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THE LOYALL DISSUASIVE

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*Andrew Macpherson of Aung, 1661.*

*Photo-engraved & presented by Donald Cameron-Swan.*

THE  
LOYALL DISSUASIVE

AND OTHER PAPERS CONCERNING  
THE AFFAIRS OF CLAN CHATTAN : BY  
SIR ÆNEAS MACPHERSON, KNIGHT  
OF INVERESHIE

1691-1705

Edited with Notes and Introduction from the  
Originals at Cluny Castle, by the  
REV. ALEXANDER D. MURDOCH  
F.S.A.Scot.



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Andrew Macpherson of Cluny, 1661, from the picture at  
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Facsimile of a letter to Andrew Macpherson of Cluny from  
Lauchlan Mackintosh of Torcastle, 1665, . . . *at page xxxv*



## INTRODUCTION

THESE writings and their author, though little known to history, have held a prominent place in clan controversy and Highland interest. In the literary wars of Macpherson and Mackintosh, Sir Æneas has long been a name for the former to rally round, and for the latter to respect. Whether *omne ignotum pro magnifico* may have had a share in the eminent estimation of his writings may be a question, but now that the manuscripts have yielded up their mystery to print, and the custody of the Charter Chest has been relaxed, by the kindness of the owners of the various documents, the Society and the reading public may themselves judge of the powers of Sir Æneas as champion of Cluny Macpherson, and estimate the merits of his works.

Whatever may be deemed the success of Sir Æneas in controversy, there is no question as to the value of his writings for the vivid light they throw on many characters, many situations, and much of the undercurrent and the smaller diplomacies of the Orange Revolution period. A clever lawyer, trained and expert both as a solicitor and a barrister, a place-hunter in the very atmosphere of solicitation, and frankly going about it; a kinsman, loyal to the backbone, personally acquainted with the great, the little, and the people between; revelling in finesse and intrigue, yet perfectly true to his principles, his party, and his people; well-read, and to a fault dexterous in applying his knowledge; thoroughly acquainted with traditions, genealogies, men and manners in the Highlands, Sir Æneas Macpherson is one whose converse cannot

fail to supply much which our Society seeks to glean in the field of Scottish History.

There is little that I know of in the writers of his own time, or of that which follows it, having reference to our author. The Laird of Brodie mentions him as Angus Macpherson in his *Diary*. His name occurs in some surviving deeds, and the Thane of Cawdor has references to him. His action as sheriff-depute of Aberdeen is recorded in the Books of the Court. If, as I am convinced, he is the Williamson of Sir James Montgomery's plot in 1689, Burnet in the *History of his own Time* gives some details as to his capture at Dover. Sir Robert Douglas of Glenbervie in his *Baronage* has, however, a handsome reference to Sir Æneas. Speaking of the family of Cluny, he says, 'There is a curious ms. from the Bards and Senachies, who were faithful repeaters of the transactions of their chieftains and forefathers, which may be as much depended on as any other traditional history. . . . This collection was put into order by the ingenious Sir Æneas Macpherson, Advocate, in the reign of Charles II., is looked upon as a most authentic account of this great clan, and is still preserved in the family.' Again: 'Sir Æneas, a man of great parts and learning, and highly esteemed by Charles II. and James VII. He collected the materials for the history of the clan Macpherson, what is thought a valuable ms., is much esteemed and is still preserved in the family. He was made Sheriff of Aberdeen in charter under the Great Seal by Charles II., 1684.'

Our author was, we know, a contributor to Jeremy Collier's *Great Dictionary*, etc., supplying information on the clan Macpherson and other Highland matters.

He has himself left some notes of his career, and one of the papers here printed, the 'Patron turned Persecutor,' and other documents, supply details varied and picturesque. The dates are not to be relied on, and as the account of his death, no less than that of his life, is said to have been written by

himself, we may assume that neither portion is quite authentic. It may perhaps be well to give here a more trustworthy account of Sir Æneas with corrected chronology.

Æneas or Angus Macpherson was born in 1644, the second son of William, eldest son of Angus of Invereshie. It was about the time Macdonald was leading his Irishmen through Badenoch to join Montrose, then hiding in Atholl. Young Ewen of Cluny had raised some of his father's clan to aid Macdonald, and William, younger of Invereshie, joined him, and with his men formed part of the victorious army at Tippermuir. He (William) got his death wound at Auldearn, 9th May 1645, though he did not die on the field. Æneas's mother was a daughter of one of the best-known men in the north, Sir Robert Farquharson of Wardess, Monaltrie, and Invercauld, a prosperous merchant, landowner, politician, and antiquary of Aberdeen during the 'Troubles.' That William Macpherson was more than a fighting man is witnessed by a 'Deed for laying aside enmity between M'Gregors and Buchanans,' which is 'farthered by the advice, counsel and consent' among others of William of Invereshie.<sup>1</sup> William's death left his widow to struggle for the support of three sons and a daughter. The third son, William Dow, was probably posthumous. There were, besides, at Invereshie, the laird himself, Angus, who in 1648 was excused on account of age from appearing personally before the Synod of Moray to answer for his family's share in the wars of Montrose. The family of Angus was numerous, as he had been twice married. Five sons and three daughters appear on the family tree. Under these circumstances the widow was no doubt thankful for the assistance of her father in undertaking the education of Æneas. The lands and forests on the Feshie and the Tromie did not then yield the goodly rents of modern days, and people clung much more closely to paternal acres, so that there were

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<sup>1</sup> *History of Clan Gregor*, by Amelia Georgiana Murray MacGregor of MacGregor, vol. ii. p. 101: Edinburgh, 1901.

many to keep and little to give them. Our author was sent by Sir Robert to 'academies.' I have not found that the Grammar School of Aberdeen was one of these, but in 1659 he appears as an *alumnus* of Marischal College. He must have taken his degree, for he is styled Mr., but I do not find his name on the lists. Much later—in 1681-2—there is an entry in the Marischal College Book,<sup>1</sup> 'Received for the Seal, etc., Mr. Angus Macpherson, £5. 6. 8.' Young Andrew Macpherson of Cluny, his future chief, was also at Marischal College at the same time, admitted a Bajend or Bajan in 1656, graduating July 1660. Young Cluny had for a class-fellow all through his time his cousin Duncan Forbes of Culloden, father of the President. Robert Forbes presided at the graduation of Cluny. Æneas gives an interesting account of a dinner-party in the house of the regent, John Forbes, when Sir Robert, young Cluny, and himself were present. One is inclined to think that our author has given the name John to the much more famous Robert Forbes, as the name of John Forbes does not appear among the regents of Marischal College, but that of Robert does. John had been master of the Grammar School, and became Professor of Humanity in 1662. However that may be, they both formed part of the University life in the time of our author, and with Sir Robert they could talk of the holding of the Grammar School and Sang School with hackbut and pike against the masters in the youthful days of the laird of Wardess.

From these scenes Æneas passed to Edinburgh, where he was trained as a writer or agent. We find him acting as such in the sale of the estate of Kincardine on Spey, and his signature in deeds is followed by the word 'Writer.'

The resort of lawyers to his chambers, to which he refers in his life, must have been to him in that capacity, and not in that of an advocate. He did not become an advocate till

<sup>1</sup> *Fasti Academiae Mariscallanae Aberdonensis*, ed. P. J. Anderson, New Spalding Club.

1683,<sup>1</sup> and very soon after that he begins his solicitations at Court. Before he became an advocate he acted as bailie to the Marquis of Huntly in Badenoch, with much advantage to the marquis according to his own account, but with little benefit to himself. Gordon of Arradoul, a connection of the Macphersons, had to resign the post from age or infirmity, and Æneas did the work for a time, expecting the permanent appointment on Arradoul's death. The Gordons possessed all Badenoch, and Cluny, the head of the ancient clan Vurich, only held his property under Huntly. Ruthven Castle was the seat of government, and there were held the Baron's Courts. For whatever cause, the rule of Æneas from Ruthven Castle was short-lived. The marquis refused him the permanent post, after having, apparently, promised it to him, and to his disgust some one called Tirriesoule was promoted from 'the scale wisp,' *i.e.*, I suppose, from some mercantile calling connected with weights and measures, to the seat of justice. Tirriesoule I take to have been a member of the Duff family, who a little before this date owned the tower and estate of Torrysoul near Huntly. Some of the proprietors were also burgesses of Aberdeen, and it may have been in the Guestrow<sup>2</sup> of that city, where they owned certain houses, that the successful rival of Æneas used the scale wisp. Tirriesoule was no friend of the Macphersons, but he was intended only as a preparatory scourge till William Mackintosh of Borlum, their deadly enemy, should assume power at Ruthven. Such an appointment, though based partly on family connection, was intended by Huntly as an aggression upon the Clan Vurich, and led to great bitterness between them and their lord. Among the *Gordon Papers*<sup>3</sup> there is one entitled 'Vindication of Macphersons,' in which

<sup>1</sup> 'Catalogue of the Faculty of Advocates from the Institution of the College of Justice to the Revolution in 1688, taken verbatim from Aikman's Manuscript, printed in second edition of Sir D. Dalrymple's Tracts,' now in the Advocates' Library. The entry is, '2nd March 1683, Mr. Æneas Mac Pherson per bill.'

<sup>2</sup> See *Spalding Club Miscellany*, vol. i. p. 113.

<sup>3</sup> See *Spalding Club Miscellany*, vol. iv. p. 166. The following extract from

many of the chiefs of the name sign a strongly worded denunciation of the 'serpentine wit' of Borlum. He was still bailie in 1699, and his son forester over the great wilds of Feshie, Giach, and Ericht.

Things must have reached breaking-point in these strained relationships between over-lord and clan, when the skilful advice of Æneas could suggest the transference of Cluny from vassalage to the Gordons to vassalage to Atholl. How nearly it was accomplished these pages tell us. Whether Cluny would have abandoned Badenoch for Glen Lyon is a question, but possibly he might have hoped that with a greater holding under Atholl, he might have claimed freedom for his clan from the service of Huntly in time of war, preferring to serve one master, and that one not the Gordon. The negotiations with Atholl and the clansmen, and the after results upon Gordon Castle, are extremely interesting and instructive. They bring us into the cabinet of the great man—the first Duke of Gordon—when he was looking for his dukedom. The phenomenal simplicity of the astute man of business in trusting the feudal

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the *Memoirs of a Highland Lady*, 1797 to 1830, p. 250, may be permitted as bearing on the family of Borlum and reaching back almost to the forester:—

'One of the ladies most in repute as a partner was a very old Mrs. Macintosh of Borlam, who lived in the village of Kingussie with her daughter, the widow of a Major Macpherson, and a comely widow too. The Leddy Borlam was said to be not far from ninety years of age, upright, active, slender, richly dressed for her station, and with a pleasant countenance. Her handsome silks caused many a sly remark. She was the widow of a celebrated freebooter, whom Sir Thomas Lauder endeavoured to portray as "Lochandhu." There were many tales current of his doings in our part of the country. A cave he hid his treasures in was still open on the hill at Belleville; for he did not deal in black cattle only, no traveller was safe when Borlam wanted. His wife was said to have been frequently occupied in picking out the marks in the fine holland ruffled shirts it was his especial coxcombrity to appear in, and it was more than whispered that he had given her brows enough to last beyond a lifetime: seemingly a true suspicion, for the Lady Borlam's silks would stand alone, and she had plenty of them. With them she wore the Highland mutch (the high clear cap of fine muslin, trimmed, in her case, with Flanders lace), and then, calm as a princess, she moved about in her ill-gotten gear. She was a wonderful old woman, keen, merry, kindly, and as cute as an Irishwoman, never tripping in her talk, or giving the remotest hint of the true character of her lamented husband.'

lord of his clan, notwithstanding his declared suspicion of his treachery, strains our credulity, and one would have liked to hear Huntly's account of the matter. The most extraordinary outcome of the conversation in the cabinet at Gordon Castle was the bond which Æneas signed, binding himself under large money penalty to seek no other patron in his advancement, but only his liege lord Huntly. Such agreements were the outcome of the illegal man-rent bonds, which were slow to die in a country where the central government was distant and not always effective.

Our author determines to push his fortunes at court, and, armed with letters from the Marquis of Huntly to the newly-created Lord Aberdeen, Chancellor of Scotland, and to Sir Robert Gordon (whom I take to be the scientific Sir R. Gordon of Gordonstoun), he proceeded to Edinburgh. The marquis himself had promised to write to the Duke of York, but that letter was never written, and he put upon Lord Aberdeen the task of introducing Æneas to the duke. It became very clear that Æneas in cutting himself off from Atholl's patronage, and binding himself only to Huntly, would get aid from neither, and he proceeded to London, where his own resources stood him in better stead. There is no reason to question his own story here, and it is not without its side lights upon the oft-painted picture of the latter days of the court of Charles II., when the Duke of York ruled Scottish affairs. The affable Lord Middleton, one of the principal Secretaries of State in 1684, stood his friend, introduced him to the duke, who presented him to Charles, and in the end he got the Sheriffship of Aberdeen. Huntly, who sought to keep him from the Edinburgh Parliament House, where his influence told in favour of the Macpherson, got a clause inserted in his commission to prevent Æneas from having a substitute. This would have lost him his legal practice, and kept him at Aberdeen, and he at once defeated the Gordon trick, and had the clause removed. The whole story of this

appointment calls for a lawyer to unravel it. I merely state the points as they strike me.

1st. He is appointed Sheriff-Depute under the Great Seal in 1684, and on 9th January 1685 formally appoints Andrew Thomson his Substitute.

2nd. From the Records of the Sheriff Court it appears that Andrew Fraser of Kinmundy was Sheriff-Depute of Aberdeen from 1682 continuously, apparently till 1708.

3rd. Andrew Thomson, whom Æneas appoints, 9th January 1685, was already a Sheriff-Substitute in 1681, and held office in 1687.

4th. Sir Æneas says his own office lapsed on the death of Charles II. This was not the case with any other Sheriff-Depute, and it was not the case with himself, for King Charles died 6th February 1685, and he sat regularly till June, as is proved by the Court Records.

5th. That the office became vacant, from whatever cause, appears true, and our author strives for re-appointment, against the influence brought to bear in favour of Kinmundy, who is a candidate for the post, which he—Kinmundy—does not appear to have vacated.

Does the power of the Great Seal account for the position in anyway?

While we are invoking legal aid, we may also submit the question as to what Æneas means when he speaks of himself as consulted by his seniors in his own chambers ere he was three years a barrister. He was, according to our quotation from the *Catalogue of Advocates*, not more than a year at the bar when he went to London, and only a year and six months an advocate, when he became Sheriff-Depute. The date in the *Catalogue* may be wrong, or the relations of agents and advocates may not then have been so exclusive as at present.

There is no entry in the Sheriff Records of Aberdeen of the induction of Æneas into his office, but there is given a formal appointment of his Substitute, Andrew Thomson.

‘At Aberdeen the nynt day of January sixteen eighty five years in presence of ane noble Earl George Earl of Aberdeen, Viscount Formartine, Lord Haddo, Methlick, Tarves, Kellie and Sheriff Principal of Aberdeen, compeared George Pattone for the eftir designed Mr. Æneas M’Pherson and gave in his substitution underwritten desiring the samen to be insert and registered and whereof the tenor follows—Be it kend till all men whom it effeirs by thir presents me Master Æneas M’Phersone of Invereshie Sherriff Depute of Aberdeen lawfully admitted by virtue of and conform to His Majestys Comm<sup>n</sup> under the great seal, giving power and warrant to me to nominate and creat substituts for me in the said office for whom I must be answerable, as the same, of the date the fifteenth day of October 1684 years, at length properts . . .’<sup>1</sup> Thereafter follows a long account of the powers conferred on Andrew Thomson, his Substitute. Æneas sat in his court with great regularity from 6th January to 15th June 1685.

Soon after that date we may assume that he went to London to secure his position, now in doubt. The tale of his place-hunting is somewhat sad reading, but he keeps his head and his heart in all his trials. Nay, he is able to patronise his patron, who had used him so shabbily, for the Duke of Gordon, somewhat slighted at Court, is indebted to Æneas for a partial restoration to favour, and for his appointment to the governorship of Edinburgh Castle. This is brought about through the easy terms on which our author stood with William Penn, the Quaker, the founder of Pennsylvania, one of the most trusted of James’s friends in promoting his schemes to pass the Test Act. Though Perth and Melfort are enemies to Æneas, he snaps his fingers at them. Though a man of peace, yet he has at least three affairs of honour which he seeks to settle with the sword. Nobles and great ladies, men of letters, courtiers, plotters, Roman Catholics, and Quakers,

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<sup>1</sup> *Register of Deeds, 1684-1686; Sheriff Records of Aberdeen.*

are his associates, and his access to court is without hindrance. The story, coupled with what we know later on, suggests that he was a confidential agent or go-between in the dangerous and intricate diplomacy involved in James's measures. The replenishing of Macpherson's purse is a difficulty, but by one means or another he maintains a fair appearance. He comes down to Scotland with the commands of the king for re-installment in his sheriffship, but finds Kinmundy secure in it. He however obtains some settlement with Fraser to his own pecuniary advantage. But the most objectionable way of rewarding him suggested by the king, and offered by Perth, was his going to the west to raise the wind from the forfeitures of Whigs. He found several who had escaped the locusts and caterpillars of many former seasons, and as he had a pleasant way with him, and gave easy terms, many came forward for a settlement who had evaded the clutches of other exactors.

Returning to London, he perseveres in his place-hunting, meeting the enmity of Melfort, the unjust treatment of Gordon, the support of William Penn, and the niggard favours of James. At length he is rewarded. The governorship of the island of Nevis, then of considerable importance, is given him, and he is knighted to support the dignity of the post. He raises money on his appointment, the ship is ready, his plate and servants are on board, his wife, now Lady Macpherson, and his children prepare to embark, but the Prince of Orange lands, and takes possession of all shipping and cargoes whatsoever. It was a grievous blow, but coming as part of the great crash of the Revolution, he bears it with fortitude.

That he was approached by the Orange politicians, and that General Mackay did his best to secure his influence with Cluny and his clan, is supported by his story and by the high probability of the case. He rejected all offers, and had to 'skulk' in London for a considerable time. There is no sign of any link with Claverhouse; he hardly once names him. He

remained in London, taking the name Williamson, from his father, William of Invereshie, and acting under it with the agents of the Jacobites. The spy, Simpson, who was trusted by both parties, appears in union with him. He co-operates with Ferguson, now turned a Jacobite plotter, and was befriended by Nevil Payne in England. When some of the Presbyterian leaders in Scotland, such as Sir James Montgomery, Lord Annandale, and others, grew discontented, and began to conspire for the recall of James, the matter was furthered throughout England by such agents as these. Numerous papers containing an invitation to the exiled king to return were circulated and signed, and these were all to be sent to St. Germain's. Williamson pestered Lord Shrewsbury for a passport for several days, and at last got it, setting out in the Dover coach. Simpson followed him on horseback in possession of the papers. Sir James Montgomery's brother betrayed the matter to Bishop Burnet, who told Shrewsbury, and Williamson was taken in bed at Dover, and his portmanteau searched without result. Simpson took boat at Deal, and got safely over with the papers. Nevil Payne was made prisoner about the same time, and both were sent down to Scotland by Queen Mary, who was regent in the absence of King William. It is difficult to fix the exact dates of these intrigues, as our author and Burnet are equally loose in the matter. The plot of Lords Annandale and Ross and Sir J. Montgomery was formed after Killiecrankie, at the end of 1689. Annandale betrayed Nevil Payne, and some lady of quality had put Secretary Johnston on the trail of Æneas. Nevil Payne's name does not appear on the Register of Privy Council till 4th August 1690. The plot was entirely blown to the winds some months before that. We may suppose that the prisoners arrived in Edinburgh at the end of 1689 or beginning of 1690. At first Payne seems to have been a fellow-prisoner with Æneas at Mrs. Gib's in the Canongate, but afterwards he was removed to the Castle. On the 10th

and 11th December 1690 he was put to torture. Sir Æneas's intervention by letter to Dalrymple must have been some time before the beginning of August. While correspondence was going on with London, and the torture of Payne was being delayed, Æneas had several private interviews with Melville. These aroused suspicions in the minds of the Jacobites, and it is possible that Anne, Countess of Errol, or her attendants, who were prisoners in the same house, gave currency to the idea of his treachery in the higher circles of her brothers, Perth and Melfort. The Duke of Gordon, the Earl of Home, and many others were under restraint at this time, and naturally the comparative freedom allowed to Macpherson excited their suspicions. His vindication of himself will be read with interest, and though it is satisfactory, there must have been some fire where there was so much smoke. He was allowed to go to the Highlands on the score of his health having suffered. It may have been that the government trusted that his influence would tend to the pacification, which eventually came about. His skill maintained Cluny in an attitude of friendship with Buchan, and of masterly inactivity in relation to Mackay and Livingstone. Like many he coquetted with the government in order to safeguard his people without breaking with his principles. He takes credit to himself for having stiffened up the clans, and this attitude gained them better terms. The letters printed in the 'Vindication' prove his service to the Jacobite cause. His visit to the clans was probably in December 1690, and ended in January 1691. He was at any rate supposed to be at Inverness when the following letter<sup>1</sup> was written to him by Buchan dated

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<sup>1</sup> *Gleanings from the Cluny Charter Chest*, by Alexander Macpherson (the learned Provost of Kingussie): Inverness, 1899. The gleanings are of great interest and of importance. The collection of letters of this period is of special value. In the letter *vosses* means *wishes*; *Ma. g.* means *Major-General*; after the word *passes* delete the period and reduce the capital *F* and the sentence will run; *vt* is *with*; *uories* means *worries*. The spelling and punctuation are left as in original.

6th January 1691. The letter is in Buchan's handwriting, though signed 'Ja. Forbes,' and is addressed to Mr Williamson at I., that is, Inverness. In a hand of the period this letter is endorsed: 'M. G. Buchan to Sir Æneas Macpherson.'

'Jan. 6 [1691].

'SIR,—I received yours and thank yow verie kyndly for your good vosses. I pray youe giue my kyndly respects to Clunie and doe not lett him vrong him self for his kyndness to ws. I belieue his men ville not fecht villingly against ws. As to our resoulution ve ville have a capitulation for glengeries frinds and fouldours as Locheyell and Kepache hes got, and passes. For my self Ma. g. Canon, and the officers that hes a mynd to goe abrod, othervays, iff this be refused ve ville go to all extrematy, and I belieue our enamies knous ws so ville that they ville not doubt off this. Ther ar stille compliments cuming against youe for your coraspondans vt my lord Mellvine. Ye may easalie gis vhat airt they cum from I pray yow [*word illegible*] your uories that you have, and I ame, Your assured frind and servantt

JA FORBES.'

The attitude of Duncan Macpherson of Cluny at this time was undoubtedly loyal to James, though guarded. In fact the Jacobite generals counselled such a line, for it was all-important that a clan holding the communications whether by north or south or west and east should remain not unfriendly. The two letters following illustrate the position. Two hundred Macphersons were with Buchan at Cromdale and an uncle of Æneas was killed there. After that defeat Buchan writes to Cluny: <sup>1</sup>—

'The M'Grigors hes taken 7 prisoners which I have sent to Relieeff 7 of yours. Soe send me a list of your mens names and that frind of yours that went off the field wt me to Stradown. I ville doe him a faivoure if I cane. Lett me know when the enemie cums and what is becum of young borlame, and I ame Your aff<sup>2</sup> friend and servantt,

THOS BUCHAN.'

