritor	£4,168 16 0
Kintail Rent	710.12 2 0
Lochalsh Rent	423.09 9 0
Total Scots	1184.01 11 0

*Stipends.*

Minister of Crowe	38.13 0 8
Minister of Letterfern	47.15 6 8
Paid for Glebe	15 6 8
Minister of Lochalsh	55.11 1 4
Paid for Glebe	3.6 8 0
	146.1 11 4

To my Lord, out of which the Factor's and Officers Salaries, as his Lordship pleases	987.19 11 8
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*LOCHCARBON RENTAL—CROB 1756.*

Raraig—James Matheson	16 0 0
Castlestrome—Colin Mackenzie	11.15 6 8
Mid Strome—Alexander Matheson	9.10 0 0
Strome Carronach—Murdo Bain, M'Torkie, and six others	14.10 0 0
Wester Slumbay—Kenneth Mackenzie	17.05 0 0
Easter Slumbay—John Mackenzie, Rorie Matheson, and 5 others	12.15 0 0
Kirktown—Mr Æneas Sage	16.13 4 0
Brackleuch and Tullich—Mackenzie of Fairburn	31.10 0 0
Ryvochan—A. & J. Mackenzie	15.15 0 0
Edirdacharron and Change House—Mr N. Jeffrey, and Mr N. Mellinglaw	29.10 0 0
Cuilags and Dalmartin—John Murchison, Rory Oig Mackenzie	21 0 0
Balanacra—Rorie Brebider, and 6 others	17 0 0
Arineckaig—Donald Matheson	21 0 0
Upper Achintee—Duncan MacIennan & 6 others	13.13 4 0
Lower Achintee—William Murchison, and 4 others	18.16 8 0
Lair—John Murchison, and 2 others	7.13 4 0
Tulliachin—John M'Tavish, and 4 others	7.13 4 0
Gortanfrich—Rorie Murchison, and 4 others	11.13 4 0
Craig—John Mackenzie, and 5 others	12.05 3 4

	Shots.
Easter Corrivany—Duncan Macgregor, and 2 others ...	£4.08 10 8
Corrilyry—John Mackenzie, and 2 others ...	32.03 4 0
Change of Coish, Do. ... ..	1.13 4 0
<hr/>	
Lochcarron rental in all -crop 1756 ...	344.04 8 8
<i>Minister's Stipend.</i>	
Lochcarron Estate ... ..	41.03 9 0
Attadale Estate ... ..	5.15 1 8
Sanachan (Courthill) ... ..	16 8 0
<hr/>	
	47.15 6 8
<hr/>	
<i>Rental of Lochcarron Estate 1863-4, exclusive of the Shootings, which are not Let.</i>	
	Sterling.
Lord Hill ... ..	1,877 10 0
Sir John Stuart ... ..	1,438 4 0
<hr/>	
	3,315 14 0
Shootings, say ... ..	1,000 0 0
<hr/>	
Lochcarron Crop 1863 ... ..	4,315 14 0

## No. 6 (See Page 223.)

## ACCOUNT ALEX. STEWART, SKIPPER, BURGESS IN INVERNESS, AND CHURCH TREASURER THEREOF, FOR REPAIRING THE CHURCH HERE, JUNE 2D, 1694.

Imp. 600 slates from Culloden on Bailie Dunbar's account	
Item, 2700 slate from the citadel on B. Dunbar's account	
Item, 2000 spoon from under the session house, as said is	
Item, from William Duff of Dipple, 2900, at 30lb. per thousand	
Item, for carrying and mounting the ladders and morning draught to the carpenters when they fixed the balks of the couples ... ..	000 15 08
Item, 4 dozen and 8 deals, at 4 merk per dozen, for sarking the back aisle of the church and the porch and scaffolding	012 09 00
Item, for 2 lime buckets and 2 cases for wire windows ...	01 14 00
Item, for 14 fathom of ropes, at 3s p. fathom, for the slater	002 02 00
Item, 12 bolls new lime for pointing the new church and old church and laying the rigging stone, at 4s per boll ...	008 08 00
More 7 bolls old lime to mix with the new lime, and carrying it	002 02 00
Ditto for sand to the said lime, 10 load, at 16s per load ...	000 13 04
More for watering and working the said lime ...	000 17 04
Item, 27 burdens fog for slating and pointing the church	004 01 00
Item, 800½ and one dozen double nails, from several hands, for sarking, &c., at 12s per hundred ...	005 03 04
Item, 600 slate nails from Thomas Fraser, merchant, at 13s 4djs.,	004 00 00
Item, 1900 single plancheon, at ¼ merk p. hundred ...	006 06 08
To John Cuthbert for 999 slate nails, 3100 double nails	022 11 00
Item, 2700 single nails, at 6s p. hundred, is ...	008 02 00
Item, 4 foot of rigging stone, at 11b. 6s 8djs, and 2 spars at 12s	001 18 8
<hr/>	
	083 18 0
Item, for 46½lb. iron work for securing the couples, at 4s 6d p. lb. ... ..	10 09 4
Item, 1½lb. spikes for the couples ... ..	00 01 00
Item, for 8 cleeks for a wire window ... ..	00 04 0
For sharpening 100 pike irons to the slater ... ..	00 06 8
<hr/>	
	011 07 00