<sup>1</sup> *Gleanings from the Cluny Charter Chest*, p. 38. In a letter printed in the 'Vindication,' General Buchan tells Cluny 'to take the quiet calm measures you can to preserve yourself and friends till we have our masters furdur orders.' In the letter *Relieeff*, of course, means *relief of*; *wt* is *with*; *Stratdown* is probably *Strathavon*, the line of the retreat.

<sup>2</sup> *Aff* is *affectionate*.

This letter is dated 8th June 1690, and refers to a possible meeting of the heads of clans with Breadalbane, which the writer thinks 'reasonable.'

The other letter<sup>1</sup> is from Mackay to the Duchess of Gordon, urging the raising of a company for him in Badenoch.

'I cannot but own,' Mackay says, 'that Cluny has shown himself very forward, only his kinsmen, out of respect and reference to your Grace and the family of Huntly, refuse obedience without your Grace's order.' The communication is dated 3rd January 1691. Was Æneas guiding the policy of his chief at the time? He was near him, if not with him. Letters from Sir John Hill to his friend Cluny urging him to meet and help Mackay and Livingstone were disregarded, and brought out the following on 5th August 1690, from Sir John at Fort William: 2—

'Sir I am sorry to find you soe young, or so Conceited a man, as to refuse the Advice of those who are yer friends, and love yow. You know how many tymes I writ you to appear to ye Major Gen<sup>l</sup>, and of w<sup>t</sup> use it would be to yow and the wholl country of Badenoch; yet neither coming nor goeing yow would see him, tho your word and promise was passed to Sir Thos Leveingston, and I fear the Laird of Calder may suffer on your acc<sup>nt</sup> it being generally believed that he advised you to y<sup>t</sup> manage and should be full sorry (being my freind) y<sup>t</sup> he should be mis-interpreted on y<sup>r</sup> acco<sup>t</sup> by your not comeing in,' etc.

Sir Æneas returned to Edinburgh and was caged up for fifteen weeks on a fresh caption, along with the Earl of Home and Sir Peter Fraser. But the evil rumour of his suspected treachery had followed him to the Highlands from a Jacobite source. The letters appearing in the 'Vindication' are intended to save his credit with his party.

When his fifteen weeks were over he was a free man and

<sup>1</sup> *Spalding Club Miscellany*, vol. iv. p. 165.

<sup>2</sup> *Gleanings from the Cluny Charter Chest*, p. 41. The letters indicate in the mind of Æneas a purpose of going abroad. He would have gone in March had not his thoughts been diverted by the hopes of a descent upon England by the French.

may have gone to London, where he came within reach of the Penny Post, p. 182. He was free apparently up to March 1692, as the descent on England expected about that time had changed his purpose of going to France in that month. He was again arrested and sent to the Edinburgh Tolbooth. Here his imprisonment now became more miserable. The Edinburgh Tolbooth was the filthiest place of the sort in the kingdom, the public passage near it being termed the 'stinking stile.' In this disgusting den we find our friend in 1695, when proceedings were taken against Breadalbane on 10th June. These long imprisonments without trial are a lasting disgrace to William of Orange and his Scottish advisers. Nevil Payne was ten years in prison untried. Sir Æneas seems to have been already five years off and on untried, and Lord Breadalbane was also imprisoned for some considerable time, and discharged untried. The Lord Advocate Stewart knew that Breadalbane and the Macphersons were on opposite sides, and that Sir Æneas was conversant with all the questionable proceedings in the pacification of the clans, in which the nobleman had a principal hand, and he turned to the prisoner in hope of supplying the missing links in his evidence against the peer. We have only Sir Æneas's own account of the thoroughly correct attitude he maintained, but it is supported by the result of Breadalbane's discharge, no case being found, and by the general esteem in which the name of Sir Æneas was, and is, held in the Highlands. Had he betrayed even an enemy and a Campbell in the circumstances, his name would not have maintained its lustre. His imprisonment lingered on after that of Breadalbane, and terminated in an act of banishment by the Privy Council. Reaching London on his way to France, he was again arrested, and after long detention and a new act of banishment, he at length reached the footstool of King James at St. Germain's. There an allowance was given him, but inferior to that of several who had suffered less, and had smaller claim.

The Memorial to the King now printed must have produced some improvement in his condition, for he brought over his wife and family, and they took their place at court. Hither also had come the brilliant Sir John M'Lean—'the Castor of the twin constellation,'<sup>1</sup> in the army of Dundee—a hero of Killiecrankie, who had fascinated Mary of Orange, and gained a place in William's army through her intervention, but left it for his native prince. He yielded to the charms of Mary Macpherson,<sup>2</sup> and with her took to *belles lettres*, and to the sharpening of the antiquarian acumen of her father Æneas. The supplement to the *Loyall Dissuasive* shows their common interests in literature. Had the court been at Whitehall, we had heard more of the wedding.

Sir Æneas tells us that he stayed at court full seven years, but this could not have been the case. He is not to be trusted in general statements of time. If he was in the Edinburgh Tolbooth for some time after the arrest of Breadalbane on 10th June 1695, and travelled to London, where he was again arrested and kept seven months in a messenger's house, he could not have reached St. Germain's much before June 1696. The manuscript of the *Loyall Dissuasive*, which I take to be the original, is dated from London, 13th July 1701.<sup>3</sup> We have it from himself that he was in London for four full years' space before the Act of Grace and Indemnity of Queen Anne. This statement of years cannot be accepted any more than the former, but it indicates that he was in London before Queen Anne came to the throne in 1702, and so harmonises with the

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<sup>1</sup> See *Graemeid*, Index. It is curious that the Pollux of the Constellation, Sir Alexander M'Lean of Otter, should have been the antagonist of Sir Æneas in a duel, while Castor became his son-in-law.

<sup>2</sup> 'Sir John Maclean, a papist, and the head of that tribe, or clan, in the Highlands and Western Isles of Scotland, came over from France in a little boat, and landed at Folkestone, in Kent; he brought his lady with him, though she had been delivered of a child but eleven days before.'—Burnet's *History of his own Time*—'Queen Anne'—p. 746.

<sup>3</sup> James II. died 6th August 1701, and could not therefore have held a conversation with Æneas seven years after 1695.

date of the *Loyall Dissuasive* of 1701. I intimated above that the notes of his life and death 'written by himself' (*sic*) must have had an editor who loved general and large statements of time, and did not count on the Nemesis awaiting a false chronology. I conclude then that after a stay of four years, or at most five, our author returned, as he tells us, from Rouen to Stockton, that he sent his wife down to Scotland, and himself went to London, where he 'absconded,' awaiting the success of his wife's efforts for his restoration to his own country. The reason of his return was the death of his nephew Elias or Gilleos, of Invereshie, who died in Flanders, in 1699. Æneas had been tutor to him during his minority, and valiantly maintained his interests against Gordon and his bailies, Tyriesoule and Borlum. His death left Sir Æneas the head of the family of Invereshie, but as most of the estate had been parted with by his brother John, and his nephew Elias, to John Macpherson of Dalraddy, there was little but the title to inherit.

Queen Anne's proclamation of indemnity appeared in March 1702, and Æneas left his 'lurking' in London for comparative freedom in Edinburgh. Here he engaged in his literary work, subsequent to the *Dissuasive*. 'The Patron turned Persecutor' is dated 10th December 1703; the Supplement to the *Loyall Dissuasive*, 12th September 1704; and 'Vanitie Exposed' about the same time.

The following letter, written to a cousin, and found in the Cluny Charter Chest, is backed 'letter from Æneas.' Its date is 2nd May 1704, from Edinburgh. The writing is small, and though there is a general resemblance between the Cluny manuscript of the *Dissuasive* and the letter, the conclusion is that the manuscript of the *Dissuasive* is the careful production of another scribe, copying the original for the author:—

'Edr the 2<sup>nd</sup> off Majj 1704.

'HONORED COOSINE,—I had wreatin to you more than once since I cam last to Scotland, but that I was unwilling to putt you to an

unnecessarie charge, nor had I given you the trouble of this att present, but to tell you that I have sent a just complaint to his grace the Duke against Mr. Semple in a letter to his grace of the date of this of your's by this days post, which lykwise bears a qualified consent for his grace's entring my coosins John and Angus to the estate and lands of Inveressie that is *pro hic et nunc* till I am in condition to pay them what it justly owes them, and assert my right and title. And least his grace may be soe taken up with other affairs that he may not afford so much spaire tym as to order an answer for me, be you so kind to waite of his grace with my most humble service; and ask his grace's opinion both of the one and other, and what his grace says, faile not to wreat to me the verie first post, ffor the little mony that his grace ordered for me, may doe me some service if it com's about Whitsuntyde which you know is here and elsewhere a verie craveing seaseone. If his grace does not come south or the middle of nixt June 'tis not improbable but I may see you att Gordon-castell wher health serving I design to waite of his grace; but if his grace com's south or I leave this place, I shall have an opportunity to pay my dewty to him here, and would gladly know if in his grace's absence you may afford to give a start to Badeanach about the latter end of June; If not I desire you may appoint some other convenient place wher you and I may have a day or twoes conversatione and talk of some affairs concerns me nearly and may not be altogether fforraigne to yourselff, As to which and the other particulars above expressed I shall expect your mind and answere, within a post or two after your receipt of this.

'Your sone John does me the favoure now and then to see me whom I find to be a sober sensible young gentleman, too good for the post he holds seing for the want of frinds and interest he can not propose to rise and for that only reason tis my humble opinion he leave followeing of the sword and take him to the pen to which he is equally fitted, and for his encouragment If he is once but dissingaged, I'll make interest to gett him a latron,<sup>1</sup> either in a wreaters chamber or in a Session clarks. I am indeed for the last, because 'tis a place of better and speedier educatione and of much more profite but the mater is submitted to your judgment, and the sooner you send your mind and order to your sone the better, because I have alreddie both spoke and wreatin to my kind

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<sup>1</sup> Is this word recognised? The Greek *λάτρον*, pay, hire, may be the source of it. 'A hire' may be what Æneas proposes to get him.

ffrind Glengarie in his behallff, who has promised to concurr with me all he can to serve him, and is of my opinion that as the world goes, he had better follow the pen, becaus the aere here will agree better with any of his sort or ours than that of Spaine or Portu-galls, to which so many are and will be sent.

‘When you mind to wreat to me direct for Mr. Clark at Mr. Grayes in the Abey Closs Edinburgh, and it can not miss to come safe to, Dear coosine, Your affectionat coosine and most humble servant,

ÆN. M'PHERSONE.

‘Take care that Mr. Semple know nothing of my letter to the duke till you have once spoke his grace and receive his answeare. *Vive, vale.*’<sup>1</sup>

Who the cousin is to whom the letter is addressed I do not know, and his son John, ‘the sober, sensible young gentleman,’ in Edinburgh, I have not been able to trace. The cousin John referred to in the body of the letter was the son of his father’s brother, another John. This John, the uncle, had acquired Dalraddy<sup>2</sup> (a name recalling the Dalriads of Ireland and Kintyre), and John, the cousin, by an arrangement with John, Æneas’s brother, and with the deceased Elias, had gained possession of Invereshie. Æneas found himself head of the family, but without a house on the estate. Whatever claim he had on the property, he was too poor and weak to assert it, and for the present he yields to the inevitable. The property passed to George, son of this cousin John, who married a daughter of Colonel W. Grant of Ballindalloch. Their son John had a son George, who succeeded to Ballindalloch, and became, in 1838, Sir George Macpherson Grant, Bart. As to the cousin Angus, I fail to trace him in the genealogy. Sir Æneas had, it would appear, an illegitimate son, Angus. As he had no surviving male legitimate issue, he may have been trying to include Angus in this family compact.

Probably he carried out his intention of going north soon

<sup>1</sup> Horace, *Sat.* 2. 5. 110. Id., *Epist.* 1. 6. 67.

<sup>2</sup> A property near the Kirk of Alvie in Strathspey.

after the date of the above letter, and in Badenoch 'recovered his health to admiration,' but lost it again through the misery of the quarters he was forced to put up with. According to the 'Notes,' he died on the 28th June 1705, 'praying heartily for his enemies, and his rightfull soveraigne's restoration,' and was buried with his predecessors in the Kirk of Insh, the ancestral shrine.

Of his wife and the son James, who was left under the auspices of the court of St. Germain's, I find no record. His wife, a member of the family of Scrimgeour, bore to Sir Æneas three sons and one daughter. The eldest son died, as narrated, on his father's imprisonment; Duncan died in Spain, without issue, and there is no record of James. The daughter, Mary, married, as we have said, Sir John M'Lean, and her adventurous voyage from France to Folkestone with her eleven days old infant, in a little boat, we have noted above. The mother of Sir Æneas, as will be seen in the 'Patron turned Persecutor,' married, as her second husband, Grant of Carron, and by her tears, on at least one occasion, aided the fallen fortunes of Invereshie. Sir Æneas's younger brother, William Dow, married a daughter of the Kinrara Mackintosh family, and by her had a son, Thomas Macpherson, who married Elizabeth, daughter of John Grant of Culquoich, by whom he had a son, John Macpherson, undoubted male representative of the ancient family of Invereshie. He was barrack-master at Ruthven. He is styled of Inverhall, and his wife was Ann, daughter of Hugh Macpherson of Orié. They left several children. Two of them, John and Jean, lie in Kingussie churchyard, with their recording stones. They were buried during the stormy days of 1745-46.

So far as to the stirring, fiery, earnest, struggling, suffering life of 'the ingenious Sir Æneas,' and what we have to say of his near relations.

Duncan Macpherson of Cluny, to whom Æneas addressed

the *Loyall Dissuasive*, had inherited a direct descent from the old maormores—nay, kings—of Moray, as heir in male line of Gillie Chattan More, who gave his name to Clan Chattan, and to the confederacy of clans which was formed on it. He inherited but a comparatively small estate, an undisputed headship over the Clan Vurich, and a standing quarrel with Mackintosh as to the chiefship of Clan Chattan. Apparently of old there was no objection to Mackintosh's title of 'Captain of Clan Chattan,' for that was an office of great importance for the defence of the whole body of confederates, nor was there any question as to his position as chief of Mackintosh, and the septs sprung from, or adhering to, that branch of the clan. But when Chief of Clan Chattan became linked with Captain in the titles of Mackintosh, there was a rift in the lute, and further, when the title involved service of Cluny to Mackintosh, the lute was broken, and the 'Black Chanter<sup>1</sup> of Cluny and Clan Vurich was sounding, sounding.' In 1396 the chanter played both a pibroch and a coronach on the Inch of Perth.<sup>2</sup> From that date the chief by blood was not the head of the clan *de facto*. Mackintosh took the lead in Clan Chattan, and the chief, *de jure*, gave a hesitating adhesion to his plans. The government in Edinburgh naturally recognised the *de facto* head as chief, and Cluny was known only as chief of Old Clan Chattan. Things old are ready to vanish away, and Mackintosh knowing this tendency, pushed his advantage. Nevertheless, blood is blood, and mere power in the female line is impotent against the male line in direct descent. Yet again, if the chief by blood slumbered in his birthright, while Mackintosh was the wakeful Captain of the Clan, who can wonder that chief and captain came to mean the same thing? Cluny with his clan and his septs held a central position in

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<sup>1</sup> The Black Chanter is carefully preserved at Cluny Castle.

<sup>2</sup> Assuming that Skene is correct in recognising Clan Vurich as on the losing side in that remarkable combat. See his *Highlanders of Scotland*, vol. ii. p. 177.

Badenoch. They had sunk from maormoreship and were under over-lords, first the Comyns, then the Stewarts, and now the Gordons. In Gaelic the clan is still Macvurich or Mhurich, but in common parlance it is Macpherson. It occupied the centre of the old kingdom of Moray, which at one time extended from Ardnamurchan in the west to Nairn, Elgin, and Fochabers in the east. It had no foes save when the Comyns had to be extirpated, or some passing injury had to be avenged. Its point of contact with the feudal life of the Lowlands was slight, and softened by the intervention of the Atholl country, and the allied families of Robertson and Murray (the latter a form of Mhurich). Very different from this position of the descendants of the Maormore was the sphere of the Toisech and his kin. From the Brae of Moray he faced the feudal representatives of the central government, and saw them possessed by law, authority, and power, of the great plains, once under his own control. He had been the Toisech or representative of Celtic sovereigns in Moray, and though not, like the Maormore, ranking as an Earl, his position was equal to that of a Thane. Here with his restless Moraymen behind him he had to fight, cajole, or ally himself with Bisset, Freskin, Sutherland, Rose, Fraser, Innes, Brodie, Stuart, or Gordon; while within the Highland line lay hostile neighbours, the Comyns on the east; and on the west, where he had property, the Camerons and Macdonalds held him at feud. He was captain of the Clan Chattan in its forays, and diplomacies. He bore the brunt of its ill-doing, and profited by its success. The Chartulary of Aberdeen bears witness to the ravaging of Deeside in 1382 as far down as Birse by Ferquhard Macyntoshy. The counties of Kincardine, Aberdeen, Banff, and Elgin knew well the prowess of Clan Chattan, and its captain was always Mackintosh. The clansmen got a bad name as *caterans*, and no doubt their evil deeds under the Mackintoshes deserved punishment; but nothing so atrocious as that appointed in

the fearful mandate of James v.<sup>1</sup> ordering (on 10th November 1528) the Earl of Moray and the sheriffs of the bordering counties to leave ‘na creatur levand of that clann except preists, wemen, and barnis,’ and ‘because it were inhumanite to put hands in the blude of wemen and barnis,’ the earl was to drive them to the sea-coast that they might be transported to the shores of the opposite continent. ‘Slaughter, burning, drowning, and other ways,’ were the methods of destruction imposed. The *tribus Pharsaneorum*—the Macphersons of Badenoch—were untouched in all this slaughter. It was Mackintosh only, and his belongings, that were looked upon as Clan Chattan by the author of this commission of fire and sword, and those who carried it out limited their operations to that family and following. When Mackintosh had to fight on the west with Camerons and Macdonalds, the Macphersons came to his aid, but in a very independent and half-hearted fashion. They withdrew from him in a body at Invernahaven, but, as blood was thicker than water, saved the battle for him afterwards. Notwithstanding, it was Mackintosh who could give a centre to the bulk of the clan, many Macphersons included, while the chief by blood slumbered by the slow waters of the upper Spey. But from Craig Dubh with its lofty traditions, Cluny and the Clan Vurich could look upon the Mackintosh with all his power, wealth, and gathering clansmen, and say, ‘He is but a cadet.’ Whether Mackintosh ever succeeded in getting Cluny into subjection is not absolutely certain, but the Band signed at Termitt in 1609 comes perilously near it. The document has been often quoted, and is very accessible.<sup>2</sup> It is very long, and it is possible that its terms were not fully understood by all who put their names to it, but beyond question in it William Mackintosh of Benchar, then tutor of Mackintosh,

<sup>1</sup> See *Spalding Club Miscellany*, vol. ii. The editor’s preface corrects the date given with the documents. The Chartulary of Aberdeen is there quoted.

<sup>2</sup> See Shaw’s *Mackintosh and Clan Chattan*, and Macfarlane’s *Genealogical Collections*, Scottish History Society, vol. xxxiii.

is recognised as 'principal captain of the hail kin of Clan Chattan,' and captain and chief till Lachlan Mackintosh of Dunacton should come of age to take up a chiefship, said to be granted of old by the King of Scotland. Andrew Macpherson of Cluny, and five other Macphersons, sign this Band. Æneas Macpherson says the signatures are forgeries, proved in court as such. I am not prepared to accept that position, but I think too much is made of this Band by the Mackintosh advocates. Such bands were very numerous, and especially so at this time. Great nobles, where inferiority is not suggested, bind themselves for existing emergencies to serve other nobles and chiefs in their just necessities and occasions. The Act of 1597 had greatly agitated the Highlands. It called on all proprietors to produce charter evidence of ownership. There were very few charters of old in the Highlands, holding being by descent in right of blood, and the evidence, tradition.<sup>1</sup> It is clear that this Act exposed the chiefs of clans and septs to great danger. A man's powerful neighbour or his own feudal superior, if hostile, might easily deprive him of his estate. In anticipation of this dangerous Act, and in consequence of it, the bands for mutual service and defence are very numerous at this time. The Clan Chattan was in possession of its numerous properties without much charter evidence. Most of the property, after the Celtic Maormoreship lapsed, had been held under the Lords of the Isles or under Comyns and Stewarts. The reasonableness of the Termitt Band is shown in the preliminary clause: 'Forasmeikle 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 other without respect to their own weals coming thereof . . . therefore and for

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<sup>1</sup> Skene gives the Lamonds a precedence among Highland clans as to the possession of charter evidence of descent.—*Highlanders of Scotland*, vol. ii. p. 125.

sundry other motives and occasions moving them, they bind and oblige the hail kin to William Mackintosh, their present captain and chief.'

Andrew Macpherson of Cluny, who signs this document, was a strong man, and wise, and never likely to give himself away. He knew how much and how little these Bands meant, and how, when the present occasion was over, they were but waste paper. He had before this signed a Band in 1591, wherein the Macphersons bound themselves to him. He was perfectly independent in his action, and held out Ruthven Castle in 1594 against Argyll, with whom Mackintosh was acting against Huntly. He gave unity to the Clan Vurich. His mother was a Mackintosh, and he seems to have been on comfortable terms with that family. He strengthened himself by his marriage with a daughter of Gordon of Avochy. From a charter in the Cluny Chest (only decipherable by such eyes as those of the Rev. Walter M'Leod), we gather that he was enriched with the whole property held on the Isla in Banffshire in name of Thomes Innes of Pethnick, heir-apparent of his father Alexander Innes, and also with Avochy's claims on it. The Mains of Grange, with its tower and fortalice in Westwood, Craigward, Haughs of Grange, Clerkseat, and Garwood, and endless appurtenances, passed to Andrew Macpherson by deed, dated 18th [*illegible*] 1618. By this lady Andrew had a son, Ewen, who, as we have seen, joined Alastair Macdonald on his march to Atholl through Badenoch to find Montrose. He raised a strong force of Badenoch men, and was called Colonel Ewen. When the war was over, he was brought before the Covenanting Synod of Moray, held at Forres, 12th January 1648, and confessed that he 'did join with Alastair Macdonald, James Graham, and the late Marquis of Huntly in rebellion; that he was at Tippermuir and Aberdeen, in which he did command the hail of the men of Badenoch, as also had the same command under the late Marquis of Huntly. At the direction of the Lord

Gordon he raised fire at Dacus, and was in service at the siege of Lethen.' His father Andrew was excused from attendance on account of old age 'and being unable to travel.' Colonel Ewen married a daughter of Forbes of Culloden, and had by her two sons and three daughters. The eldest son was Andrew, the original of our frontispiece, and the second son was Duncan, the recipient of the *Loyall Dissuasive*. When Ewen died is not quite clear. In 1649 he is described as Ewen of Cluny, and received £500 Scots for his losses through an invasion of Badenoch.<sup>1</sup> His father Andrew is said to have lived till 1660, but there is no evidence of this before me. Ewen died about that date, for his son appears in the Book of Retours under 27th August 1661, as follows: 'Andreas M'Phersone de Clunie haeres Eweni M'Phersone de Cluny patris.' Andrew, the grandfather, may have lived on in infirmity while Ewen was responsible chief, and had the title 'de Cluny.' Colonel Ewen had sent his son Andrew to Marischal College, where we found him passing through the University to his degree in company with his cousin, Duncan Forbes of Culloden, and his admiring clansman, Æneas Macpherson, and associating with men like John (or Robert) Forbes and Sir Robert Farquharson. He probably was not of age when he succeeded his father, for in 1661 we find Ewen Macpherson, his cousin once-removed, acting as tutor of Cluny, and in 1662 fined £600 by Parliament for his dealings with the Covenanters.

The two rival chiefs in Clan Chattan, Andrew of Cluny, who was chief of the Clan Vurich or Macphersons, and claimed to represent in the male line the ancient Clan Chattan, and Lachlan Mackintosh, the captain and chief of the confederacy of Clan Chattan, hereditary in his family, were both of an age, and succeeded to their inheritance about the same time, Lachlan in 1660, and Andrew in 1661. The Mackintosh had been educated at Inverness, Elgin, and King's College, Aber-

<sup>1</sup> Cluny did not join Pluscardine in his rising, so his lands suffered.



I Lauchlan Mackintosh of Torcastle do declare that  
 Andro Macpherson of Cluny Lauchlan Macpherson of Pittenweem  
 and John Macpherson of Faversham and his friends and  
 followers have taken out of me my lands and places  
 Jozeum with me and his friends for robbing of my lands  
 of Glouin and Corcharney from me Lauchlan Mackintosh and  
 his friends and his friends according to the King's Court  
 sentence for the said lands and places and obliging me  
 to assist fortify and garrison the said lands and places  
 and his friends and his friends and his friends and his friends

X  
 my friends  
 following

being yet required By his Highness at Exeter the  
 Twelfth Day of September last by the King's Highness  
 by and with the consent of the Council and also  
 the King's Highness in person and now put in the King's Highness

J. Mackintosh  
 of Torcastle

~~Lauchlan Mackintosh~~  
~~Lauchlan Mackintosh~~

deen, finishing at St. Andrews. Though much 'employed at schools,' and so for a time unacquainted with affairs, under the guidance of his uncle, the learned author of the Kinrara Manuscript, he sprang quickly into an aggressive attitude. In 1663 he procured a commission of fire and sword against the Clan Cameron. This was a very serious undertaking, and put a strain not only on Clan Chattan, but on the allied families, for which they were not prepared. The latter refused aid, and many of the Mackintoshes made conditions and created difficulties which greatly exasperated the young chief. He was determined, by speaking to the heads of families, to find out who would follow him, and first spoke to Andrew Macpherson, 'whose sincere affection he had hitherto esteemed to be placed beyond the hazard of doubt.' It is clear that the young Mackintosh had learned from Kinrara, or at the schools, a somewhat exaggerated notion of the powers of Captain of Clan Chattan, and that the other young chief, Andrew of Cluny, under the early guidance of Sir Robert Farquharson and the senachies, had a just sense of his own importance and that of his name. It was one thing for the chief, in male line, of small possessions, to join with the captain of the clan, a great proprietor, in bonds for mutual safety, but quite another to act under orders. Since the Band of 1609 Mackintosh had been assuming authority over Macpherson, and Andrew—the paragon of beauty, mental and bodily, of a clear sight and rapid judgment—determined that now was the time to put matters on a proper footing, and Mackintosh wrote the letter printed in our notes,<sup>1</sup> and given here in *facsimile*. It declares that Cluny and the Macphersons follow Mackintosh in this affair out of friendship and not out of duty. Claims grow in the Highlands by use and wont, and young Cluny by this condition, for a time at any rate, resisted a growing assumption of superiority on the part of Mackintosh. Kinrara, and the other Mackintosh authors belittle

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<sup>1</sup> See p. 79.

this letter. Its date is 1665, towards the end of Mackintosh's efforts to gather his force against Lochiel. There was much wrangling and bargaining among the various chiefs before they would engage; and even after joining there was no reliance to be placed on their fidelity to Mackintosh. No doubt Mackintosh was heady, and acted as he assumed he had a right to do, but it is a credit to young Cluny that he put matters on a footing more suitable to his family dignity.

The story of Mackintosh's expedition against Lochiel is fully set forth in volume xxxiii. of the Society's books,<sup>1</sup> and young Cluny appears repeatedly in the negotiations, which ended in an agreement without bloodshed, by which Mackintosh accepted a sum of money from Lochiel in place of his rights over Glenluy and Loch Arkaig. In some of the manuscript collections of the late Mr. James Macpherson of the Union Bank, Edinburgh, I have seen lengthy reports of arguments between the two young chiefs, but they are not authenticated by any authority, date, or reference, and I cannot make use of them. No doubt the two young men had much to say to each other, and said it in all frankness, but we have nothing to go upon that is historical. There are reports also on the other side in Kinrara's writings, and they are as strongly coloured in the Mackintosh tartan as we find the legends of Cluny to be in that of the Macpherson. Section XIII. of the *Loyall Dissuasive* gives a panegyric of young Andrew Macpherson, and concludes in rhapsody:—

‘These were but a small pairt of the early blossoms of that lovely sprigg, by which (as by a sample) it was easy to judge what we were to hope for, if God hade spared him dayes. But, *proh dolor!* who can think on it without a flood of tears; for so it pleased Providence that this paragon of his age, the boast and stay of his family and ornament of his country, was snatched away in the prime of his youth; and, to aggravate our sorrow, buried the same Tuesday he should have married.

<sup>1</sup> Macfarlane's *Genealogical Collections*, vol. i. pp. 238-377.

He was ane Absalom for beauty, a Joseph for continence, a Tully for eloquence, and a Jonathan for friendship !'

Andrew Macpherson died unmarried, after 1665, probably in 1666, and was succeeded by his brother, Duncan, scarcely of age. There is some evidence of his having had a tutor, Ewen Macpherson, who had previously discharged the same office for Andrew. He married young, Isobel, daughter of Provost Ross of Inverness. Though Andrew had much improved the status of his family, and by his tact and manner gained to his side many leading men of the name who had been alienated through the power and diplomacy of Mackintosh, the clan was still an imperfect unity. The Gordons, who had helped to depress the Macphersons and exalt the Mackintoshes, at length gave their support to their own subjects, the men of Badenoch, and Cluny assumed a more independent line. 'In 1672, Duncan threw off all connection with Mackintosh, refused to acknowledge his authority as chieftain of the clan, and applied to the Lyon Office to have his arms matriculated as Laird of Clunie Macphersone, and the only and true representer of the ancient and honorable familie of the Clan Chattane.'<sup>1</sup> This he obtained; but soon after, when the Privy Council required all the Highland chiefs to give security for the peaceable behaviour of their respective clans, 'Macpherson obtained himself bound for his clan under the designation of Lord of Cluny and chief of the Macphersons.' Mackintosh immediately applied for the recall of those titles, and for the recognition of his own claim. Both parties were called upon to produce evidence of their assertions; but while Mackintosh could produce deeds for a long course of years in which he was designated captain of Clan Chattan, and also the unfortunate Bond of Manrent of 1609, Macpherson had nothing to bring forward but tradition. The result, as Skene says, was a decision as just as, in the circumstances of the case, could be expected of the judges. See for its terms our note, p. 56. The decret made Duncan

<sup>1</sup> Skene's *Highlanders of Scotland*, vol. ii. pp. 185, 186.

responsible for all of his name, with the exception of Macphersons holding land under Mackintosh. Whether it was that Duncan failed to take in the situation, as from his youth might well have been the case, and did not recognise the amount of alienation from their chief which had taken place in the clan, from whatever cause, the decree of the Privy Council in his favour failed for some time to increase harmony among the leading Macpherson families and himself. They raised an action against the right of Cluny to exact from them letters of security for good behaviour, and claimed Mackintosh as their chief. The following decision of the Privy Council states the case, and presents the Macphersons in a very contemptible light. They were afterwards heartily ashamed of themselves, and Sir Æneas does not spare his own family in his condemnation of their conduct in the past. The Solemn Decreet and Sentence and their consequences, he deals with in two sections, ix. and x., of the *Dissuasive*. The revolt of the Macphersons, and the decision against them is found in a paper in the Cluny Charter Chest, purporting to be an extract from the Privy Council Records. Its references to the Skene Library and the Privy Council Records have been verified by reference to the 'Compend of the Privy Council Record,' formerly at Skene House, now the property and in the library of John Scott, Esq., C.B., Halkhill, Ayrshire, who has very kindly collated this copy with his ms., and made necessary corrections.

Page 3955, Privy Council Record.

'Apud Ed<sup>r</sup> 21 November 1672.

Sederunt.	Chancellor.	Gen <sup>l</sup> Dalziell.
	{ Marshall.	Pres. Session.
Privy Council.	{ Linlithgow.	Register.
	Annandale. <sup>1</sup>	Justice Clerk.
	Yester.	Niddry.
	Sinclair.	

<sup>1</sup> Annandale is a mistake for Tweeddale.

P. 3956—Dec<sup>t</sup> Donald Macpherson of Pitycron.

‘Anent our Sov. lords letters raised at the instance of Alex<sup>r</sup> Macpherson of Pitmain, Lauchlan Macpherson tutor thairof, Jo<sup>n</sup> Macpherson of Inverishie Jo<sup>n</sup> Macpherson tutor thairof, Tho<sup>s</sup> Macpherson of Killie hunting, Murdo Macpherson of Clune, Jo<sup>n</sup> Macpherson of Shirsbeg, Donald Macpherson of Pitycron his son, and Donald Macpherson of Phones for themselves and in name and behalf of the severall persons descendit of thair families. Makeand mention that quhair the complainers were lately charged be verteu of lettres of horning raised used and execute at the instance of Duncan Macpherson of Cluny, as pretending himself Chiefe of the Clan of Macpherson and as having found caution to the Privy Council for the said Clann to grant him Bands of releiffe for themselves and the persons descendit of thair families within a ceartane short space nixt efter the charge, under the pain of rebellion and putting of them to the horne. And for thair allegeit disobedience hes (denounced) at least intends to denunce them rebels, and put them to the horne; most wrongously and unjustly; considering it is of verity that the complainers were never called nor heard to any Act appointing the said Charger to give bond as chiefe of the Clan and ordaining letters of releiffe to be direct against the complainers; Quhairas if they had been called and heard they would have allegeit as they now allege that the Charger nayther is nor ever was Cheiffe nor did ever any of his prediccors claim right thairto; Bot upoun the contrair it is nottor and manyfest without the least doubt that the complainers are descendit of Macintosh, quhose prediccors maryed the heritrix of the Clanchattan quho accordingly hath given Bond for himself as Chiefe of the Clann, and thairfore the complainers being distressed at the instance of severall pairties for one and the self same thing, the said charge ought to be suspendit; and specially seing the complainers have found sufficient caution actit in the Books of Privy Councill under the paine of 1000 merks That thay shall ayther give Bonds of Releiffe to Duncan Macpherson of Cluny at quhose instance thay are charged as Chiefe of thair Clann, or to the Laird of Macintosh quho lykwise hes charged them as Chiefe of the Clan, or atherways find caution actit in the Books of Privy Councill for the publict peace in caice it be found thay ought so to doe at discussing hereof: In verteu quhair of the foirsaid lettres and charges hail effect and executioun of the same ought to be suspendit upoun the said complainers. And anent the

charge given to the said Duncan Macpherson of Cluny to have compeared and to have brought with him the foirsaid lettres and charges, grounds and warrants quhairupoun the same proceids and to have heard and sein the same and hail effect and execution thairof suspendit upoun the saids complainers as the said lettres executioun thairof, and indorsations thairof at lenth proports.

‘Quhilke being called and the said Duncan Macpherson of Cluny, charger, compeirand personally, quho exhibite and gave in a Disclamatioun of the foirsaid Suspensioun and hail reasons thairof under the hands of the said Alex<sup>r</sup> McPherson of Pitmean Lauchlan Macpherson tutor thairof John Macpherson of Inverishie, and John Macpherson of Shirsbeg dated the 6<sup>th</sup> day of November instant; and the rest of the persons at whose instance the said Suspension is raised being oft tymes called and not compeirand; and the said Laird of Macintosh compeirand personally.

‘The Lords of his Ma<sup>ties</sup> Privy Councill having heard and considered the reasons of suspensioun foirsaid with quhat ffarder wes allegeit be ayther partie, ordaines the Band of Cautiounrie given by the said Duncan Macpherson of Cluny for the peace of the Highlands quhairin he is designed Chieffe of the Macphersons, and the lettres of relieffe raised at his instance as Chieffe of that name, with the hail Bands of Relieffe taken by him thairupon, from the Macphersons as Chieffe of that Clann to be retired; And ordaines the said Duncan Macpherson of Cluny to give a new band for himselfe, his men tenents, servants, indwellers upon his lands, rowmes and possessiounes and the hail persons of his name descendit of his family and that lettres be direct at his instance against them for thair releiffe accordingly.’

‘Copied from an old abstract or copy of the record of Privy Council belonging to the Skene Library, and at present in the General Register House.

‘The original record is I believe complete at this period, and may be referred to if thought necessary.

‘Given to me by Donald Gregory, 10<sup>th</sup> June 1833.’

Duncan eventually succeeded in gathering his people about him, so that Æneas could say, ‘For your own kindred in and about Badenoch, all of them without the exception of one Recusant, cheerfully submitted to your right, paying you

that respect which is due to your character and station, so much that for twenty years thereafter there was not a family or a society in the kingdom more united amongst themselves or more affectionate to their chief, as I trust they continue to this day, tho. I have not the good fortune to be there to witness it' (*Loyall Dissuasive*, p. 62).

A change of policy on the part of the Marquis of Huntly towards Cluny no doubt helped the clansmen to a better mind. The following letters manifest this gleam of Gordon favour. It was only a gleam, however, and came at a time when Huntly, a very young man, was abroad, and Aboyne<sup>1</sup> and Adam Urquhart of Meldrum were acting for him.

'GENTLEMEN OUR VERY GOOD FRIENDS,—

*Last of March 1674.*

'The Laird of M'Intosh his arrogant demeanors in severall affairs wherein my Lord Huntly is concerned and particularly of the Teinds of Badenoch has brought us to a clear understanding of these differences been betwixt the Laird of Cluny and him anent the Chieftenry and what endeavours have been used be him to frusterat Cluny of the Benefide of the Counsell's just determination, and seeing we now understand that most sureptitiously M'Intosh did borrow our names not only in the prosecution of that action, but always since when occasion offered as a mean, to rent yourselves and devyde you; we have therefore upon consideration of the justness of Cluny's cause (whereof the emptiness of M'Intoshs arguments does sufficiently convince us) Cluny's and his predecessors constant fidelity to the famely of Huntly, thought fitt to make known both to you and him our dislike to his proceedings togeder with the resolutions we have now (on just

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<sup>1</sup> Charles, first Earl of Aboyne, created 1660. He died in 1681. Adam Urquhart of Meldrum had, in 1667, married Lady Mary Gordon, sister of the Marquis of Huntly. The marquis was abroad, in the French and other armies, for several years, from 1673, and Lord Aboyne, his uncle, and Urquhart took charge of his affairs. By a misreading of the manuscript, the name Ad Urquhart is transformed into Hel Urquhart in *Glimpses of Life in Highlands*, p. 434, and Helen is said to be the Dowager Marchioness of Huntly, but this is all a mistake. In the old paper in the Cluny Charter Chest from which we are quoting, where a copy of the letters are given, the initial 'Ad' of Adam are converted into 'Kell.'

grounds) put on to espouse your quarrell against him and whatever may emargin upon that point, and that these may be the more manifest we desire this to be communicat to all your friends of your severall famelies wishing hereby all the name of M'Pherson and all others called the old Clanchattan, and whatsoever name and designation within my Lord Huntlys Bounds or ours to follow our faith herein and the said Laird of Cluny as Chieffe and to pay the same respect and defference to him that becomes kinsmen ; Certefieing any lieving within the bounds above specified that does in the contrary they shall be looked upon not only as unnatural to their chieffe, but likewise as Complyers with those who have no kyndnes for the famely of Huntly (judged unworthy to hold of or depend unto the same) and assuredly taken notice of as such by my Lord Huntly, and Gentlemen, and reall and most assured friend.

(Signed) ABOYN.

AD. URQUHART.

'Directed to John M'Pherson of Invereshy, Lachline M'Pherson of Pittmean, Donald M'Pherson of Nied and the rest of the surname of M'Pherson.'

*'Last of March 1674.*

'SIR,—You will find by the enclosed and your Cousine Mr. Angus Information our inclination to doe you all the favour we can; whereto we expect a continuation of that faithfull service your predecessors have shoen to the family of Huntly, which will be the greatest obligation you can put upon, Sir, your most reall friend to serve you.

(Signed) ABOYN.

AD. URQUHART.

'Directed to Duncan M'Pherson of Cluny, Esq.'<sup>1</sup>

The originals of the letters are in the Cluny Charter Chest, very much wasted, but sufficiently distinct. From an old letter lying with them, but of much later date, we extract the following passage, which throws a Macpherson light on the situation:—

'The reason of Lord Aboyne's letter is: Duncan Macpherson

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<sup>1</sup> It may be noted that the clan under Cluny is called Old Clan Chattan. This is in contradistinction to the more modern confederacy of Clan Chattan. Our author, Æneas, appears here as Angus.

of Cluny finding that he could get neither the Band nor Money from the Laird of MacIntosh for what blood the Clan Macpherson lost in the Clan Cameron Contests, and that MacIntosh assumed a carriage as if by degrees he could attain the universal Chieftainry of Clanchattan; Cluny determined to cut him short therein by taking so much of his own birthright from him as he could. He got a trifle of money from him in lieu of the forementioned fraction<sup>1</sup> by some coercive means without law, but raised a process before the Council of Scotland against MacIntosh for the ensigns armorial of the family only due to him (Cluny), and the process was warmly litigated and finally decided in the favour of Cluny in the year 1672. During the course of this litigation the Clan MacIntosh applied to all their friends in every corner to support them—the Marquis of Huntly was then minor tutored by his cousin german,<sup>2</sup> Lord Aboyne. The Laird of MacIntosh waited of Aboyne, told him what a rebellious process Cluny raised against him, and said the whole tribe would be as unnatural to the Marquis their superior and master when able, as they were to him their chief, and if Aboyne pleased to put them to the trial in giving room to him (MacIntosh) and his friends to offer for the lands and teinds<sup>3</sup> of Badenoch, holding of the Marquis and in

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<sup>1</sup> There was a money 'fraction' between Lachlan Mackintosh and Andrew of Cluny in 1663. The Macphersons also hoped to share in the settlement to be made with Lochiel at that time.

<sup>2</sup> This should be uncle. He was the third son of George, second Marquis of Huntly. Lewis, third marquis, was his brother, and was the father of George, fourth marquis.

<sup>3</sup> The following letter from Aboyne to Calder (*Thanes of Cawdor*, p. 330), on the subject of Mackintosh and the Badenoch Teinds, supports the above account.

'From ABOYNE.

*April the first, 1674.*

'SIR,—Being assured of your freindship, and knowing your respect towards my Lord Huntlie, I must intreat you for a favour which I hop you will not deny me; which is, that the Laird of M'intosh having bought my Lord Huntlies teithes of Badenoch against himself contrar to the duitie of ane wassall to his superior, and to pay for the samen with the money he expects from you; my earnest desyr is that you pay him noe money at all till a terme. And I oblidge my selfe to free you of all expence or damnadge you sall incur therby, and I conceive that by doing soe, when M'intosh comes to consider the bussines and his owne duitie mor maturlie, he will be much obliged to you for incapacitating him to committ soe extravagant ane actione besyds the favor you will confere upon, Sir, your humble servant,

ABOYNE.

'For Sir Hew Campbell of Calder.'

possession of the Macphersons, as soon as opportunity offered. That the family of Huntly's interest would be forwarded hereby and the Macphersons would prove themselves ungrateful to all parties. This discourse relished with Aboyne and he consented. Whereupon the Laird of MacIntosh asked him the favour till the above opportunity should happen, not to interfere by himself, or apply the Marquises interest to support either him or Cluny in the depending process till ended; which Aboyne also agreed to. MacIntosh having secured this grand card, and stripped Cluny of his friends, he ran over the kingdom with ungrateful tales of different kinds of the Clan Macpherson against their superior master and chief, as he called himself and neighbours. Cluny was struck at such sounds, and found their influence even to effect the Council. He was mute, resting on the justness of his cause. In end the decree came out in his favour. By this sentence of the council the families of Cluny and MacIntosh are considered as distinct ones; different coates of arms are given them, and precisely that to Cluny as heir male of Clan Chattan; the ancient bearings of that clan. The Laird of MacIntosh seeing himself worsted fell to artifices, bribing Erskine, Lord Lyon, and by ambiguously construing the Council's decree, got out a plate to his purpose. Upon its coming abroad Cluny saw the aim, again complained to the Council, and they explained and fortified their former decree; called Erskine and MacIntosh to account, and gave them sharp reprimands. Notwithstanding the Laird of MacIntosh to this day never took out a second plate and Duncan of Cluny dying<sup>1</sup> soon after that there was no more done in the matter. It lies open for Cluny to cancel it at any time. The whole process may be seen in Leigh Parliament by looking at the records of 1672 wherof a double was in Cluny's papers at Cluny. Upon Lord Aboyne's hearing of this procedure he went through the whole process which influenced him to write as before to Cluny and his clan, and he all his life together with his then pupil afterwards Alex<sup>2</sup> Duke of Gordon adhered to the resolution proving great friends to the Macphersons. This process at the time made a great deal of noise in the Highlands. Two contemporary writers of the Clan Chattan wrote manuscripts about it, vis Æneas

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<sup>1</sup> Duncan died an old man in 1722, fifty years after these transactions.

<sup>2</sup> The pupil of Aboyne was George, fourth Marquis and first Duke of Gordon. His son Alexander was not born at this time, nor was George his father married till 1676. The friendship of George was evanescent.

Macpherson of Invereshie and MacIntosh of Kinrara brother<sup>1</sup> to the Laird of MacIntosh. Sir Æneas was naturally warm in temper, and well knowing the many injuries brought upon the Clan Chattan and Cluny since the marriage of the heiress, handles the subject warmly, otherwise extremely well. His antagonist writer MacIntosh was a man of parts, education and cunning as well as coolness. He wrote sometime after he had seen the manuscript of Sir Æneas, who never saw that of MacIntosh, else he would have entirely confuted him. Kinrara found the field he was to go upon, was he to speak out, would betray him, wherefore he skims over and glosses, the best he can, the real contest of chieftaincy by art. He at last solely rests upon the first decree of the Council of Scotland as ambiguously construed by his brother<sup>2</sup> and Lord Lyon, and upon the plate stole out by them. He forgets the second review of that sentence, and explanatory final decision whereby MacIntosh is ordered not to use the plate thus surreptitiously taken out and Cluny allowed to bear the ancient ensigns armorial of his family. Kinrara's structure hereby is easily overthrown whenever properly attacked whereas that of Sir Æneas can be supported by written and traditional proof. *Collier's Dictionary*,<sup>3</sup> an English author attests it, and it is worth supporting in an age like ours when Chieftainry and Highlandism are in vogue.'

Duncan Macpherson in the previous year, 1673, had fortified himself by entering into a Band of Friendship with Æneas, Lord Macdonell and Arros. Cluny takes 'burden upon himself for the whole name of Macpherson, and of some others, all called Old Clan Chattan, as chief and principal man thereof.' The signature of Æneas Macpherson, which is upon it as a witness, may be noticed. As it is a characteristic specimen of these Bands we may here give it entire. It is from the Cluny Charter Chest.

'At Annat and<sup>4</sup> the twentie day of October and  
the day of j<sup>m</sup> vj<sup>c</sup> seventie three yeares.  
It is contracted agreed and condescendit upon betuixt the parties

<sup>1</sup> Another confusion! Kinrara was uncle of the Laird of Mackintosh. The whole paper is very inaccurate.

<sup>2</sup> See previous note.

<sup>3</sup> But Æneas supplied the matter of the article in *Collier's Dictionary*.