		Scots.
To John and James Bishop, carpenters, for hewing and laying 1900 spoon, at 20lb. p. thousand ...	£98 00 00	
Item, for helping the couples of the old church and sarking it ... ..	82 00 00	
Item, for sarking the back aisle and porch and attending the slater ... ..	06 00 00	
Item, for driving on 14 iron bands upon the couples' backs ... ..	01 16 00	
	<hr/>	107 16 00
To Robert Innes, glazier, for five new windows, and helping two old glass windows, and eight wire windows, and two glass, being in all 226 feet glass and wire, at 6s per foot, conform to his account	67 16 00	
	<hr/>	067 16 00
To the slater, for 4½ rood new slate work, 10lb. p. rood	45 00 00	
More 4 bolls meal and a half for the work, at 4 lb. ½ mark boll ... ..	19 10 00	
Item, for pointing both churches, 40 marks and a boll meal	31 00 00	
Item, for putting on the rigging stone on the old church	04 00 00	
	<hr/>	099 10 00
Summa ... ..	...	370 07 00
Whereof received from Bailie Dunbar ... ..	100 00 00	
Item, from Alex. Bishop, at several times ... ..	149 13 00	
	<hr/>	249 13 00
Rests to balance ... ..	...	120 14 00

## No. 7 (See Page 329.)

To His Grace the Duke of Newcastle, One of His Majesty's principal Secretaries of State.

The Petition of Alexander Grant of Shewgley, Esq., James Grant, his son, & the Reverend Mr John Grant, Minister of the Gospel, at Urquhart, Prisoners in Tilbury Fort.

HUMBLY SHEWETH.

That Lewis Grant of Grant, Esq., son of Sir James Grant, Baronet, having with his men, some Days after the Battle of Culloden, joind his Royal Highness the Duke of Cumberland, Did by his Royal Highness's Permission march with them into the Countrey of Urquhart, near Inverness, To Seize and bring in such Rebels as should be found in Arms agst the Government. That finding none he apply'd to your Petitioners, who were then (as they had been ever since this unhappy Rebellion), quiet, peaceable at their respective homes. Intreating them as persons of Rank & figure in that countrey, to use their best endeavours with such Rebels as might be still in arms, to lay them down, and surrender to the said Mr Grant, with assurance that he would intercede with his Royal Highness in their behalf, & and that after such surrender they should be permitted to return to their respective places of abode.

That your Petitioners were so successful as to prevail with 84 Rebels of the name of Grant to surrender themselves and their armes to the said Mr Grant, which he then thankfully and gratefully acknowledged as ane event that would intitle him to some merit in his Royal Highness's eye, and desired your Petitioners to accompany him and the said Rebel Prisoners to Inverness, which they did.

That your Petitioners to their own, as well as the neighbourhoods great surprise, were, upon their arrival at Inverness, represented as Rebels and corresponding wt. those in open arms, and as Prisoners taken by him, and upon such false information, confined by his Royal Highness, and have since been



sent up prisoners without the least ground or charge, but the false information given by the said Mr Grant.

That your petrs., tho' conscious of their own innocence and free from any guilt, have, upon the said false information, been sent from Inverness to England, and have in the course of the voyage been in no shape distinguished from those in open rebellion. That from the great hardships they have suffered, one of your petrs., Alexr. Grant, near 70 years old, and creditor by mortgage for large sums of money, upon the said Mr Lewis Grant's estate, has been seized with, and still lyes ill of a malignant fever, and being by reason of his close confinement, deprived of any assistance, is in danger of losing his life, whereby the said Mr Lewis Grant's sordid ends would be answered should your petr. dye, while under so heavie a charge as high treason.

Therfor your petrs. Humbly Pray your Grace to take their hard case into consideration, and to admit them to Liberty upon reasonable Bail, to answer such charges as shall be brought agst. them, or at least, to change their present confinement into a more comfortable one, wt liberty to an agent to repair to them at reasonable times, the better to enable them to manifest their innocence, and the falsehood and malice of the charge agst. them, when called to ane open Tryal. And your Petrs. shall ever Pray.



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