<sup>4</sup> Cluny signed at Annat, now a solitary place, on the Roy, above the famous glen. It was on the path by which Claverhouse led his force from Dalmacomer

afternamed To witt ane noble and potent Lord Aeneas Lord M'Donell for himselfe and takeing burden upon him for the name and clan of M'Donalds as cheeffe and principal man therof and for his remanent kinsmen wassalls dependents and followers on the ane pairt, and the verie honourable Duncan M'Pherson of Cluney for himselfe and takeing burden upon him for the heall name of M'Phersons and some others called old Clanchatten as cheeffe and principal man therof on the other pairt in maner and to the effect underwrittin That is to say fforasmuch as both the saids parties doe seriouslie consider the ancient love mutuall freindship and kyndnes that hath been observed and inviolablie kept betuixt ther antecessors, and understanding that pollocie and Christian dewtie oblidges them to pursue and observe the same in all tyme comeing, Therefore both the saids parties for themselves ther aires and successors and takeing burden upon them in maner abovmentioned bind and oblidge them mutuallie to one one uther in maner after following viz. The said noble and potent Lord for himselfe and takeing burden upon him as said is binds and oblidges him his aires and successors to owne aide love fortifie assist and defend the said Duncan Macpherson his aires, successors, the heall name of Macpherson, and all others his kinsmen freinds dependars and followers, with all his power and abilitie and that against all deadlie (The Kinges majestie his authoritie and lauchful superiors excepted) in ther lauchful adoes and affaires And siclyke the said Duncan Macpherson of Cluney for himselfe and takeing burden upon him in maner abovexpressed bind and oblidge him his aires and successors to honour owne aide fortifie concurre with assist and defende the said noble Lord his kinsmen freinds defendars and followers and ther successors in all tyme comeing with all his might against all deadlie in ther lawful adoes and concernments of honour and fortune the Kinges majestie his authoritie and ther lauchful superiors excepted and both the saids parties for them and ther forsaid bind and oblidge them to perfome obtemper and fulfill the premissis, *hinc inde* to uthers under the pain of ffyve hundereth pounds Scots money *toties quoties* to be payed by the partie falzieing to the partie performeing or willing to fullfill and performe the premissis, and fore the more securitie both the saids parties are content and consents Thir presents be insert and registratt in the books of consell and session or in the

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to Badenoch. The blanks are for the place and date of Macdonell's signature. He signed the document, but the place and date were not filled into the draft.

books of any other judge competent within this realme therin to remaine *ad futuram rej memoriam* and if need beis that letters of horneing and uthers executorials needfull may passe therupon in forme as effeires and therfor constituts

ther procurators etc. In witnes quhairof both the saids parties have subscribit thir presents dayes and places respective aboun-written (written be John M'Pherson wryter in Innernes befor ther witnesses respective viz. to the subscriptione of the said noble Lord

and to the subscriptione of the said Duncan M'Pherson of Cluney Mr. Angus M'Pherson wryter in Edinburgh Malcolme M'Pherson of Crubinmoir and the said John M'Pherson

MACDONELL

ÆN. M'PHERSONE wittnes

MALCOLME M'PHERSONE wittnes

D M'PHERSON of Cluney

Jo. M'PHERSON witness'

The document is endorsed, 'Band of freindship betuixt the Lord M'Donell and the Laird of Cluney, Macpherson, 1673.'

Strengthened by such alliances, and enjoying some sunshine from Gordon Castle, Duncan Macpherson increased his hold upon the heads of the families of Clan Vurich, and the various septs belonging to Old Clan Chattan, and for a time defeated the intrigues of Mackintosh.

An opportunity by and by arose of benefiting the Mackintosh, and at the same time of humiliating him. Mackintosh had obtained from the Privy Council a commission of fire and sword against young Macdonald of Keppoch—afterwards known as Coll of the Cows—and with his own clansmen and a company of regular soldiers marched to Glen Roy. He took possession of Keppoch House, from which, on 3rd August 1688, he wrote to the Earl of Perth complaining of the Macphersons: 'The Macphersons in Badenach after two citations disobeyed most contemptuously. I thought it my duty to acquaint you heirof, quhairby y' Lordship may tak any course Y' Lordship pleases by makeing it known to the Councill.' The commission entitled Mackintosh to summon

the various clans to his aid, but Grants and Macphersons refused obedience. The Macdonalds assembled on the night of 3rd August at Mulroy, just over the crest of a hill. Before dawn Mackintosh was marching up the hill to attack his enemies. Keppoch allowed his foes to advance so far, and then rushed down upon them, obtaining a complete victory, and capturing Mackintosh himself. His triumph was short-lived. The chanter of Clan Vurich was heard, and Cluny, at the head of the clan, poured down upon the Macdonalds. The latter were in no condition to renew the battle, and Duncan Macpherson made the delivery of Mackintosh into his hands a condition of peace. This was agreed to, and Cluny conducted Mackintosh to his own estates in all courtesy.

‘The issue of the conflict at Mulroy,’ says Sir Walter Scott, ‘so mortifying to the conquered chief, was also followed with disastrous consequences to the victor, Keppoch. The resistance offered to the royal troops, and the death of MacKenzie of Suddie, who commanded them, together with the defeat of Mackintosh, who had the forms at least of the law on his side, gave effect to his complaint to the Privy Council. Letters of fire and sword, as they were called, that is, a commission to burn and destroy the country and lands of an offending chieftain or district, were issued against Coll MacDonald of Keppoch. Sixty dragoons, and two hundred of the foot guards, were detached into Glenroy and Glenspean, with orders to destroy man, woman, and child, and lay waste Keppoch’s estates. Keppoch himself was for a time obliged to fly, but a wealthy kinsman purchased his peace by a large *erick*, or fine. We shall presently find him engaged in a conflict, where the destiny, not of two barren glens, but of a fair kingdom, seemed to depend upon the issue.’<sup>1</sup> This was the last purely clan battle in the Highlands, and is picturesquely given in the *Tales of a Grandfather*.

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<sup>1</sup> *Tales of a Grandfather*, p. 263. The violence of Keppoch in wasting, burning, and destroying Mackintosh’s houses and lands, especially Dunachton, while he—Keppoch—was serving under Claverhouse, is accounted for by the treatment he

Cluny had soon upon his hands a much more difficult business. Claverhouse was in the Highlands, and Lord Dunfermline, brother-in-law of the Duke of Gordon, and representing him in Badenoch, was with the gallant Graham, in command of the cavalry. It was a most trying situation: King James gone; the Convention of Estates on William's side; Claverhouse, the only hope of the king *de jure*, supported by Dunfermline, the representative of the Duke of Gordon, the responsible superior of Badenoch; Mackay marching on Ruthven and Inverness; the clan and its possessions to be preserved at all hazards in the turmoil—what was he to do? The Grants were clear for King William, the Mackintoshes were hedging, and soon declared for Orange. The letters he was receiving would have turned the brain of an ordinary man. Here is one from Dunfermline, 3rd May 1689:—

‘SIR,—I send these desiring ye may Imediatlie convey the hail Badenoch men and keip them on foot togidder, and ye shall be advertised when and where to march. Let the number of men be proportionable to the numer of Daachs,<sup>1</sup> and take the same methods for their output that were taken formerlie. Be deligent herein if ye would oblige Your assured freind to serve you,

DUNFERMELING.

‘List the Mackintosh men and gett them out as formerly in the same etent<sup>2</sup> w<sup>t</sup> yours.’

Mackay meanwhile had been at him, and his action drew from Dundee the following, dated 19th May 1689:—

‘SIR,—I hear M. G. M'Kay has been by threats and promises indeavouring to engadge you in his rebellion against our Lafulfull Suverain King James, but I know your constant Loyalty, your

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had himself received. See *Grameid*, pp. 127, 128, also p. 180; Skene's *Highlanders*, vol. ii. p. 189; Shaw's *Clan Chattan*, pp. 395-401. ‘In spite of the severity with which he had been treated under James VII., Keppoch was one of the first to rise on behalf of that monarch after the Revolution of 1688.’—*Ibid.* p. 400.

<sup>1</sup> ‘Davach,’ a division of land consisting of four ploughgates, each ploughgate equal to eight oxgangs.—Skene's *Celtic Scotland*, vol. iii. pp. 223, 224.

<sup>2</sup> Probably extent.

honor, and your conscience will secure you against such proposalls. I have now received Letters from Yrland by which I am seur nothing but want of fair wynd can hinder the landing of a considerable force in this cuntry from thence, and that the king will be with us very soon. In the meantime he is pleased to appoint me to be L<sup>b</sup> General, and command the forces, whereupon I am to requyr all honest men to attend the Kings Standart. I perswad myself you will not be wanting in so good ane occasion as this is, of indeavouring under God to restor our gracious monarch. I will not desyr you to apear in armes untill such time as you see us in body able to preserve you which I hop in God you shall in a feu days see. There is one thing I forwarn you of, not to be alarumed with the danger they would make the world believe the protestant religion is in. They must make religion the pretext as it has been in all times of rebellion. I am as much concerned in the protestant religion as any man, and will doe my indevors to see it secured.—I am, sir, your most humble servant,  
‘DUNDIE.’

Other letters follow quickly—July 14th, July 18th, July 20th, July 22nd—from Stroan,<sup>1</sup> in Lochaber. The last letter to Cluny is from Blair Castle, 26th July 1689, and is specially interesting as probably the last Claverhouse ever wrote. (There is, of course, a question as to his letter to King James.)

‘Blair Castle, July 26th, 1689.

‘SIR,—My Lord Murray is retired down the cuntry. All the Atholl men have left them saive Strathererd, Achintully, and Baron Reade Straloch, and they will not byd my doun coming to morou. They will joyn us, and I supose to morou you will have ane answer so if you have a mynd to preserve yourself and to serve the King, be in armes to morou that when the letter comes you may be here in a day. All the world will be with us blissed be God.—I am, Sir, your most humble servant,  
DUNDIE.

‘My service to all the loyall gentry of baddnoch.’<sup>2</sup>

<sup>1</sup> Napier assumes that Stroan is Struan, the house of Robertson of Struan, in Atholl. It is in Lochaber, near Banavie. This modifies several of his arguments from near neighbourhood to Blair Castle.—See Napier's *Viscount Dundee*, vol. iii. pp. 614, 623, 624; also *Gleanings from Cluny Charter Chest*, vol. ii. p. 21.

<sup>2</sup> For all these letters, see *Gleanings from Cluny Charter Chest*, No. 11. pp. 21-26. The last letter is given in facsimile as frontispiece to the *Gleanings*.

The letters from Mackay are no less urgent. The following is a specimen. It comes after a demand, dated from Elgin, 6th May 1689, that he should be ready with his men to follow the laird of Grant:—

‘*Inverness, May 21st, 1689.*

‘SR,—I cannot believe you so much an ennemy to your eternall and temporall happynesse as to joyn with a compnie of papists (or worse then papists, such as sacrificise all that ought be of value to men of raison and pietie, which consists in the maintenance of Religion and liberty) to labour to overturn the begun deliverance which God hath in his mercy wrought this far for us. . . .

You shall be pleased to give me speedy notice of your resolution, that I may take mesures accordingly assuring yourself of all the service which shall ly in the power of, Sir, your most humble and affectioned servant,  
H. MACKAY.’

There are other letters in the same strain. One is an answer to a letter from Cluny giving an account of ‘Devastations’ committed by Mackay’s troops. He says he is sorry, but then Cluny should have come in, and taken the oath, etc.

Letters from Cannon, Buchan, Livingstone, Sir John Hill and others may be seen in the *Gleanings from Cluny Charter Chest*—gathered by a hand, alas! while we write, cut off in the midst of its work—the hand of Mr. Alexander Macpherson, the learned repository of clan tradition, and the guardian of Cluny Macpherson’s documents and interests, the Provost of Kingussie.<sup>1</sup>

Can we not sympathise with Duncan Macpherson, a peaceful man, careful and judicious, seeking to maintain the position

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<sup>1</sup> Provost Macpherson died Saturday, 11th January 1902. He belonged to the old family of Phoness, so often mentioned in these records. It was from him that the suggestion came as to the publishing of the *Loyall Dissuasive* by our Society, of which he was a member. In the furthering of the work he was most helpful, up to his last hours. He was buried beside his people in the ancient churchyard of Kingussie, on Tuesday, January 14th. He was the author of *Glimpses of Church and Social Life in the Highlands*, of these *Gleanings from Cluny Charter Chest*, and contributed valuable articles to numerous periodicals.

regained for his clan and its chief, thus beset on one side by the ‘gallant Graham,’ ‘the middle-sized, weel-favoured, and high-nosed’ Dunfermline,<sup>1</sup> Cannon and Buchan, while Mackay, Livingston, and Hill, domineered on the other? That he came out of the fire in a condition to hold his own with the Mackintosh, who had adhered, with circumspection, to the winning side, is a marvel. He had, but a month or two before the turmoil, arranged a marriage for his only child, Anne Macpherson, with Archibald Campbell, second son of Sir Hugh Campbell of Calder, and fixed the dower at six thousand merks. By some malicious spirit there was infused into the minds of the clansmen a conviction that Cluny meant to convey the chiefship with his daughter to Calder. There was not a particle of truth in it, but remembering the claims of Mackintosh to chiefship, through the marriage of his ancestor to Eva, the heiress of Clan Chattan, they caught up the idea, and gave vent to the following declaration:—

‘Wee undersubscribers considering that Duncan M‘phersone of Cluny our present Chiefe is of full purpose and resolution to talyie not only his whole estate, but also the representatione of us and all others our kinsmen by<sup>2</sup> his righteous heir male with his daughter to a stranger, and that without all peradventure our ruine is therby threatned (if God Almightye by ane entire unione among our selves doe not prevent the same), doe hereby decler and swear upon our great oath, that we shall not own nor countenance any persone as the said Duncan M‘phersone his representative (failing heirs male of his own body) excepting William M‘phersone of Noid, who is his true lineall successor, and the heirs male of his body, quhilkis failing the heirs male quhatsomever and safurth successibly, and that wee shall to the utmost of our power asist and mantain the said William and his forsaidis in attaining and possessing the said estate by all just means imaginable. And furdur we the undersubscribers and in particular the said William

<sup>1</sup> Lieutenant Nisbet depones that after Killiecrankie he was examined in a low room in the Castle of Blair, by the said Earl of Dunfermline, and he says that ‘he was middle sized, weel favoured, and high nosed.’—*Acts Parl. Scot.*, 1690, Ap., p. 56.

<sup>2</sup> ‘by,’ *i.e.* past.

M'phersone shall second, assist, and maintain one another in all our just and righteous interests against all mortall (his Majesty being excepted) and we bind us to perform the premisses under the paine of infamie. In witness whereof we have subscribed these presents with our hands at Benchar, the 14 day (of March) 1689 years. Signed by—

WILLIAM M'PHERSONE of Noid.	JA. M'PHERSONE, Inverishan.
ALEXR. MACPHERSONE of Noid.	JO. M'PHERSONE, Coranach.
ALEXR. MACPHERSONE, Pitmean.	JO. M'PHERSONE, Benchor.
JA. M'PHERSONE, Balachroane.	ANGUS M'PHERSONE, Kilihuntlie.
ALEXR. M'PHERSONE, Phones.	JO. M'PHERSONE in Strone,' etc.
MURD. M'PHERSONE, Clun.	

This unpleasant wedding gift reached Cluny on the day when the marriage contract was signed, 15th March 1689, and must have increased the 'dryness' between the chief and his great men to which Sir Æneas alludes. There is nothing in the contract to arouse suspicion of any design against Nuid's right of succession, should Duncan Macpherson have no son. The truth is they had been trifling with the authority of chiefship, and trafficking with Mackintosh, and naturally suspected that Duncan also might be doing the same as to chiefship, and might be trafficking with Calder. The bridegroom's father, Sir Hugh Campbell of Calder, was one of the most important men in the Highlands, both of Moray and Argyll, and held claims over many an estate in those regions. The wedding came off after this unpleasant episode, but the wedding feast was followed in the country by a fray of no ordinary dimensions. The wedding was scarce over when on the 18th March 1689 Claverhouse marched through the North Port of Edinburgh 'and it was up with the bonnets of Bonnie Dundee.' Had the wedding dance been delayed a few days, the choice of partners would have been large in Badenoch, and all of the best, for with Claverhouse came gallant Grahams, gay Gordons, Macdonalds, Macleans and the Cameron men, with many other noble names. They were there, however, only for the fray. By the first days of May Claverhouse swept

down upon Badenoch through the pass of Corryarrick. Under the guidance of Lord Dunfermline leading the Gordon horsemen he passed Cluny Castle, for Cluny was not at home, and took up his abode at the humble farmhouse of Presmukerach. *Presmochorae*<sup>1</sup> *tenues dignatur adire penates*. The summons to the clans to assemble at Delmacomer on the 18th went out about the 6th May from this obscure place. Claverhouse with his horsemen now made their splendid dash into the Lowlands, surprising Dunkeld and Perth, gathering up King James's money for him—the cess and excise—capturing King William's officers in their beds, hurrying on to Cupar and Dundee, and back by Strathtay, Loch Rannoch, and Loch Treig to keep tryst in Lochaber on the 18th with the gathering clansmen. He met them with his prisoners and his spoils of money, men and horses, and in the glory of a march almost unequalled in our history.

The position of Cluny was one of the greatest difficulty. He lay on the line of march of both armies, neither of which could assure him against the other. With wonderful skill, yet retaining a heart loyal to James, he kept fairly out of the fray almost to the end. Some two hundred Macphersons joined Claverhouse in chasing Mackay down the Spey in June 1689, but in the disorganised state of the clan Cluny could not be held responsible for them. As the final move towards Blair was being organised, Major-General Cannon writes to Cluny from

‘ *Dunan*,<sup>2</sup> *July 4th* 1689

‘ SIR,—Being com this lenth with the Viscount of Dundee, and several officiers, and gentlemen with us on purpos to rais all the

<sup>1</sup> *Grameid*, p. 57 *et seq.*

<sup>2</sup> I fancy this name is a mistake of the copyist for Struan, or Strone, in Lochaber, where Dundee lay till the 20th of July. Some dates may be helpful here. Dundee was at Moy June 28th, expecting forces from Ireland, and considering what should be his line of March. He met Cannon with his poor lot of Irish at Inverlochy about 1st July, and took them with him to Strone. Cannon was put up to write to Cluny to prove that there was a veritable landing of troops, of which he was commander. The line of march was not then settled,

kings friends that will embrace this opportunity, and hath found every on hereabout extream chearful, and willing to Joyn us, Laying asyd that we have good promises from a great part of the nobility and gentry who was not engaged befor, Therfor I hope that as you have still evidenced your loyalty at all tymes, so now you will be pleased to continue, which no man that knows you will dout of, and send to joyne me at balwither al the fensable men you can. I am sur the measurs that is taken at this tym in al appearance will answer the expectation. I need not say befor yow what extreamety this undertaking will put our Enemys to, provyded things be don quickly.—Expecting your speedy answer I remain S<sup>r</sup> your Real humble servant

ALL CANAN

‘Sir,—I desyr that favor that yow will be pleased to send Inclosed to Kepoch and let me kno what Inteligence you have of Mackay.’

Later from Blair, 20th July 1689, he writes:—

‘S<sup>r</sup>,—I se a Leter of yours directed to my Lord Dundy. I fynd you complain of som injury don you by Locheel’s men. S<sup>r</sup> I expect you wil joyn me with your men imediatly and you shal find al justice I may inable I am S<sup>r</sup> Your humble servand

ALL CANAN.’

It is plain that Cluny hung back, and found the ‘injury’ from Lochiel’s men a grievance on which to frame delay. We

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as he names Balquhidder as a rendezvous. What fixed Claverhouse’s mind was the danger arising from Lord James Murray’s visit to Blair Atholl, then held by Ballechin for King James. Without declaring his politics Lord James was about to claim admission to his father’s house. Before he could reach it, Cannon was despatched with some force to strengthen Ballechin’s garrison. Lord James sat down before Blair with twelve hundred men; Dundee wrote to him from Strone 19th July, and also on the following day. Several letters follow, all striving to engage Lord James, who was sending them on to Mackay. Mackay was getting together his men in Edinburgh. Dundee gives dates but now no place to his letters. He was on the move by the Spean, Loch Laggan, and Dalwhinnie on Blair, where he slept on the 26th, and fought his last battle near the Pass of Killiecrankie next day, the 27th. Lord James had fled on news of his approach, and his clansmen drank the health of King James in bonnetfuls of water. Mackay slept at Dunkeld on the 26th, was at the lower end of the pass at ten o’clock next morning, and was fleeing from the fields of Urrard before night set in. Napier by taking Struan in Lochaber for Struan in Atholl has much confused this little bit of his valuable narrative. The letters to Lord James Murray and others will be found in Napier’s *Memoirs of Dundee*, pp. 599-620.

have seen Dundee's letter written on the eve of the battle of Killiecrankie counting on Cluny, but Cluny was not in sight. When Claverhouse had been already lying in the churchyard of Blair Athole for four months, Cannon, now in command, still trusts Cluny's assurance of readiness. A month later Cluny receives from him warrant and authority to raise for the king's service the Mackintoshes as well those living 'upon the Duke of Gordon's interest as those holding of the Duke of Gordon within the Interest of badenoch.'

Lord Dunfermline takes up the correspondence and orders the 'conveining' of the hail Badenoch men and the keeping of them on foot together, till the line of march should be given. 'List the Mackintosh men,' he says, 'and get them out as formerly in the same extent with yours.' This is dated from Inverness, 3rd May 1689. Three days after, poor Cluny received a letter from Sir Thomas Livingstone, dated from Dalrady 6th May.

'Sr,—You are hereby ordered in the King's neam to rais the number of a Hundred and twenty of your best and best armed men with aigt days food out of the Lordship of badinog, and to send them with sufficient Comanders upon their head to-morrow's nigt at Balachastel [Castle Grant], being the 7<sup>th</sup> int. These men are to consist out of Macentos's and Macfers's and Grants. This you are ordered upon your hyghest peril  
T. LIVINGSTONE.

'For theer Majesty's Service to Cluanie Mcferson.'

From *Gleanings from Cluny Charter Chest*, Duncan Macpherson's trying position is further illustrated. Here is a letter from General Buchan:—

'SIR,—We have spared youe as long as we can and noue my master's servis requyrs that you may joyn us tusday nixt wt out fail and to bring six days provision wt youe. So houping ye wish your sellff, and peopple so weille that ye will not faille off this. I am sir your assured frind to serve youe  
THO BUCHAN.'

The letter is undated, but it is one of a series ranging from

6th March 1690 to 8th June of same year, all of them urging, persuading, threatening. The early letters got Buchan two hundred men of the Macphersons who fought under him at Cromdale, 1st May 1690. Yet the following letters from Sir John Hill, the Governor of Fort William (afterwards of ill fame in connection with Glencoe), show that Cluny had not parted with his friends on the other side:—

*‘Inverness, 12<sup>th</sup> May 1690.*

‘S<sup>r</sup>,—The kinde acquaintance I had wth yor predecessors and some with yourselfe as well as with all the rest of the Gent of Badenough dois oblige me to all the kindnes and service for yow and them yts possibly in my power. And having now a power in my hands from the king I would gladly extend it to ye uttermost for the good of my freinds, and if yow please to give me the favor of a visit (because I cannot come to yow) yow shall finde I will not only be glad to see you, but very ready to serve yow. I would (because I know more of matters then most others doe) sett yow right by a true information of things by wch you will know the better how to governe yourselfe to ye best advantage. You know or at Least may have heard of my former Conversation in the highlands, and wth how much truth and honesty I manag’d myself towards them and that I never deceived or broke with any man. You may come safe to me either into this town or neire it. You have here my hand for itt. I am concerned for ye Posture the highlands are now in being the highway to utter Ruin. I would gladly save them it being (by my own intreaty) put into my Power by ye King if they please to meet my proposalls of peace and quietness, if not twill be Ruin and utter destruction. For old freindship Let me see you and have some Discourse with you who am,—Your true freind and humble servant,

‘Jo. HILL.’

*‘Inverness, 17<sup>th</sup> June 1690.*

‘SIR,—Out of my old kindnes to your countrey I have procured an order for ye release of ye men yt are Prisoners in the castle (whose names are after written) therefore desire yow to advertise your freinds to come and set Cation for their peaceable demeanor in tyme comeinge, and seeing I have undertaken for the peacable carryage of ye men of Badenoch, I desire yow and Dalraddy and as many of the best of yr countrey (as conveniently can) may goe

to the Major Genll when he comes to yre countrey upon his march to Loquhabbor and Let him know yor peaceable inclinations, and above yt I advised yow soe to doe and Let none of your people be seen in armes when the army marcheth yt way, also waite on Sr Thos. Livingston who will be freindly to you. I have written to Dall-Raddy to ye same effect. The King is gon for Ireland from whence I have late intelligence yt ye Irish desert King James apace. I beleeve your neighbours in Lochabbor hang of to see the Issue of yt war in Ireland weh they will soone find to their disadvantage. Let me hear from yow as soone as you can, and aboute the prisoners.—I am S<sup>r</sup> your very affeconate servant,

‘JO. HILL.’

In Sir John Hill's succeeding letters he is very peremptory, but fails to move Cluny to join or even meet Mackay and Livingstone, so that he begins his letter of 20th August 1690 thus: ‘I am sorry to find you so young, or so conceited, a man as to refuse the advice of those who are yer friends and love you.’ He tells him that his conduct is likely to have results against Calder, his daughter's father-in-law, and he bemoans such perversity.

Cluny must have made his submission at the end of 1691 with the other chiefs, or he would have suffered in some measure, though, perhaps, not in the same manner, as did the Macdonalds of Glencoe. It is strange to find the following letter, dated Fort William, 27th July 1693, inviting Cluny to take the oath of allegiance at such a late period:—

‘SIR,—Being come hence I desire yow to take the first occation to come to me and only take the alleagance and signe the assurance as others doe, and then after I have Eaten and Drunken with yow and renewed old kindnes yow may return home againe to my good freind yor Lady. This I assure yow is all I have to doe with yow, and yor appearance here will doe yow much service and be an obligation upon,—Your old true freind and servt.,

‘JO. HILL.’

‘My service to yor Lady and my thanks for her last kindnes.’

The following document is of special domestic interest:—

‘Whereas Duncan M’Pherson, Laird of Clunny, was ordered by me to be kept in restraints at this Garrison, and yt upon notice and summons given to him by me to render himselfe and cause here and Did render his person accordingly and hath continued here a prisoner for the space of one moneth. And now being ascertained yt his wife is extreame ill and at ye Poynt of Death, I have given him Liberty to goe and see her, and I have taken bond of five thousand pounds Scots for his returne to imprisonment how soone his wife mends or Expires, or sooner if I call him. This I have presumed to Doe out of Comon charity.

‘Given at ffort Wm. the 6<sup>th</sup> Day of May 1696.

‘(Signed) Jo. HILL.’

The lady whose illness is here referred to, and whose death is noted in the next letter, was Isobell Ross, daughter of Robert Ross, Provost of Inverness. She bore to Cluny one child, Anne, who married Sir Archibald Campbell, as noted above. The lady of Cluny died in May or June 1696.

Sir John Hill, out of a friendly spirit, wrote to the Lord Advocate, Sir James Stuart, for the expediting of the business connected with some case for which Cluny had been summoned to Edinburgh. The following is the letter:—

‘Fort William, 11<sup>th</sup> July 1696.

‘RIGHT HONBLE,—The Laird of Cluny, beinge to goe south in obedience to ye charge hee got at your instance hath desired me to certifie you wt his circumstances have been viz., yt in Aprill when I sent to him by vertue of the order I had to seize his person, hee did voluntarily come in and surrendered himself prisoner and continued soe a considerable tyme till his wife fallinge sick (of which sickness she dyed) I did give him liberty upon a bond of 500 lbs. sterl. to goe and see her ere she dyed, by wch bond hee was obliged to come here whenever I called him. I doe alsoe certifie yt hee tooke the oathes required vizt., the oath of allegiance, and signed the assurance, and yt hee hath been (since his first submitting to ye Government) very obedient to orders from the Government and allwayes Ready to render himselfe and hath set cation for his peaceable Demeanor (as himselfe will more particularly informe) and now comeing south in obedience to ye charge he got I pray on his behalfe (in respect of his circumstances

wh can hardly admit of Longe Delay or much charge) yrby that he may Be favord with as much dispatch as conveniency will admit, which is all at present from,—My Lord your most humble servant,  
 (Signed) Jo. HILL.'

In concluding this sketch of Duncan Macpherson's life and political embarrassments, we may be allowed to give the following letter, though belonging to an earlier date than we have reached. It illustrates the terms on which he stood with an Orange officer. Colonel Cuningham commanded one of the regiments under Mackay, and took part in the engagements with the Jacobite forces after the skirmish of Cromdale. The letter is addressed 'To the Laird of Cluny at his house.'

'SIR,—I have Received yrs and am very glad to hear yr men ar in redines. As for those men that ar so refractrie in sending their proportion of men you should comeplain to the Government of them, that these may be markd and punished for their disobedience. I hope the worke is almost over, and that we shall want no men at this time, the Highlans Generalls being disposed to leave the Kingdom now that they can get no men to follow themselvs. Their is one thing you can oblige me extreamly in and that is to get me two or three of yr biggest sort of Dear Dogs. I know they are very good in that countrey. Let me have your answer with the first. Give my service to benecher [Benchor] and need [Nuide] with al the Rest of my acquants not forgetting yr Lady.—I am, in hast, Sir, your most humble servant,  
 (Signed) H. CUNINGHAM.'

As politics began to settle down, Cluny applied himself to social and domestic affairs. His clansmen became more united with himself for their mutual support. Mackintosh, freed from political anxieties, began to move once more in the direction of the chieftainry. The plea was the absolute necessity for a united Clàn Chattan, and who could unite them save the Mackintosh? The Farquharsons, growing rich and powerful, were to be given a place of equality with, or even superiority to, Cluny. Mackintosh visited William Macpherson of Nuide, who was next in succession to Cluny, should the latter die without a son. The completing scene in the visit was Mac-

intosh's lifting his cane to Nuide and threatening to 'baton him.' He apparently failed in all his efforts with the Macphersons. Duncan Macpherson was a cautious, peaceful man, and allowed Mackintosh to negotiate and work as he pleased. He knew his own strength. Æneas, our author, was at this time at St. Germain's, and heard of Mackintosh's schemes, and the apparent lethargy of his own chief. Hence the framing of the *Loyall Dissuasive*. That its author should have counted on the quiet acceptance of such a schooling argues well for the calmness and patience of Cluny. He was evidently a man trained in the school of adversity, but on the edge of a real crisis prompt to strike, and strong to hold. I have no evidence of his joining in the 1715 rising, though Direction Eighth, p. 91, looks like a prophetic preparation for 'the hunting on the Braes of Marr.' He married a second wife, 'Elizabeth Gordon,<sup>1</sup> daughter to Alexander Gordon of Arradoul (relict of John Ross of Allanbuy), and had by her only one son, George, who died a child.' Duncan himself died in 1722, an old man, somewhat worn and weary, the last of his line.

The succession now reverted to the family of Nuide, which came of John, the brother of Andrew, who signed the Band of 1609. John had a son Donald, whose eldest son was William Macpherson of Nuide. With him we are acquainted as heading the paper that declared the chiefship to be inalienable from the male line, and not to be given away to Calder with Anne Macpherson, the daughter of Cluny. His son, Lachlan, entered upon the possession of Cluny and the chiefship. Lachlan's mother was Isobel, daughter of Lachlan Mackintosh of Kinrara, the historian of the Mackintosh family. In 1724 Lachlan agreed to drop the old controversy, and to acknowledge Mackintosh chief of Clan Chattan. Poor Æneas! he must have turned in his grave. It was not till 1744 that Lachlan with his more famous son, Ewen of the '45, reversed this action.

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<sup>1</sup> MS. Genealogy of Cluny Macpherson, compiled by the late James Macpherson of the Union Bank.

Thus the *Dissuasive* failed for a time under the persuasions of Kinrara and his daughter, the mother of Lachlan of Cluny. The new laird of Invereshie also was carried away with their dissembling, and many other Macphersons deserted the old tradition. They admitted the right of Eva to carry chiefship to Mackintosh. It took twenty years to effect reconversion. However, better late than never. Lachlan himself, with his son Ewen (of the '45), supported by Simon, Lord Fraser of Lovat, and Simon, Master of Lovat, and Donald Cameron of Lochiel, did 'take matters into consideration, and perceived how dishonourable and injurious had been their former action, to them, their family, and kindred, who never descended from the family of Mackintosh, nor had any dependence upon it.' 'On the contrary,' they say, 'that they, the Macphersones, are the true and lineal male descendants of the head of Clan Chattan, and that Cluny is their real Chief.' The whole clan now supported this view. George Macpherson of Invereshie, James of Killyhuntly, John, and Donald, elder and younger of Crubin, John of Stramashie, Malcolm of Phoness, John, and Andrew, elder and younger of Benchor, Donald of Culline, John of Garvamore, James of Invernahaven, James of Crathie Croy, and William of Killarchile, adhere to the Band of 1744. The document is a Band of Friendship<sup>1</sup> between the Frasers, the Camerons, and the Macphersons, and it embraces a Revocation by the Macphersons of the Minute of Agreement between them and the Mackintoshes in 1724. It is dated 19th April, 17th June, and 7th July 1744. Cluny's wife,<sup>2</sup> Jean Cameron, was the daughter of Sir Ewen Cameron of Lochiel, and this alliance accounts for the inclusion of the Camerons in the document; and for the appearance of the Frasers in it we have only to remember that Lord Lovat's daughter, Jean, had lately married young Ewen Macpherson, whose heroic helpmeet she

<sup>1</sup> The Band is printed in *Glimpses of Highland Life* by the late Alexander Macpherson, p. 439.

<sup>2</sup> The marriage contract, dated 2nd January 1704, is preserved at Cluny, along with the register of their children, duly certified. They were fifteen in number.

was through all his subsequent troubles. Their history would lead us too far afield. It is well to pause here, when, after failure, the *Loyall Dissuasive* secures a permanent triumph. The Band of 1744 abides in force, and though, alas! many of the old houses know Macpherson no more, yet Clan Vurich and its tribes all over the world give to Cluny as Chief of old Clan Chattan loving loyalty, founded on community of blood.

We must now glance at the work of Sir Æneas in its bearing upon the origin and history of Clan Chattan and its great and abiding controversy between the partisans of Mackintosh and of Macpherson.

Though an expert lawyer, and well read for his time, it must be conceded that he is no sure guide in the mist enshrouding his subject. Nor is this to be wondered at. His authority in the history of the Scottish tribes was Hector Boece, as presented by Buchanan. Thomas Innes was born near Aboyne, in 1662, while Æneas, trusting to the first principal of King's College, Aberdeen, as given to him in the pages of Buchanan, was already fathering Clan Chattan on the Chatti of Germany and on Catalonia in Spain. *The Critical Essay* and *The Civil and Ecclesiastical History of Scotland* by Innes began the elucidation of Scottish History, and how brilliantly, and at the same time how substantially, its work has been followed up by the scholars of Aberdeen (whence the former fiction arose) is known to all. George Chalmers, Joseph Robertson, John Stuart, Cosmo Innes, George Grub, William Skene are names that come into our thought without thinking, and they have been accompanied and followed by eminent students whose researches have brought many children of the mist into the sunlight. Had Æneas followed, instead of preceding them, we should have had an account of Clan Chattan at once brilliant and trustworthy. As it stands it is neither. But he is not to be blamed. It was as good as, and sometimes better than, the tales of his contemporaries.

Clan Chattan, though its name be accounted for otherwise, did come with the Aborigines of Scotland from Germany. They were a part of the great Gaelic or Celtic race which moved West, South, and East from somewhere, say Ararat, the Alps, the sources of the Danube, or other centre. There was a settlement of these people between the Rhine and the Elbe long ere Teutons following in their tracks established themselves there. The restless Gaels migrated to these islands and spread themselves over our Scotland and great part of Ireland. In Scotland and Ireland they called themselves, and were called by other Celts, *Cruthnigh*; by the Romans they were called in Scotland Caledonians, and Picts. It should be realised that these Picts were spread over Scotland north of the Forth, over Galloway, and over a good part of Ireland. They were one people, and to them belong the vitrified forts, great sepulchral cairns, and the stone circles of our antiquities. To them too belong the heroic traditions and the poetry going under the name of Ossian. Fenian is not a pleasant name in English ears, but the Feine were the heroes of the Cruthnigh, whether in Scotland or Ireland; and Fingal, Cuchullin, and Conlaoch, with the sons of Uisneach, were the subjects of poems handed down for generations. These poems passed into prose tales, and from the need of giving locality to story, the topography of Scotland and Ireland is largely marked by names arising out of the legends, tales, and attendant poems of the Feine. The preface and notes to the Dean of Lismore's *Book of Ancient Gaelic Poetry*, by Mr. W. F. Skene and his fellow-labourer, the Rev. Thomas M'Lauchlan, will give the reader abundant authority for these statements. This collection of Gaelic poetry was made by Dean M'Gregor about 1514, two and a half centuries before the date of Macpherson's Ossian. The poems are not from the pens but from the lips of Ossian, Murdach Albanach, and numerous senachies of early days. The spirit of these ancestors of ours may be gathered from the Lament attri-

buted to Ossian, the poet, and so a man of peace as might be supposed, over his decaying strength. It is here given as affording a not unlikely picture of the Cruthnigh pagan under the first touch of Christianity.

Long are the clouds this night above me ;  
 The last was a long night to me.  
 This day, although I find it long,  
 Yesterday was longer still.  
 Each day that comes is long to me,  
 Such indeed was not my wont.  
 Now is no fight, or battle-field,  
 No learning noble feats of arms,  
 Without maiden, song, or harp ;  
 No crushing bones or warlike deeds,  
 No studious learning any more,  
 No hospitable heart or board.  
 No soft wooing, and no chase,  
 In both of which I took delight.  
 Without the battle-march or fight,  
 Alas ! how sorrowful life's close ;  
 No hunting of the hind or stag,  
 How different from my heart's desire !  
 No trappings for our hounds, no hounds.  
 Long are the clouds this night above me.  
 No rising up to noble feats,  
 No mirthful sport as we would wish,  
 No swimming heroes in our lakes.  
 Long are the clouds this night above me ;  
 In this great world none is like me,  
 So sad, how sad my case !  
 A poor old man now dragging stones.  
 Long are the clouds this night above me,  
 The last man of the Feine am I,  
 The great Ossian, the son of Finn,  
 Listening to the sound of bells.<sup>1</sup>  
 Long are the clouds this night above me.  
 Find, O Patrick, from thy God  
 What our eternal state shall be.  
 Freed may we ever be from ill.  
 Long are the clouds this night above me,  
 Long are the clouds, etc.

*The Book of the Dean of Lismore*, pp. 3, 4.

<sup>1</sup> The bells used in Christian worship. 'Patrick of the bells' is a common appellation of St. Patrick in these compositions.—*The Book of the Dean of Lismore*, p. 3.

There are numerous compositions throughout the Dean's book which have their subjects and origin within the Pictish lines of time and place. The delight of Deirdre in Glen Etive, in Glenurquhay, in Glendarule, is from a Cruthnigh heart and eye, which being in love, love together person, place, and circumstance. The bare slopes of Glenurquhay are dear to Deirdre.

This people, along with their relations from Germany, the Lochlans, met in Ireland another race of Gaels or Celts—the Milesians moving northwards, as they themselves were moving southwards. Their relationships were not friendly. For long there was an interchange of blows, of treaties, of marriages, of treacheries. Kin on either side was called in. The Isle of Man contributed aid on one side or another. Galloway was drawn into the contest; the heroes of Argyll came forward; but little by little the Milesian Scots forged their way northwards, and the Hy Nialls, as leaders of this new set of Gaels, gained a sovereignty, whilst the Cruthnigh in Ireland held second place. Their language was much the same. This new Celtic race was supported in its later advance by its touch with Christianity. There was a very early Christianity in the south of Ireland, which was so nearly pagan, that before St. Patrick's day a reformation had swept its relics into the Killeens, where now only the unbaptized and suicides are buried. The Ogham inscriptions,<sup>1</sup> in these

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<sup>1</sup> Sir Samuel Ferguson, in his Rhind Lectures on 'Ogham Inscriptions,' Edinburgh, 1887, makes the following statements: 'I shall be able, I think, to show reasonable grounds for believing that the bulk, if not all, of our Ogham monuments are Christian; that some of them represent, perhaps, as old a Christianity as has ever been claimed for the Church in either island; and that the "*Scoti in Christo credentes*," to whom Palladius was sent by Pope Celestine in the fifth century, were, especially in the south of Ireland, a more numerous and better organised community than has generally been supposed' (page 18). At page 111, Sir Samuel says, 'First then we will, I think, be impressed with the generally Christian character of these monuments; next, with the distinctive character of that Christianity which they represent; and, thirdly, with the evidences of a popular repugnance towards it, taking its rise sometime after the sixth century, and manifesting itself down to the present time. We will be

isolated little deserts amidst the cultivated fields of south and west Ireland tell of an organised church of very early date, cast aside by a new race with new light. Do the Killeens represent the Christianity of the Firbolg, coloured with paganism, and were the Milesians the new race who had arrived, with a civilisation somewhat advanced, and a more orthodox faith? The condition of Ireland a little later still needed a St. Patrick. The Cruthnigh in Ireland abode in paganism. The Scots came north with a first, second, and third impression of Christianity upon them, the last being at the hand of St. Patrick. We find the Cruthnigh of Dalaradia, in what is now Down and Antrim, ranged alongside of the Scots of Dalriada. Patrick visited the latter. ‘Patrick found a welcome in the land with Erc’s twelve sons [in Donegal]; and Fergus the Great, son of Erc, said to Patrick, “If my brother respects me in dividing his land, I would give it to thee.” And Patrick offered to Bishop Oléan that part, to wit, Airthir Maigei. Said Patrick to Fergus, “Though thy brother hath not much esteem for thee to-day, it is thou that shalt be king. The kings in this country and over Fortrenn shall be from thee for ever.”<sup>1</sup> St. Patrick’s reception among the Cruthnigh was different, but not altogether without encouragement. ‘After this he went to Dal Araide. He found Coilbad’s twelve sons before him. He proposed to take the place wherein Cell Glass stands [now]. He was refused, and yet he hath it still. . . . Now Saran, son of Coelbad, expelled him thence, and Patrick deprived him of heaven and earth.’

The Cruthnigh and the Scots in Ireland remained in antagonism, though from time to time there were some links

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inclined, I think, to ascribe more weight to the Irish tradition of a pre-Patrician Church than has latterly been accorded to it; and while regarding Declan Ibar, Ailbe, and Ciaran as chronologically following rather than preceding Patrick, will not be indisposed to regard them as representatives rather than creators of the body of Christians who dwelt south of Slieve Cua, and into whose bounds neither Palladius, nor Patrick, son of Calphurn, ever penetrated.’

<sup>1</sup> Whitley Stokes, *Tripartite Life of St. Patrick*, vol. i. pp. 163-165.

of love and marriage and of religion between them. Conlac, the brother of the terrible Saran, 'met Patrick with humility, and offered him Domnach Combair. And Patrick blessed him, and left [as a benediction] that there would be kings and princes of his race for ever. And he founded many churches in Dál Araide.'<sup>1</sup> The Cruthnigh of our Scotland were soon to feel the influence of these Milesian Scots. The heroes of the Feine, with their barbaric traditions and legends, were to meet in Scotland the rising influences of a less numerous race gifted with Christianity, carrying with it a Bible (or portions of one), a Liturgy, a system of morals, and an organisation in touch with the people from childhood to age, from peasant to king.

Fergus, son of Erc, with his followers, arrived on Islay and Kintyre, A.D. 498 or 501. For a time there was apparently little opposition to the peaceful and beneficent influences of the new-comers, and their hold on the peninsula of Kintyre was established during the time of that Fergus whom Patrick had blessed, known in our history as 'Fergus mor son of Erc.' These were in constant touch with, and in subjection to, Irish Dalriada. The Cruthnigh of Dalaradia were under the Pictish king reigning at Inverness, and the two peoples, Picts and Scots, united in much, but antagonistic in more, prepared to work out their destiny.

These two peoples, Picts and Scots, are for us only a puzzle picture wherein to find Clan Chattan. We do not pretend to have found it, but to those in quest of it, we are content—to change the figure—to point to certain indications, as scraps of paper in a paper-chase, suggesting a hopeful lead.

Let us call the aborigines of Scotland and of the bulk of Ireland, Picts. They were retiring before the colonists, the Scots in Ireland, early in the Christian era, say 300 A.D., but they were strong enough to rule by their kings both Erin and Alban from

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<sup>1</sup> *Tripartite Life of St. Patrick*, vol. i. p. 165.

A.D. 452 to 560 (say). By A.D. 602 the Picts of Ireland (called Cruthnigh) were absorbed into the new monarchy of the Scots—the colonists. The Scots were not content with their progressiveness in Ireland; they made a move on the Cruthnigh in the east, *i.e.* in our present Scotland. Under Fergus, called the Great, whom Patrick had prophetically blessed, accompanied by his brothers, Loarn and Angus, they, in 498, descended upon Islay and Kintyre. The natural vigour of the race and of its leaders was supported by a rising civilisation, fostered in the light and warmth of Christianity. Though the colonists from Ireland were few, they had the backing of the Dalriads of Ireland, and they were soon in alliance with the Christianity of the old Roman province surviving in the kingdom of Strathclyde. It still retained the influences of St. Ninian, and had its touch with the Welsh Christian Britons. The bulky, lethargic, pagan kingdom of the Picts readily made an alliance with the pagan colonists, the Angles, who were swarming on the east coast, and the contest became Pagan against Christian. The north and east of Scotland were opposing south and west.

Fergus and his brothers made rapid progress in the Islands and Kintyre. Further north, with the confidence of a discoverer or conqueror, Loarn gave his name to the district which still bears it. Angus appropriated the east coasts of Islay and Jura, where his settlements still survive. Fergus himself made good at Dunadd the centre of the new kingdom, but as he was Ardrigh, *i.e.* Supreme King, he did not give his name to any portion of it, but his special tribe took the name of his grandson, Gabran. He himself died in 501. ‘These are the three powerfuls of Scottish Dalriada,’ Gabran, Loarn, and Angus, and from them is the birthright of government.

The Cinel Loarn (or Clan Lorne as we may say) is in the line of our search for Clan Chattan.

Resting on Dunadd as its royal centre, Cinel Loarn had advanced to the Linnhe Loch, and had gained a hold in Mull

and on its little isle of Hy, 'Iona.' Here through Clan Lorne there was a primitive religious settlement before St. Columba arrived.

Bruide, the lion of the north, slumbered at Dores near Inverness, but in 560 he awoke. The ease with which the Dalriads had advanced northwards was equalled by the rapidity of their retreat, and they shrank back into Kintyre. Gabran, the grandson of Fergus, was slain. The men of Cinel Loarn were the screen of the retreating forces, and when things were adjusted, they reoccupied with elasticity their old ground under the indulgence of the good-natured Pict. Meanwhile in Ireland their kindred were making great strides. Learning, missionary zeal, monastic foundation, were rising, and the saints were not few in number. Tribal kingdoms, and Tara itself, had Christian monarchs supported by ecclesiastics, many of whom were saints. Columba was forward in all these relationships of Church and State, of religion, learning, monasticism. The woes of Scottish Dalriada reached him, as they reached all his kin. There is always on sensitive scales an allowance made for possible dust, and among the higher motives which made Columba the missionary to Scotland we are constrained to admit the earthly one given in the *Prophecy of Berchan* :

' Woe to the Cruthnigh to whom he will go eastward,  
He knew the thing that is,  
Nor was it happy with him that an Erinach  
Should be king in the east under the Cruthnigh.'

St. Columba arrived to support Conall, successor of Gabran, in 563. After trying Loch Killisport for a resting-place, through the friendly relationships of Cinel Loarn with the natives, Picts and Scots, Columba at length took up his home in Iona, and prepared for his Christian campaign against the Pagan Picts. From whatever cause, the relationships between these two Celtic peoples, though strained and warlike from time to time, had always social affinities which made religious approaches easy. There was no real martyrdom in Scotland

in the planting of Christianity. The reputation of Iona grew rapidly. Its conquest of hearts advanced the power of the Dalriads, and once more Conall, foolishly calling himself King of Alban, provoked the Pictish ruler at Inverness. With his son, Duncan, Conall was slain after a reign of thirteen years.

‘Thirteen years altogether,  
Against the hosts of the Cruthnigh, mild and illustrious,  
When he died he was not king,  
On Thursday in Kintyre.’

*Prophecy of Berchan.*

After this his successors were careful to call themselves kings of Dalriada.

At this point St. Columba came to the front in civil affairs. He set aside Eoganan, the rightful heir according to the law of tanistry, and chose Aidan his younger brother. From spiritual insight he perceived that he was the man for the post, as he proved to be. Aidan, because he healed many divisions, and ruled over the divided tribes, is called ‘king of many divisions.’ Cinel Loarn, Cinel Angus, and Cinel Gabran, were one under the king blessed by Columba, on Iona, and he is the real founder of Scottish kingdom with Dunadd as its central fortress.

Hitherto the Scottish Dalriads were subject to the Irish kingdom of that name. St. Columba saw the necessity of freedom for the Scottish kingdom, and at Drumceatt in Ireland a council declared that it should be free from all tributes and exactions, only giving aid to the parent stock in all ‘hostings and expeditions.’

Iona was the religious home of the new kingdom, but by no means was it the only house of saints in the Western Isles, where praying, watching, and working for the spread of the faith were going on incessantly. The ancient remains on these islands with surviving saints’ names, little known, show how Dalriada was girdled round with religion. Montalambert

tells us that the Celtic saints were no doubt wonderful, but at the same time they were ‘most extraordinary saints.’ Among these a contemporary of St. Columba—as we may gather—St. Cattan (or Chattan), is conspicuous. We find the name in the household of St. Patrick.<sup>1</sup> ‘Catan the presbyter’ presided with Acan over the hospitalities of the household. ‘*Catanus presbyter, et Ocanotus presbyter, duo hospitalarii, sive hospitem ministri.*’ This may have been our Cattan, but the date would seem to take him too far back. The *Martyrology of Gorman*<sup>2</sup> places on 1st February the commemoration of our saint, ‘Cattan the abstinent, stern warrior.’ He is honoured in Bute, at Kilchattan, on the great bay which bears the name; at Kilchattan Mill; at Suidhe Chattain in Kingarth. In Luing Island we have Kilchattan. In the island of Gigha there are the ruins of Kilchattan with monuments of sepulture, and some hill forts, indicating a considerable population, to which St. Chattan’s chapel ministered. On Colonsay, at Kilchattan, there are slight remains of a chapel, a burying-ground, and two standing-stones. More to the purpose of our quest is the great religious house of Ardchattan on Loch Etive, the religious centre of Cinel Loarn in its early days, as of the Lords of Lorne in later times. Over-Ruthven, at Inchaffray, is also of importance to us, and Stornoway is said to be the resting-place of our saint. ‘In Scarinch were his Exuvia.’<sup>3</sup> It was a cell of Inchaffray.

<sup>1</sup> *Tripartite Life of St. Patrick*, p. 265 n.

<sup>2</sup> The whole entry may be of interest to some. ‘On Feb. white calends, Brigit the chief virgin of Ireland, [and] Der-lugdach: \* Let us mention with them Pionius, Ignatius, Ephrem, Beoin, † dear white Cinne, ‡ Airennan § whom we supplicate, Cattan the abstinent, stern warrior, Blaas’s tutor [and] my Celloc, the holy slender.—*Martyrology of Gorman*, p. 298, Henry Bradshaw Society.

<sup>3</sup> In Keith’s *Scottish Bishops*, under ‘Scarinch,’ p. 398, we have ‘in the Isle of Lewis and shire of Ross founded by the Macleods of the Lewis, in honour of St. Catan—“in honorem Sti Catani, cujus exuvias ibidem asservari traditione

\* Abbess of Kildare after Brigit. † A virgin. ‡ A virgin. § Oidab’s [Fordul’s?] great-grandson.

In the *Breviary of Aberdeen* his day is May 17th. He was a bishop, uncle of St. Blane, whom he brought up in Bute, where St. Blane is represented in the ruins of Kilblane. Here he consecrated Blane, the patron of the cathedral of Dunblane. Blane's mother, Eartha, was said to be St. Cattan's sister, but in the life of the saint, compiled by George Newton, Arch-deacon of Dunblane, Eartha is said to be the daughter of Aidan, king of the Dalriads. Could these tales be relied on, our St. Cattan would thus be the son of Aidan. However this may be, we have got in the saint a line for our further search after Clan Chattan. We shall find other scraps all suggestive.

From St. Chattan, and not from the Catti, the clan gets its name. How the great Morayshire clan came to get the name of the saint is a tempting inquiry, which with leisure might be followed to some satisfactory conclusion. All that is known is that the clan which possessed Badenoch and parts of Lochaber, and the great districts of Strathnairn and Strathdearn, got its name from a chief called Gillie Chattan Mor. Now for a great chief to call himself a gillie, there must have been a powerful motive. The motive of most weight, though there may have been several other contributory inducements, was religious, or superstitious, as one may choose to call it. Doubtless it was both, and the world was not without its weight, when a chief called himself the gillie of a saint. We have many Gillies in Scotland, as Gilchrist, Gillie Callum, Gillie Bride, Gilanders, Gilruth, besides Gillespie and Gilroy, servants of bishop or of king. The gillie, in case of religious foundations, or of relics, was the secular arm which protected the same, gained their custody, as well as the patronage, and later on the possession, of the churches themselves, and of their estates. The dewars or custodians of St. Fillan's crosier, in a

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acceptum est." See for the whole subject the references given under St. Cathan and St. Blane in Bishop Forbes's *Scottish Kalendars*; also Muir's *Ecclesiological Notes*. The *Aberdeen Breviary* gives the strange tales of Blane.

small way, got a living by it in the Highlands, but when a great chief had a big religious foundation to guard, as the Coarbs of Iona, there was much to be made of it. Our chief seems to have had a relationship to St. Chattan, probably through the custody or guardianship of some house dedicated to him, or, as tradition says in this case, the possession of a relic, such as several saints left behind them, 'a holy stone.' 'This stone,' Martin tells us, 'was of a green colour, much like a globe in figure, about the bigness of a goose egg.'<sup>1</sup> Many other saints left such holy relics. Martin says that St. Moloc, or Moluag, possessed this one, but he was such a popular saint in the West Highlands that tradition credited him with the properties of other saints. The stone was certainly in possession of Clan Chattan,<sup>2</sup> and was so, doubtless, either because he was the gillie of St. Chattan already, or became such because of the custody of the relic. And the relic was worth having, for it secured the verity of an oath, it cured diseases, and it put foes to flight. It was a veritable *vexillum*, and was said in Martin's time to have been the 'fighting relic' of the Macdonalds of the Isles. We know of the *Brechennoch*<sup>1</sup> of St. Columba given to Arbroath by the founder of the Abbey, William the Lion. The Irvines of Drum for a time possessed the estate of Forglan as keepers of this sacred battle banner (supposed to be a book written by St. Columba) and as guardians of the abbey where it reposed. The abbey was dedicated to St. Thomas à Becket. Had these guardians lived in Celtic instead of in Norman times, they would have been called Gillie Thomas, as servants of St. Thomas à Becket. So then we find our clan as the reverential custodians of a powerful relic, a holy stone probably belonging to Ardchattan, which in time of war might be called to the front as a banner by the Lords of the Isles (or those of the race who

<sup>1</sup> See for references Dr. Joseph Anderson's *Scotland in Early Christian Times*, p. 244.

<sup>2</sup> It was, in Martin's time, in possession of Mackintosh.

in power preceded that title). No doubt there was valuable consideration and dignity attached to the custody of so potent a relic, but it had not come into the hands of this clan by power or purchase. There must have been some racial connection. Have we any indications of this?

In the history of the Scots and Picts we at once recognise the importance of the work of St. Columba and Iona. For one hundred and fifty years after the conversion of Brude, the Pictish king, there was no fighting between these races. Columban foundations covered his kingdom, and the children of the land were taught within them. At the end of this period Nectan, taking up Roman views, expelled, in 717, the Iona clergy from his domains. There was much fighting among the Picts themselves for one reason or another, and Nectan, after retiring to the cloister, had to come forth again and fight. He was killed in this civil war by Angus, son of Fergus, who succeeded him at Scone.<sup>1</sup> Angus became a very hammer of the Scots, who in the interval had been carrying on a civil war of their own, Cinel Gabran against Cinel Loarn. Driven by Angus to desperation, Murdach, chief of Cinel Loarn, made a diversion into the enemies' country, and was routed by Talorcan, the brother of Angus, at Carriber, near Falkirk. Eventually Angus drove the chiefs of Dalriada from their country with all their following. The Gabran chief fled to Galloway, and Murdach went north from Lorne into the fastnesses of Lochaber, or beyond them. Here he made friends with the northern Picts, who were at continual war with the southern Picts, whom Angus represented. Murdach is credited with only three years' reign over Dalriada; but he must have lived for some time as a prince in Lochaber, and have established a portion of Cinel Loarn there. It is through him we get some possible links with the end of our quest. The clan Murach, Murich, or Vurich, the most ancient

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<sup>1</sup> The fires of charity were heaped upon Nectan's head, if it be true that the forgiving monks buried him in Iona.

among the septs of Clan Chattan, may have got its name-father from this king of Dalriada who fled to Lochaber in 736. A later Murich, grandson of the chief of Clan Chattan, is credited with giving name to *Clann Mhurich*. I am inclined to think that Clan Chattan took origin as a clan during the eighty-three years in which the exiled Scots fought for the recovery of Dalriada, aided by their friends, the northern Picts, now united with them in kinship and religion. It was recovered in 819. The valleys of the Spean, Laggan, and the Spey, were the highways of Columban missionaries, and the dedications to Columba, Adamnan, and other Celtic saints show the hold of the Scots upon these valleys. At this time the great territory, extending from near the western seas to the east coast, assumes the name it ever afterwards bore, Moray. Bishop Forbes, in his *Kalendars of Scottish Saints*, tells us that Murdoch is the basis of the name Moray; and it is singular that the old Pictish name for the district should disappear, and that *Muref* should replace it, at a time when King Murdach was consolidating the two peoples, Scots and northern Picts, in this central region. The Scottish element, with its superior education, would naturally influence the nomenclature of the combined races. The *Pictish Chronicle*, a work of the tenth century, gives the division of the country under the names of the sons of Cruithne, son of Cinge. The edition in the Irish *Nenius* adds to this, 'and they divided the land into seven divisions, as Columcille says,

Seven Children of Cruithne  
Divided Alban into seven divisions:  
Cait, Ce, Cirig, a warlike clan;  
Fib, Fidach, Fotla, Fortrenn,

and the name of each man is given to their territories.'<sup>1</sup> Five of these districts are identified. Fib is Fife; Fotla is Atholl; Fortrenn is the region between the rivers Forth and Tay, with Forteviot as its capital; Cirig is Angus and Mearns;

<sup>1</sup> Skene's *Celtic Scotland*, vol. i. p. 186.

and Cait is Caithness. There is no Moray and Ross, and yet they were great territories of the Cruthnigh. Ce and Fidach may represent them, but I cannot say which represents which. There is Glen Fiddoch in Morayshire, and you have plenty of Fins there. Fidach may have been the Pictish name for that division. Now in a tract of the twelfth century, giving the divisions of the country anterior to the absorption, in 843, of Dalriada into the one kingdom of Scotland, we find the following partition of the country on the basis of seven brethren. 'The principal part was Eneagus and Moerne [Angus and Mearns]. The second part was Adtheodle and Gouerin [now Atholl and Gowry]. The third, Stradeern and Meneted [now Strathearn and Menteith]. The fourth, Fif and Fothrene [now Fife and Kinross]. The fifth, Mar and Buchan [now Mar and Buchan]. The sixth, Muref and Ros [now Moray and Ross]. The seventh, Cathanesia, citra montem and ultra montem [now Sutherland and Caithness].'<sup>1</sup> The passage goes on to say that the seven kings had seven sub-kings under them. One of the sub-kings, called Talorgan, son of Drostan, Rex Athfhotlae, appears to have died about 739, that is, at the beginning of our supposed consolidation of the Scoto-Pictish kingdom of Moray under Murdach. Meanwhile the Dalriads never ceased to work for the recovery of their territories, and after several battles with the princes who governed in the name of Angus, or of his successors, they at last succeeded. In the year 819 they recovered the territory which had been wrested from them by the southern Picts, and this they did with the aid of the northern Picts, and assisted also by the Irish monarch.<sup>2</sup> Thus they were re-established under their King Eogan, who seems to have united the two principal tribes of Gabran and Lorne, and who reigned thirty years. In eleven years from his death they succeeded in placing the son of Alpin their king upon the throne of Scone, Kenneth

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<sup>1</sup> Skene's *Celtic Scotland*, vol. i. pp. 280, 281.

<sup>2</sup> Skene's *Highlanders of Scotland*, vol. i. p. 56.

MacAlpin by name. His father was a Scot, and his mother a Pict. The date of this revolution is 843. The kingdom of Moray, too, had been making claims upon Scone, and was represented on its throne from time to time during the one hundred and nine years which had elapsed from the arrival of Murdach in its borders.<sup>1</sup>

From this general history let us return to Clan Chattan. Murdach was chief of Lorne, as well as King of Dalriada, at the time of his flight. The sacred place of Lorne was an ancient religious house at Ardochattan, on Loch Etive, where early Celtic remains attest the fact, and where the later Lords of Lorne built the now ruined priory, and where they were

<sup>1</sup> As we are professing only to look for missing links in these ancient histories, the following note on the suggested origin of the name Moray may be allowed.

The Cinel Loarn originated from Loarn, brother of Fergus Mac Erc. Ireland was his home, and the Milesian Scots his race. His son was called Murdach. The name Murdach, in its several variants, was widespread, and of great importance, in Ireland. It had also a Cruthnigh form. It was not unlikely that the combined Scots and Picts of the great central district, afterwards called Moravia or Moray, should adopt this name from their chief, prince, or king. The name was very distinguished in Ireland, whence they came. It was eminent in Scotland, and had royalty, and the Church, to say nothing of sanctity, in its favour. If Murdach was really building up influence in the district, there was nothing in his name to impede his progress, but much to accelerate it. Looking at the Index of the *Annals of Ireland, by the Four Masters*, ed. O'Donovan, Dublin, 1851, I find

3	Murdachs Monarchs of all Ireland.
2	„ Heirs to the Sovereignty of Ireland.
8	„ Kings of sub-kingdoms, such as Meath, Leinster, etc.
1	„ Half King.
3	„ Archbishops of Armagh.
2	„ Bishops.
22	„ Abbots and Priors.
20	„ Lords of Provinces.
3	„ Chiefs of Clans.

This is a very respectable list of eminent persons from Ireland. The dates run from 326 to 1164. Then Scotland can show several saints of the name. St. Murdach, bishop. In the *Bute Breviary* his day is 23rd December. On 2nd September a St. Murdach, bishop and confessor, is commemorated. A St. Mordouch (showing Pictish touch in the spelling) appears in the *Dunkeld Liturgy* as a martyr. On 2nd October is commemorated 'St. Murdach, a hermit who had a poor habitation, near a lake in Argyllshire, which is called Kilmurdah. A life of him in nine lections is preserved, and the events of it are painted on the walls of his cell. He was the last of the bards, and was said to be very devout to the Virgin, who distinguished him with great favours.' Again, in Bishop Forbes's

laid beside their ancestors of the earlier race. When Murdach fled from Lorne, did he take with him his clerics and their treasures, and was the chief of some powerful sept in Clan Lorne appointed guardian, or gillie, of the St. Chattan relic, the holy stone? It seems not unlikely. Or did the office come into the hands of this chief somewhat later, when relics everywhere, on the west coast, as well as on the east, were in need of powerful guardians? The Norwegians and Danes were ravaging the coast, and the holy places of the mainland and of the isles were specially attractive to these pirates. Iona itself was

*Kalendar of Scottish Saints* we read, under St. Murdach's name, 'About a mile north-east of Ethie, in the parish of Inverkeillor, stand the remains of a church and burying-ground. It is called St. Murdach's chapel.' There is another chapel dedicated to him in the parish of Monifieth, called vulgarly 'Dockie's Chapel.' Iona had two coarbs called Murdach guarding all things Columban, both in Ireland and Scotland. One was interred with great honour before the altar of Armagh. He was not only coarb of Columcille and Adamnan, but a bishop, lector of Armagh, and coarb-designate of St. Patrick. The name had several representatives also on the throne of Dalriada. It enters largely into the genealogies of Scottish clans, especially those come of Clan Lorne. MacIenans, Mackinnons, Macquarries, Macgregors, Macduffs, Mackenzies, Macleans, Macandrews, Mathesons, all claim a Murdach or two among their ancestors. Even the Maormore of Lennox possessed one of the name. It is curious to find it in England, so far south as Henley-on-Thames. In the *Itinerary of John Leland* there is the following: 'Rotherfield.—There is a Parke. It is of most men called Rotherfield Gray, by cause that one of the Grays of Ruthyne came to be owner of it. Sum put this addition onto it, "Gray Murdach," saying that this Murdach was a Byshope, and in comprobation of it there be dyverse myters seen in the Haule in Rotherfield.' Leland notes also among the tombs of the Archbishops of York in the minster, '*Sepul. Archiepiscoporum in orient. parte ecclesie* Henry Murdak, obiit 7 Cal. Maii Anno Dom. 1153.' In the *Book of Deer* there is a Gaelic entry thus translated, 'Mordach son of Morcum, gave Pett meic Garnait and Achad toche temni; and it was he that was maormore and was chief.' For the above, see Bishop Forbes's *Kalendar*, p. 416; *The Itinerary of John Leland, Antiquary*, by Thos. Hearne, M.A., vol. viii. pp. 15 and 66, 2nd edition, Oxford, 1744; *The Book of Deer*, Spalding Club, Preface, p. xlix; but see also note to same by W. F. Skene, 'Life of St. Columba,' in the *Historians of Scotland*, vol. vi. Introduction. John Elder in his letter to Henry VIII. puts Mordachus first among the clan names. There were many maormores, and many poets and senachies of the name, and seeing that a most ancient clan in Morayshire is called *Clann Mhuirich*, and that it is in old documents called old Clan Chattan, and that its chief has always claimed independence of any other clan, we may see that Moray may very respectably get its name from Murich. The chiefs of the clan in late times took the name Macpherson, but in Gaelic the clan is still *Clann Mhurich*.

plundered in 794; it was burnt in 802; and in 806 sixty-eight persons, constituting the community, were slain at *Port na Mairtear*, the Port of the Martyrs, on the Holy Isle. St. Columba's relics had been removed, some to Ireland, some to Dunkeld. Suppose the clerics at Ardchattan had been left undisturbed on the flight of Murdach in 731, there was reason for their seeking protection from the chief of Clan Lorne, who claimed to be King of Dalriada, in the fastnesses of Lochaber, when in 794 the Norsemen were on Loch Etive. It may have been, too, that the clergy of Lismore carried their treasures with the holy things of St. Moloc to the same refuge at the same time. The Norsemen, even after their establishment in Scotland, do not appear ever to have reached Lochaber and Badenoch. No doubt they subjected Moray for a time, but their hand was felt mainly on the eastern side of the province. Here, then, was a safe place and a powerful guardian for St. Chattan's relics within the new possessions of Clan Lorne, among Picts who revered holy things as much as did the Scots. They were all alike children of St. Columba and the Irish saints.

Dr. Joseph Robertson<sup>1</sup> calls Clan Chattan a 'peculiarly ghostly tribe.' The whole clan, he says, sprang from the loins of Gilbert, the son of Diarmid, called the Lecturer (*fear legin*). The Ferleiginn seems to have been in the Irish and Scoto-Irish Churches what the Chancellor became in the English and Scoto-English Cathedrals from about the twelfth century. He was the man of learning; he superintended the transcription of books; he ruled the teachers, and he himself taught the schools. In the year 1011 Murdach, son of Orican, was successor of Columba in Erin and Albany, and Lecturer (*fer leighinn*) of Armagh. Another 'Ferleiginn of Kells was drowned while on a voyage to Albany, with the books of Columcille, and three of the relics of Patrick; and thirty of

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<sup>1</sup> Spalding Club *Miscellany*, vol. v. p. 72, appendix to Preface, where see much valuable matter on Scholastic Offices in Scotland.

his men were drowned with him.' It was natural that the holy things of saints should be committed to the care of such as Gilbert, and if he founded a family, it was to be expected that the ecclesiastical links would be maintained in it. His descendant was Gillie Chattan Mor, the distinguished head of Clan Chattan, and himself either Maormore of Moray, or in the line of succession. Ordinarily he is spoken of as belonging to Malcolm Ceanmore's time, but his grandson, Heth, who married Lulach's daughter, was contemporary of that monarch. This would take Gillie Chattan Mor some years further back. Lulach's father was Gillacomgan, Maormore of Moray, and his mother was Gruoch, who afterwards married Macbeth. Gillacomgan died in 1032, and apparently was succeeded at once by Macbeth. Lulach was born shortly before his father's death. I should be inclined to say that Gillie Chattan Mor was born not after 960. According to Mr. W. F. Skene this great chief of Clan Chattan had two sons, Neachtan and Neill. From Neachtan, according to the same authority, are descended the Macphersons, and from Neill come the Mackintoshes. The times were critical as to lineal claims. The old Pictish right of inheritance was through the mother, the father being little regarded. The Scottish rule was through the father by the law of tanistry, that is, that the sons of a particular father should all inherit, one after the other, before the sons of the eldest son could come in. This system had given place in the Lowlands and among the southern Picts to direct inheritance from father to son. Here was one element of trouble for the Moravians. The Danish domination in the north and west was another. There was in the midst of things a Macbeth, with Gruoch for a wife, sowers of strife. Duncan I., the Gracious, was too gracious for the situation. It took long to bring the national confusion into order, and longer still to adjust the quarrel originating between the children of Neachtan and Neill; indeed we are still in search of a common ground where peace with honour may be achieved.

We may now take up the last matter we proposed to ourselves in this Introduction, the Macpherson and Mackintosh contention.

We have to regard Moray, in one sense, as a petty kingdom, in another as a maormoreship, under an Ardri or superior king. The unit of the system of government was the 'Tuath,' a word which stood both for the tribe, and for its territory. The tribe had its ruler, hereditary in the family, but elective in the individual. He had three duns or castles within the territory of his tribe, and his title was 'Toisech.' When three or more tribes were united in one social framework, they were governed by the Maormore, and the Tuath became a Mortuath, each tribe governed by its own Toisech, or chief, but bound to act together under the head of the Mortuath, viz. the Maormore or Ri. When the framework was extended to take in several maormoreships, they had an over-king, the Ardri. Thus Ireland had many tribes, it had five kingships, and it had, at Tara, the Ardri or Monarch of Ireland. The same sort of arrangement seems to have held in Scotland, but in both countries, though the theory was simple, the result was complication and perpetual strife.

There were many tribes in Moray, and the divisions became more numerous as tribes broke up into clans. Skene tells us that besides Clan Chattan, which soon broke up into Murichs and Mackintoshes, the Macnaughtons, Camerons, Macleans, Macmillans, and Monroes all hail from the province. The Maormore of Moray practically united all these under his sway, and the men of Moray were one people, against external aggression at any rate. The aggressors of the period we are treating of—about the middle of the eleventh century—were the King of Albain, now called Scotland, at Scone, and the Norsemen, who were changing the dynastic map of the country. The former had little hold north of the Spey, but the latter from the earldom of Orkney possessed Caithness and Sutherland, and were laying hold of much more. Moray and Ross,

Argyle and the Isles, were from time to time under their dominion, and Danish kings reigned in Dublin, Man, Wexford, and Wicklow.

The King of Scotland, with whom we first have to do as affecting Moray, was Malcolm I. He slew the provincial king, Cellach by name, in 942, but failed to extend his borders north of Spey. He was himself slain by the fighting men of the Mearns according to one authority, by the no less fighting men of Moray according to another, in the year 954. Duff<sup>1</sup> or Dubh his son was slain in Moray, but it was by foes of his own house. Eventually Malcolm II., the last King of Scotland, in the male line of descent from Kenneth Macalpin, ascended the throne at Scone A.D. 1005. He had a long reign of nearly thirty years. The Maormores of Moray at this time we know more of in the struggle with the Norsemen.

The note below<sup>2</sup> gives an incident resulting from the

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<sup>1</sup> Duff was the son of Malcolm I. He succeeded his cousin, Indulph, in the proper order of things, but ideas of hereditary inheritance from father to son were gaining ground, and Indulph's son, Cuilean, claimed the kingdom, and after five years, Duff was driven out and was killed in Moray by Cuilean in 967. His body was hidden under the bridge of Kinloss, 'and the sun did not shine while it lay there.' There was an eclipse of the sun visible at Kinloss on 10th July 967.

<sup>2</sup> The meeting-place is supposed to have been on the Findhorn, and the great sculptured stone at Forres records, apparently, the scenes of the story. The stone is called 'Swena's Stone,' by some mistaken tradition, it is said. The meeting was to be with an escort of forty horsemen on each side. 'Sigurd put an extra man on each horse. Melbrigda said to his men, "Now we have been treacherously dealt with by Earl Sigurd, for I see two men's legs on one side of each horse, and the men, I believe, are thus twice as many as the beasts. But let us be brave, and kill each his man before we die." Then they made themselves ready. When Sigurd saw it, he also decided on his plan, and said to his men: "Now let one-half of your number dismount, and attack them from behind when the troops meet, while we shall ride at them with all our speed to break their battle array." There was hard fighting immediately, and it was not long till Earl Melbrigda fell, and all his men with him. Earl Sigurd and his men fastened their heads to the saddle-straps in bravado, and so they rode home triumphing in their victory. As they were proceeding, Earl Sigurd, intending to kick at his horse with his foot, struck the calf of his leg against a tooth protruding from Earl Melbrigda's head, which scratched him slightly, but it soon became swollen and painful, and he died of it.' Quoted from Skene's *Celtic Scotland*, vol. i. pp. 336, 337.

encroachments of Sigurd the Powerful upon the territory of Melbrigda. The leaders agreed to meet to adjust differences, but the effort resulted in the death of both. Melbrigda's brother Finlay succeeded him. He marched into Caithness with his Moraymen, but was utterly routed by Sigurd the Stout, the son of Thorfinn the Skull-cleaver. It is remarkable that this victory gave Sigurd a grip, not only upon Moray, but upon Dali, that is Dalriada. The way to Lorne was through Moray by both path and kinship. The next great event was the battle of Clontarf, where Brian Boromha, aided by Scots from Albain, routed the Danes on 23rd April 1014. Sigurd the Stout, fighting among the Danes, was there slain. This decisive battle not only delivered Ireland, but also slackened the hold of the Danes on their Scottish territory. This was especially the case with Moray, for the death of Sigurd entirely freed Finlay and his tribes. Sigurd had by his first wife three sons, Sumarlidi, Einar, and Brusi, and among them Orkney and the Isles were divided. His second wife was a daughter of Malcolm II., and by her he had a son Thorfinn, aged five years at his father's death. He had been sent with his mother to his grandfather's court at Scone. Finlay was slain in 1020 by his nephews, the sons of Melbrigda. He is called by the annalists not only 'King of Moray,' but 'King of Albain.' Some later authorities say his wife Donada, whom he married in 1004, was a daughter of Malcolm II. Macbeth was Finlay's son. He was only fifteen years of age at his father's death. By the law of tanistry, Malcolm, son of Melbrigda, who had taken part in the slaying of his uncle, Finlay, became Maormore of Moray. He died in 1029, and was succeeded by his brother Gillacomgan, who, with fifty of his men, was burned to death in 1032. It is supposed that his wife, Gruoch, was daughter of Bodhe, who, had he survived Malcolm II., would have been King of Scotland. Malcolm took care that he should not survive him. Macbeth married Gruoch, and in his own right became Maormore of Moray.

When Malcolm II. submitted to Canute, King of England, he was accompanied by two other kings, Macbeth, King of Moray, and Jehmarc, Ruler of Argyll. Macbeth had just come into his kingdom in 1032. Gillacomgan left a son by Gruoch named Lulach, called the Simple. While Macbeth and Gruoch were preparing to stir vigorously the caldron of Scottish politics, Lulach's life tended towards the seclusion figured by his future home in the Loch Lunn Da Bhra in the peaceful glen, called after him, Glen Rhe.<sup>1</sup>

King Malcolm II. died at Glamis, 25th November 1034. He had removed the only possible successors in the male line, and his eldest daughter, Bethoc, carried on the succession to her son, Duncan. Bethoc, in 1000, married Crinan, the lay abbot of Dunkeld, a powerful chief in Atholl, seneschal of some western isles, and a warrior. Their son was Duncan, now, at the death of his grandfather, a man of thirty-three years. He was declared his successor as King of Scotland. Macbeth the son (probably) of another daughter, Donada, and husband of the daughter of the last male heir, Bodhe, killed by Malcolm II., was about twenty-nine years of age. Another important actor on the scene was Thorfinn, son of a third daughter of Malcolm, of unknown name, who had married Sigurd the Stout. He was about twenty-five years old. Lulach was two years old. The turmoil began through Duncan's giving to his relative, Moddan, the earldom of Caithness and Sutherland, which had been in possession of Sigurd, the father of Thorfinn, and as far as Scottish claim

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<sup>1</sup> Lunn Da Bhra, or Loondavra, is a peaceful little loch in a glen lying between the hills which edge Loch Leven on the south, between Onich and Corran, and those which overlook lower Loch Eil on the west. The farmhouse, once the laird's dwelling, visited by Bishop Robert Forbes in 1770, stands over the loch on the west, but Lulach's castle, called the Castle of Mamore, stood on an island in the loch supplemented by a crannog, or artificial lake-dwelling, where the best trout now lie. The glen is called Glen Rhe, after King Lulach, and the stream issuing from the loch is the Rhe, with Bunrhe at its mouth. Ben Nevis guards it from the north wind. It is a most peaceful spot, now the property of Lochiel.

over it was concerned had been gifted to Thorfinn by his grandfather, Malcolm. Thorfinn routed Moddan, and though he was supported by Duncan, his army was destroyed, and he himself slain at Thurso. Duncan was routed at Torfness in August 1040. Macbeth was Duncan's general, but allied himself eventually with Thorfinn, and slew Duncan at Bothnagowan (now Pitgaveny), near Elgin, 14th August 1040. His reign, according to Sir Archibald Dunbar,<sup>1</sup> lasted five years eight months and twenty-one days. Macbeth held one half of Scotland, and Thorfinn the other half. Macbeth and he seem to have died in the same year, 1057, the former by the sword at Lumphanan, in Mar, 15th August.

The Moray men then dragged Lulach, now about twenty-six years old, from his solitude in the Castle of Mamore, on Lunn Da Bhra, set him on the royal seat at Scone in 1057, and in March 1058 he was slain in Strathbogie 'by stratagem of Malcolm Ceanmore.' His reign lasted seven months. He was buried in Iona. Malcolm Ceanmore, the son of the late Duncan, became King of Scotland as Malcolm III. Who was Maormore of Moray after Lulach? His son, Malsnectai, could not be more than six or seven years old, and being under age could not reign. Eventually he became Maormore, and was driven out from his territory by Malcolm Ceanmore in 1078, ending his days as a monk in 1085. He gave lands to the Abbey of Deer.<sup>2</sup> Who succeeded Lulach? Was it Gilliechattan Mor, now very aged, or his son, Neachtan? Neachtan's son was Heth or Head, sometimes called Eth, but at Lulach's death he was only about the age of Malsnectai; subsequently he

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<sup>1</sup> *Scottish Kings*, by Sir Archibald Dunbar—an admirable compilation.

<sup>2</sup> The entry in the *Book of Deer*, Preface, p. li, is translated 'Malcolm, son of Maelbrigte, gave the Delerc. Malsnecte, son of Luloeg, gave Pett Malduib to Drostan.' The Malcolm here mentioned slew our Finlay, and the gift may have been 'peace-money.' Malsnectai was pious, and became a monk. His grandfather, Gillacomgan, united with Malcolm in the slaughter of their uncle Finlay. Did Malsnecte make this offering for the soul of his grandfather hurried out of the world by fire?

married his sister. It is clear that Gilliechattan Mor was in the line of succession, and that the later claimants to the maormoreship claimed through Heth, not because he had married Lulach's daughter, but because he was of the family of the hereditary rulers of Moray. Heth appears, according to Skene, at the point of transition from maormoreship to earldom. He was grandson of Gilliechattan Mor, became Maormore of Moray by inheritance after 1085, and appears as an earl in charters of David I.'s time, 1124. Hed or Heth is among the *comites* who sign, though Moray is not mentioned. His son, by Lulach's daughter, is Angus, called MacHeth, Maormore of Moray. With his Moray men, he invaded David's territory in the absence of the king in 1130, and was met, defeated, and slain at Strikathro by Edward, son of Siward, with the men of Alban. The victors lost one thousand men, and four thousand of the men of Moray fell with their chief. Moray itself was overrun, and was added to David's realm. The extraordinary story of Wymund, monk of Furness, Bishop of Man, who threw off cowl and mitre, and as Malcolm M'Heth claimed to be the Earl of Moray, son of Angus killed at Strikathro, is well known. Whether he were an impostor or not, he was recognised as Earl of Moray by all the Gaelic part of the population of Scotland, and even by the Norwegian Earl of Orkney.<sup>1</sup> Somerled, the Celtic *regulus* of Argyll, gave him his sister in marriage. We are only concerned with this extraordinary incident in Scottish history as bearing on the name M'Heth, which he assumed when he claimed the Earldom of Moray. Heth, let us remember, was grandson of Gilliechattan Mor. Heth's son was Angus, the supposed father of Malcolm the claimant. Heth had another son, Suibne, and his son was Muirich, from whom comes Clan Vuirich and the Macphersons. Thus we come into somewhat clear ground as to the Macpherson ancestry. Let us glance

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<sup>1</sup> Skene's *Celtic Scotland*, vol. i. pp. 462-470.

at the descent of the Mackintoshes. Gilliechattan had two sons, Neachtan and Neill. Which was the elder? Skene holds that Neachtan was, and justifies his position from his son becoming the great Maormore of Moray, and first earl. His name was important in the later claims for the earldom. There seems to be no question as to the descent of the Macpherson chief from Heth, and Heth was son of Neachtan.

The genealogies are most confusing. The legendary descent of the Highland clans, according to Irish manuscripts given in *Celtic Scotland*, Appendix viii., seems especially so. In the descent of the 'Clan an Toshach, viz. the Clan Gillachattan,' we find inserted 'Mureach, son of Suibhne, son of Tsead (*i.e.* Head or Heth), son of Neachtan, son of Gillachattan, son of Galbrait, son of Diarmid called the Lector,' and so back to Feradach.

Now this is the Macpherson descent. In the genealogy of the Mackintoshes or Clan Chattan, given in the 1450 manuscript,<sup>1</sup> in which Mr. Skene puts his trust, we have clearly two lines, one ending in Neill, and another ending in Neachtan. The latter carries up the line through the father of both, Gilliechattan Mor. Before Neill is approached in the upward quest, there is a hiatus, and Ewen is said to be the son of —, grandson of Neill. This is just the blank we want filled up; who was Neill's son, and who was his grandson? While there is a blank here as to Neill's progeny, there is none as to Neachtan's. His son was Heth, who married Lulach's daughter,

<sup>1</sup> The manuscript begins with a genealogy of the Scottish kings, and the genealogy of the Maormores of Moray follows. The latter starts with names now familiar to our readers.

' . . . son of Maelsnectan, son of  
Lullach, son of  
Gilicomgan, son of  
Melbride, son of  
Donald, son of  
Calmed, son of  
Roderick, son of  
Ancelloch, son of  
Ferchar, the long, son of  
Fergus, son of

' . . . son of Smeadan, son of  
Colman, son of  
Buada, son of  
Hector, son of  
Murdoch, son of  
Lorn the great, son of  
Erc, son of  
Eocha Muinreamhar'  
(= the fat neck).

and through being next in line of succession, according to the law of tanistry, became Maormore of Moray. Heth's second son is the father of Murich, while the elder brother is Maormore of Moray. Here the links are complete at the crucial periods.

Nothing goes wrong in the family descent, but circumstances soon vastly alter. The 'sair saint for the crown,' David I., was also a sair saint for the clan. Over and into the Celtic system of government and possession he brought the feudal law. Whereas the system had been *tribe and land*, it now became *land and tribe*. All lands had to be held of the king without regard to tribal possession. If the Maormore submitted, he might go on holding his great province at the will of the sovereign, and for feudal service, and be called earl. If he did not wake up to the new situation, he would find himself the head of a tribe or tribes, but with an over-lord possessing the tribal

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The genealogy of the Mackintoshes, or Clan Chattan, is given as follows:—

'William and Donald were the	'Ferchar, son of
two sons of	Gilchrist, son of
William, son of	Malcolm, son of †
Ferchar, son of	Swen, son of
William, son of	Heth, son of
Michael, son of	Nachtan, son of
Ferchar, son of	Gillichattan (from whom came
Shaw, son of	the Clan Chattan), son of
Gilchrist, son of	Gilbert, son of
Hugh, the victorious, son of	Diarmed, called the Leinster
Ewen, son of	man,* son of
. . . grandson of	Erc, son of
Neill.	Dlait, son of
Lachlan, son of	Ferchar Fada, son of
Swen, son of	Feredach.'
Shaw, son of	

Genealogies of the Highland Clans in Gaelic MS., written about 1450, printed in *Collectanea de Rebus Albanicis*, edited by Iona Club, Edinburgh, 1839.

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\* Skene afterwards acknowledged to Dr. Joseph Robertson that Leinster should be translated Ferliagen or Lector.—Spalding Club *Miscellany*, vol. v., Appendix to Preface, p. 74 n.

† In other lists Malcolm is Murich, and may here be a mistake of the copyist. The MS. is most obscure.

land, by right from the king. At first Celtic Moray was not attacked in this wholesale way. David and his successors laid hold of the rich lowlands of Moray, deported the people, and gave the holdings to Saxon, Norman, or Flemish barons. The representative of the Maormore of Moray, the head Toisech, chief of his own tribe, found himself pressed back into the valleys leading up into his hills. He had, however, to come to terms, and took feudal service under the king for the possession of the lands remaining to him. The Maormore thus lost one tribe after another, and shrank into the mere headship of his own clan. From external pressure things do not change rapidly in Highland custom, and Clan Chattan went on as an organisation, tribal and territorial, much as before, whatever Scone or Edinburgh might say or do. The family, which had been that of the Maormore, remained chief of Clan Chattan without dispute, but its captain was the chief Toisech, in frequent conflict with the Saxon and Norman barons on the fighting line of Brae Moray. The 'Feudal Toisech' became a greater man than the 'chief,' though the latter represented Celtic tradition, and tribal unity. The office of captain of Clan Chattan was elective, and did not at first depend on hereditary descent, though it did become hereditary in the family of Mackintosh. Legitimacy was not however essential, for we find that Hector Mackintosh, an illegitimate son of a former chief, was elected captain of Clan Chattan, and strove valiantly for its interests and his own. Kinrara tells us 'Hector, bastard son of Ferquhard, a man brave and intrepid, was, after the slaughter of Lauchlan Oig, son of Lauchlan, elected chief of the Clan Chattan, and enjoyed this position for the space of five years' (vol. xxxiii. of *Scottish History Society*, p. 204). This was in James v.'s reign. Other tribes passed out of Clan Chattan rule. The Camerons were originally of the same stock. The Macnaughtons, the Macduffs,<sup>1</sup> and other tribes originally

<sup>1</sup> The *Leinster Book* calls the Macduffs 'Clan Lulach.'

descended from Cinel Loarn and linked into the Gilliechattan race, soon passed out of touch. In such regions as Lochaber, and Badenoch, resting for Celtic support on the Rulers of the Isles, the ancient law would long hold, and be upheld by popular feeling. In the Highlands people were more than land, and blood was thicker than water. The struggles of the kin of the Maormores against the Crown were numerous, involving great slaughters, as in 1187, and 1215. Apparently the last rising was quelled by William Cumyn, Great Justiciar of Scotland in 1228, and Badenoch was acquired about that time by Walter Cumyn. The dates in the chartulary of Moray indicating his connection with Badenoch are 1224, 1233, 1234. Clan Chattan had now to meet its feudal chief in the centre of its territory. It was no pleasant time for the Lord of Badenoch, nor for the Chattans. The great importance of the Cumyns as Earls of Buchan, Earls of Monteith, Lords of Strathbogie, Badenoch, and Blair, can hardly be overestimated. They were in line of succession to the crown. The first of them in contact with Clan Chattan was William Cumyn, Grand Justiciar of Scotland, who became Earl of Buchan through his marriage with Marjorie, only child of Fergus, Earl of Buchan, in 1209. William succeeded Malcolm, Earl of Fife, as *Custos Moraviae*; and soon after captured Godfrey M'William (descended from Duncan, eldest son of Malcolm Ceanmmor), who claimed to be Maormore of that province, if not King of Scotland. In 1228, Gillespie, the chief of Badenoch, and his sons, fell into his hands, and as reward of his success he received from the king the lordship of Badenoch for Walter, the second son of his first marriage. He refounded, with consent of his wife, Marjorie, the Abbey of Deer. He died in 1233. Walter, his son, came, as we have seen, into possession, and died in 1258. Sir John Cumyn, third son of the justiciar, succeeded him, and was head of the family. He is called the First Red Cumyn. He left four sons and four daughters.

‘The fierd dochter, owre tha lave  
 To wyff the Lord took of Murraive :  
 On hyr the Lord of Murraive gat  
 Andrew of Murraive, that efftyr that  
 Wes at the Bryg off Stryvelyne slayne.’

WYNTON, Book VIII. ch. vi. l. 1193.

Here the Cumyn, Lord of Badenoch, is found uniting with the family of Freskin, planted by David I. in the fertile plains of Moray, now calling themselves Earls or Lords of Moray. In 1130 Angus M'Heth, the Celtic Maormore, is styled Earl of Moray. Some fifty years later, Freskin, owner of Duffus, was spoken of as *De Moravia*, and his son later on as ‘Lord of Moray.’ Combinations like these on the east, and on the west, gave Clan Chattan, whether as Murichs or Mackintoshes, a very bad time. John, the Black Cumyn, one of the Regents of Scotland and competitor for the crown, ruled over Badenoch. He married John Baliol's sister. After Baliol's first reign, and his surrender of the kingdom to Edward I., Cumyn retired in 1299 to his Castle of Lochindorb. His son Sir John (called the Second Red Cumyn) succeeded, and was prominent as an opponent of Bruce, by whom he was stabbed in the Church of the Minorite Friars, Dumfries, 10th February 1305-1306. The rise of Bruce brought down the Cumyns. Robert Bruce, in 1312, granted to his nephew, Sir Thomas Randolph, the whole of the king's lands in Moray; and the charter begins the detail of these lands, on the east coast, at Fochabers and mouth of Spey, and, including all between, ends at the western sea. It would appear that this great country was not an earldom in any charter sense up to this time. Lord Kames says, ‘From the tenor, it appears that Thomas Ranulph was not formerly an earl; for in the beginning he is styled *Miles*, without any addition; that the lands were not formerly an earldom, for in the beginning they are called the king's lands in Moray; that immediately after the clause of erection the lands are called *Comitatus*, and Thomas Ranulph is called *Comes*. The charter has no date, but is supposed to have been

granted in 1312.'—Douglas's *Peerage*—'Moray,' *note*. This is therefore the first welding of the lands of the ancient tribes (now split into clans) into a feudal possession under the King. The tribes, clans, and septs had to make the best of matters under the Earl of Moray. They had still a good outlet to the west, where the isles were practically free under their own Celtic king or lord.

When Randolph became Earl of Moray, he displaced the Cumyns as feudal superiors, but his hold on Glen Elg, Glen Garry, Mamore, and Lochaber must have been of the slightest. His chief castles were at Elgin and Forres, with a hunting seat at Tarnua (Darnaway). The Cumyns, in their families, were still a power, and Lochindorb, a threatening fortress in Brae Moray, remained long in their possession. Loch an Eilan was theirs also, and they had large possessions in Badenoch and Lochaber. The Murichs of Clan Chattan devoted themselves to clearing them out of Badenoch, but the Mackintoshes, nearer neighbours to Lochindorb, made marriages with them. Mackintosh watched the earl with jealous eye. The other men of Moray adjusted themselves as best they might to the new superiority, but carried on their tribal traditions according to use and wont. The extremity of the earldom to the west was practically out of reach of the Moray rule, and lived much more in touch with Somerled's descendants, the Macdonalds and Macdowalls of the Isles and Lorne. The first feudal Earl of Moray, the guardian of the kingdoms, died at Musselburgh, 20th July 1332. His eldest son, Thomas, was earl only for twenty-three days, and was killed at Dupplin. His second son, John, succeeded, and after a glorious career was killed at the battle of Nevil's Cross, 17th October 1346. Their sister, the heroic Agnes, Countess of Dunbar and March, became Countess of Moray in her own right, and Patrick Dunbar her husband, ninth Earl of Dunbar, became Earl of Moray in 1347. He died in 1369. His second son, John, succeeded him as Earl of Moray.

Badenoch, Lochaber, and the Castle of Urquhart were excluded from his earldom. Alexander Stewart, fourth son of Robert II., became lord of these districts about this time, and gained for himself the title of the Wolf of Badenoch. He was also Earl of Buchan. He died in 1394. In 1394 died also John, Earl of Moray, and was succeeded by his son, Thomas, second earl in the Dunbar line. The ungovernable country, about this time, gained another ruler in the person of the redoubtable Sir David Lindsay, famous for his triumph at the tournament of London Bridge in 1390. He was granted Strathnairn, where Clan Vurich held possessions. The strong hand of the Wolf was gone, there was a new gentle Earl of Moray, and there was the Lindsay, *valens miles*, soon to be the first Earl of Crawford, strong in the idea of arbitration by tournament, or duel. The state of Clan Chattan within these noblemen's borders called for some settlement. The chief was inefficient in governing the confederacy of clans now constituting Clan Chattan, though as the head of his own clan, Vurich, he was all-powerful. The Camerons were breaking away. The captain of the clan, the Mackintosh, had special interests of his own, which the Camerons were invading, and the battle of Invernahaven followed. Cluny, the head of the Clan Vurich, claimed the place of honour, which the captain foolishly gave to Clan Dai, and the battle was being lost through Cluny's withdrawal. However, he came to the rescue, and the Camerons were defeated. The bitterness of family feuds are proverbial, and Clan Chattan was no exception. The troubles in Moray became so bad that Sir David Lindsay proposed his usual remedy: 'Fight it out in tourney.' The battle on the Inch of Perth, 28th September 1396, was the result of his counsel. It weakened Clan Vurich and exalted Mackintosh. I have no reason to doubt that Skene is right as to the combatants. He thinks the Mackintoshes were the Clan Quhele. The other clan is called Yha, in the oldest records, and Yha is a corruption of Heth. Clan Heth, he thinks,

must have been the most ancient name of the Macphersons. From the date of this combat the Clan Vurich, or old Clan Chattan, diminished in power. Though it could fight as well as ever, it was yet a clan with an ecclesiastical side, and the blood of Diarmid, the chancellor, tended naturally to those historical studies to which a series of senachies of the name gave much impetus. Murdach Albanach, whom Æneas confuses with a king of Leinster, was only a prince in literature, and the leader of a long line of Murdach senachies. This tendency to the paths of peace may have aided the change of Murich into Macpherson on the part of the chief family of the clan. The ancient motto of the clan, nevertheless, continued to have its significance among the sons of the Parson. Its meaning, often misunderstood, is 'Touch not the cat when it is without its glove.' There is nothing softer than a cat's paw when its glove is on, but nothing sharper than its claw when the glove is off. The *Loyall Dissuasive* manifests both the paw and the claw of the Macphersons of his time.

The later history of the clan we cannot follow here, but some points must be noted.

The genealogies of the Macpherson are greatly confused. Jeremy Collier gives one, no doubt supplied by Æneas. Sir Robert Farquharson varies this in the *Dissuasive*. Douglas, in his *Baronage*, has a different one. Those printed in *Glimpses of Life in the Highlands* are more curious than useful. The manuscript collections of the late Mr. James Macpherson (of the Union Bank) are valuable, but skill, time, and temper will be needed to arrange the materials, to verify the references, and supply the dates.

I have said nothing of Eva and the marriage with the Mackintosh or M'Duff. In Highland families there is always an Eva, who has to account for things unaccountable. No doubt Æneas is right when he refuses to the lady the power of conveying the chiefship to her husband. She might, as heiress, have conveyed a great inheritance, but chiefship never,

while a male heir of Gillichattan remained. Had Kinrara and the Mackintosh authorities taken us back to Pictish times we could have understood, for then it was only through the mother that king or chief could make good his title. In such circumstances, the Mackintosh champions would have been free from pursuit. Few would venture to follow them there. The intrusion of the name M'Duff, Thane or Earl of Fife, into this part of the story is puzzling. In the history of that family there is no support for it. The dates and assumed facts are at utter variance. I should be inclined to trace the tradition to connection much further back with the Scoto-Irish clan Duff or Duffy. The King Duff who was killed in Moray, whither he had fled, and whose body lay under the bridge of Kinloss, causing an eclipse of the sun while it remained there, may have been a relative of the Toisech.

As to the Keith Marishal family, one may say that the tradition of its descent from Clan Chattan is not altogether without support. Keith, Keth, Cat, and Chat are not very remote. Both families were specially related to the Abbey of Deer. The date given for the gift of dignity and land to the Chattan hero is about 1010. Malcolm II. was king and victor at the battle of Carham in 1018. He then annexed the Lothians to Scotland, and it is in East Lothian that we find Keith Marishal the property then bestowed on the Chattan chief. The links acknowledged in the time of Sir Æneas must have held to a longer chain, which may have been upheld by Gillichattan himself.

The Sutherland family is supposed to be linked also to the Catti. Their crest is the *Cat, sejant, proper*. In David I.'s time, after the slaughter of the Moray men in 1130, Freskin appears in Moray and acquires great property around Duffus. His grandson, Hugh, acquired Sutherland in 1197. Before the time of the latter the family was known as *de Moravia*. The wives of Freskin, of his son, and grandson are not given. Murich appears in the genealogy, but I am not now able to

give the reference. There was some alliance with Clan Chattan which brought the Cat on to the helmet of Freskin.

The connection of Clan Chattan with the Lords and Kings of the Isles has not been touched upon. I am convinced that the Lymphad on the Cluny shield is the galley of Lorne with a difference. Sir Æneas tells us it represents the ship in which the Catti arrived from Germany. It really tells of the survival in Badenoch of the ancient race of the Isles and Lorne. Dunolly was once its home, and Ardchattan its central shrine, and the Macdougals of Dunolly, and the Macdougals of the graves in Ardchattan Priory, are kith and kin with Clan Vurich and Clan Mackintosh.

To sum up the points of our search for Clan Chattan. It is found, we believe, in Cinel Loarn, a great tribe springing from Loarn, the brother of Fergus Mor, and one of the colonists of Dalriada. The clan, at one period, found its home among the aboriginal inhabitants of Badenoch and Lochaber, to their great advantage. They became a people, one in religion, one in government, one in custom, and alike in superstition. Iona and its saints, and fellow-saints, were all-powerful. The saint specially venerated by, or specially connected with, the rulers of Cinel Loarn, was St. Cattan. From Dunolly they built him a shrine at Ardchattan, where a miraculous stone was preserved. On the flight of Murdach, the chief, from Dunolly, or, on the approach of the Norse pirates, the holy things were removed to Lochaber, and there some chief of power, of a learned family, gained the custody of the holy stone, and was proud to call himself gillie, or servant of St. Chattan. This family of gillies of St. Chattan comes into permanent prominence in the person of the greatest of them, Gillie Chattan Mor—the great Gillie Chattan—the founder of the clan, nearly related to the king or Maormore of the consolidated province of Moray. His descendants, as chiefs of great families, we recognise in ‘Cluny Macpherson’ and ‘The Mackintosh,’ the former sprung from Neachtan, the

elder son of Gilliechattan Mor, and the latter from Neill, the younger son. They may both be proud of their descent, and of their place in Scottish history. In politics, in war, in literature, they have sustained the honour of their name and of their nation.

In conclusion, it is sad to think that the two persons to whom our thanks were mainly due in connection with this work have passed from us: Brigadier-General Ewen Henry Davidson Macpherson of Cluny, chief of Clan Chattan, and his enthusiastic 'senachie,' as we may say, Mr. Alexander Macpherson, the Provost of Kingussie and factor of Cluny. Cluny was buried 23rd August 1900. The Introduction and Notes are of value mainly from the original matter from his charter chest which they contain.

Had not the key of the charter chest been in such a hand as that of Mr. Alexander Macpherson we had not benefited, for Cluny would not readily have given to any other the access to his treasures. Mr. Macpherson warmly promoted the idea of publishing the *Loyall Dissuasive*, and supplied from Cluny Castle much collateral matter. He began to see the fruit of his enthusiastic efforts in the first few proof-sheets of the work, but his correcting hand failed. On the 11th of January this year, 1902, he passed away, to the great sorrow not only of Badenoch, but of the Highlands of Scotland generally.

The Rev. Thomas Sinton, minister of Dores, Inverness, most kindly stepped into the gap caused by the death of his friend Provost Macpherson, and endeavoured to guide the editor through the intricacies and dangers of unknown Gaelic. Should mistakes still appear in the renderings of that tongue, they must be charged to the editor.

The same exemption must be claimed for the work of Mr. Morland Simpson, who looked over the proofs of the Introduction. He saw nothing of the body of the work, and did not see all the Introduction.

To Sir George Macpherson Grant of Ballindalloch and Invereshie, Bart., the Society is indebted for the loan of his valuable ms. copy of the *Dissuasive*. His volume also contained many other pieces (see Notes on the Manuscripts), which were not found in any complete or reliable form elsewhere.

To Mr. George Macpherson, Edinburgh, the editor records his thanks for so long putting at his disposal the large collection of mss. gathered by his late brother, Mr. James Macpherson. Through him also came the Manuscript *D*, lent by Mr. J. A. McLean, Union Bank, Forfar, whom the editor desires to thank.

For a very long loan of the Record Edition of the *Acts of the Parliament of Scotland* and of Douglas's *Peerage*, without ready access to which the work could not have been undertaken by the present editor, we have to thank the Right Honourable A. Graham Murray, the Lord Advocate of Scotland. The Rev. H. H. Flower, Pittodrie House, Edinburgh, was also generous in lending his books. Professor Lawlor, of Trinity College, Dublin, kindly gave assistance, and his learned friends, Professor Gwynn, and the Rev. T. Olden of Ballyclough, Mallow, lent their aid in a difficult question still awaiting solution.

The Rev. John Anderson, Assistant Curator in the Historical Department H.M. Register House, has rendered valuable aid, and for collation of the Cluny Copy of the Decree, pp. xxxviii to xl, with the Compend of Privy Council Records at Halkhill we have to thank Mr. John Scott, C.B., its owner. The librarians of the Advocates' and Signet Libraries and their officials have met every troublesome demand with the utmost readiness.

To Mr. D. Cameron Swan the thanks of the editor are accorded for the photographing of the dim original of our Frontispiece, and for his generosity in presenting to the Society the full number of copies of the photogravure required for our volumes. The history of the picture we have not

investigated, but its importance in the study of the history of Highland dress may be seen in *Costumes of the Highland Clans*, by John Sobieski Stolberg and Charles Edward Stuart (p. 102), Edinburgh.

ALEX. D. MURDOCH.

### POSTSCRIPT

At the last hour the editor has received the new edition of Skene's *Highlanders of Scotland*, by Dr. Alexander Macbain. The editor of Skene tells us that his author has put back research into early Scottish history for a generation. As the editor of the present volume has only a day, and not a generation, in which to complete his work, based much on Skene, he is obliged to crave delay of judgment till such time as the learned doctor shall have produced support for his statements.

A. D. M.

NOTE.—It is thought that some of the terms used in the Introduction might with advantage be explained. Those pointed out are Cinel, Coarb, Maormore, and Toisech.

*Cinel* is clan, but I have confined its use to 'an original tribe.' The later clans were the results of subdivisions under some prominent name, or chief in the tribe. Cinel Loarn, Cinel Gabran, and Cinel Angus were original tribes or families of the first colonists of Dalriada, and from which came numbers of clans.

*Coarb* means successor; but the Coarb, say, of Columba was not necessarily the successor of Columba, as Abbot of Iona. The Coarb ruled over all the monasteries founded by Columba, and though the Abbot of Iona did so for a time, Iona ceased through Danish invasions to be the centre house. The Coarb was successor through a blood relationship to the family of which St. Columba came, and ruled over all things Columban. His work became in Scotland and Ireland ambulatory. Kells was latterly his headquarters.

*Maormore*.—The word, I fancy, survives in the mayors of cities, and had its origin in the ancient Gaelic of France. The Armoric Mear passed into the French Maire. The Welsh is Maer. It means keeper, superintendent, one that guards. The Maormore means the great keeper of the tribes, and the word was frequently interchangeable with Ri or King.

The *Toisech* was the head or chief of a tribe or clan. If three or more tribes came under one government, the Maormore was the governor.

As the feudal system came up over the old tribal government, the Ardri, or chief king, became king simply. In some cases old maormore-ships became earldoms, where tribe and land were held together, and the tribal maormore became the feudal earl. Where this did not take place, the maormore went to the wall, and a feudal earl ruled his territory, though the tribe still acknowledged his chiefship. The toisech in like manner ruled his own tribe or clan, and if possible secured to himself, in feudal holding, the tribe territory. Certain portions of lands were divided off into thanages. The thanes looked directly to the king as their superior. Ri, maormore, and toisech became in later popular language, king, earl, and thane. In studying the controversies between learned men on the subject of thanages, it will be well to consult Skene, *Celtic Scotland*, vol. iii. p. 239, and the note there, where the various authorities are named. The *Leges inter Brettos et Scotos*, vol. i., *Acts of Parliament of Scotland*, p. 668 (red figures), exhibit the comparative values of king, earl, and thane, and they practically answer to the values of ri, maormore, and toisech, in the Gaelic system.

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## NOTES ON THE MANUSCRIPTS

A. THE CLUNY MS. is a thin unbound quarto, consisting of sixty-eight pages— $8\frac{1}{4} \times 6\frac{1}{4}$  in. The pages have been stitched together; one leaf is missing, so that the Manuscript was originally of seventy pages. It is written in a hand common at the period, but in comparing it with a letter written by Sir Æneas, we gather that the hand is not his own. The paper of the Manuscript and that of the letter are very similar in tint and grain, though the latter is thinner and finer. The Manuscript has suffered from damp considerably. On the fly-leaf it bears the signature 'Cluny Macpherson' in a modern hand; and there is a note on the same leaf, 'Commenced to be copied 5th of March 1822. E.M.P.' A bit of paper is stuck on the outside with a wafer and bears the mark 'No. 1.'

B. THE BALLINDALLOCH MS. is a bound quarto of three hundred and seventy pages, ninety-five of which are not written on, but prepared with borders in the same way as the others for receiving writing. It contains many pieces besides the *Loyall Dissuasive*, of which the following is a list:—

- 1st. A paper of seven pages, entitled, 'The Case of Allreadgence  
'Brieffie stated.'

This bears a note, 'The following paper, entitled, "The Case of Alleadgeance Brieflie Stated," was written at the end of the former Dissuasive (or Manuscript) be way of Appendix.'

To this, in faded ink, in a hand of much later date, is added, we presume, as giving the title of the Paper referred to in the piece:—

'The Loyalist's Reasons for his professing Obedience and  
'Swearing Allegiance to the present Government, by Sir  
'Francis Grant (Lord Cullen).<sup>1</sup> Edinr., 1689.'

2nd. 'Sir John M'Lean's Remarks' (on the *Loyall Dissuasive*), a paper of sixteen pages. The note is 'The Learned and  
'Ingenious Sir John Mackleane made the following  
'Remarks upon the forsaid Dissuasive.'

3rd. Next follows in twenty-two pages:—

'A Supplement To The former Dissuasive B Way of Answer  
'To Some Ingenious remarks, made upon it, by a person of  
'Quality of great Sence and Learning. Wherein some of its  
'passages are made more plain and set in their true Light  
'by Sir Æneas M'pherson of Invereshie Knight Author of  
'the Dissuasive.

---

'As Iron Whetteth Iron  
So doth one witt ane other.

---

'Edinburgh, Sept. 12, 1704.'

4th. In thirty-seven pages we next have

'Vantie Exposed or a plain and short Answer To a late peaper,  
'Intitled, the Genealogie of the Farquharson's, wherein  
'the Author's Ignorance and Self Contradictions are sett in  
'their true light And the Right Genealogy of that modern  
'family briefly hinted at from the Concurring testimonies of  
'the Shaws, the Farquharsons themselves, and all their  
'neighbour families, In a letter to a Friend By no Enemy  
'of theirs, but a friend to truth.'

(In another hand there is added here)

'Sir Æneas M'pherson of Invereshie Knight.

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'Answer a fool in his folly Least he be wise in his own conceit.—SOLOMON.

'Edinburgh, 1704.'

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<sup>1</sup> This information as to the opponent of Sir Æneas should have formed a note at p. 95.

In a large, more modern hand than the body of the Manuscript, on page 220, there is written

‘Sir Æneas M<sup>’</sup>Pherson of Invereshy—Knight.

*Finis.*’

5th. Then on page 222, in the same large hand, the title of the next piece is given:—

‘An Account of the Life and Death of Sir Æneas Macpherson  
‘Knt of Invereshy.’

It occupies thirteen pages.

6th. On page 237, the title of the next piece of twenty-two pages is written in the hand of the Manuscript:—

‘The Vindication off Sir Æneas Macpherson Wherein his fidelity  
‘to his friend is asserted and maintained and his Loyalty  
‘to the King justified and proved Against the Cavvills of  
‘some evile and malicious Accusors In a letter to a Friend.’

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‘Unjust calumnies are no less pernicious to a commonwealth than legal accusations are profitable and good.—MATCH<sup>W</sup>, p. 270.

‘Quis Innocens esse potest, si accusare sufficit.—TAC.’

The Vindication is prefaced by a letter to Lord Melfort, and on page 243 of the Manuscript a new heading is given thus:—

‘The Coppie of the Letter and Vindicatione sent By Sir Æneas  
‘Macpherson to a person of Quality.’

7th. In six pages there follows

‘The Address and Remonstrance of Sir Æneas M<sup>’</sup>pherson  
‘prisoner in Edinr. tolbooth agt. the torture.’

8th. The next six pages contain

“‘The Memorial to the King,” of Sir Æneas M<sup>’</sup>pherson.’

9th. This is followed by one to the Duke of Buckingham. This closes the written pages of the volume on page 275. In the modern hand alluded to above there is scrawled at the end of the piece

‘Sir Æneas M<sup>’</sup>Pherson. AMEN.’

C. A THIRD MANUSCRIPT has been lent by Mr. J. A. MacLean.

It consists of one hundred and seventy quarto pages, eight of

which are not written on. The first page has the names of its owner and of former owners.

1. John MacGuarie.
2. Neil MacLean, The Manse, Ulva.
3. J. A. MacLean, Union Bank House, Forfar.

It contains the *Loyall Dissuasive* and the appendix on the Oath of Allegiance.

It is beautifully written, bound in calf, with a flap, and in poor condition.

*D.* A very useful copy made by the late James Macpherson in 1880. It contains all the 'Loyall Dissuasive,' 'Vantie Exposed,' most of the 'Patron turned Persecutor,' and portions of other pieces. It is a bound quarto of three hundred and fifty-five pages, signed by the copyist.

# THE LOYALL DISSUASIVE

OR

The Resolute Advyse of a Faithfull  
Kinsman, in a Memoriall to the LAIRD  
OF CLUNY in Badenoch, together with  
other Pieces and an account of his  
Life, by SIR ÆNEAS M'PHERSON  
of Invereshie, Knight

1701



A SHORT ABSTRACT OF THE LIFE AND  
DEATH OF SIR ÆNEAS M'PHERSON  
OF INVERESHY, KNIGHT. Written by  
himself a little before his Death [*sic*].

THIS gentleman was born the second son of a considerable familie<sup>1</sup> in the Highlands, that for severall ages had done manie eminent services to the Crown. His Father's name was William M<sup>c</sup>pherson of Invereshie, head of that familie; and his mother Margaret Farquharson, daughter to Robert Farquharson<sup>2</sup> of Wardes, who was likeways head of that familie.

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<sup>1</sup> The Macphersons of Invereshie are chieftains of the Sliochd Ghilliosa, third branch of the Macphersons. The present representative of the family is Sir George Macpherson-Grant, Bart., of Invereshie and Ballindalloch, the possessor of the manuscript from which the life of Sir Æneas is edited.

Colonel Ewan Macpherson, younger of Cluny, carrying with him a number of his clansmen, joined Alastair Macdonald on his march through Badenoch to Atholl, where Montrose met them and took command. He owns to having been at Tibbermuir and Aberdeen, and 'did command the hail of the men of Badenoch.' William, younger, of Invereshie was with him, and died soon after Auldearn in 1645. In 1648 William's father, Angus, is pardoned for his part in the rebellion.

<sup>2</sup> Robert Farquharson, a notable man of Aberdeen, town and county. In 1612, along with other grammar-school boys, on 1st December, 'lang before the superstitious tyme of Yuill,' when disorder apparently was to be expected, he aided in the 'tacking of the sang schuill,' and holding it with 'hagbuttis, pistollis, swordis, and lang wapynniss.' His father, John of Invercauld, became security for him. During the Rebellion he amassed great wealth as a merchant in Aberdeen, supplying the armies on both sides with corn, meal, fodder, and other provision. One bill, which was paid, was £190,859—Scots I presume—and there were many such. Cromwell fined him £1000, which he got reduced. He rose to be bailie and provost, and sat on every commission affecting the town and university. He shared the fate of the provost, Leslie, and the bailies Jaffray in being carried off from his own house to Strathbogie and then imprisoned in Auchindoon, 'at his own charges,' by the gay Gordons. The four prisoners

When he was a suckling, his father was in King Charles the first's service, with his Cheef, the Laird of Clunie, at the head of a full regiment of their name; and caried on the warr, at their own charge, till Clunie's death; and the said William received his mortall wounds at Blair in Atholl, and Aldern, whereof he shortlie dyed. At which time Æneas his son was scarce weaned;<sup>1</sup> and (according to the forme and custome of the Highlands) he was sent out by his vice-parents, a dry-nurseing, or a fostering, till he was of age to go to schools. And at eight years' old, he was sent to his Grandfather the Laird of Wardes, under whose care and superintendency he was kept at schools and universities, till he commenced Master of Arts at the Marischall Colledge<sup>2</sup> of Aberdeen. From thence he was sent to Edinburgh to study the law; and after some proficiency, being called to the Barr,<sup>3</sup> he had so strong a reputation among his bretherine of the faculty, that tho' it be the constant custome, that the younger Advocats, at all joint consultations, go to the chambers of their elder bretherine the time that they may have the priviledge, because of their experience, to draw up the case and information; yet

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had not only to maintain themselves, but also to sustain 'the capitane, sixteen soldieris, porters, cooks, and other inferior officiares.' Argyle freed them. Sir Robert succeeded his father John in Invercauld. He also possessed Monaltrie, and purchased Wardhouse—sometimes called, and more properly, Wardis or Wardess. The genealogist of the Leslie family gives the story of his coming into the possession of the last-named property: 'Sir John Lesley of Wardess sold his victual to Sir Robert Ferquhard, merchant in Aberdeen, but not delivering the same conform to his contract, he was forced to pay great prices for each undelivered boll, and at last Sir Robert, upon that pretext and ground, comprized his lands.'—*Macfarlane's Genealogical Collections*, Scottish History Society, vol. xxxiv. p. 28; also *Acts of the Parliaments of Scotland*, Index; Spalding's *Troubles*, Index; and Shaw's *The Mackintosh and Clan Chattan*, p. 572.

<sup>1</sup> Æneas we assume was born in 1644. He had a younger brother, William Dow, who became of Invereshie, and from whom came the family of Inverhall. William Dow may have been a posthumous child.

<sup>2</sup> I have not found that the laureate list verifies this statement. He took his M. A. degree, however.

<sup>3</sup> In a Catalogue of the Faculty of Advocates from the Institution of the College of Justice to the Revolution in 1688, taken *verbatim* from Aikman's manuscript collection in Advocates' Library, printed in second edition of Sir David Dalrymple's *Tracts*, there is the entry, '2nd March 1683, Mr. Æneas MacPherson, *pr. bill.*' Till then he had been a writer and agent.

severall of our twenty years practitioners, did Mr. Æneas the honour to come to his chambers, ere he was three years a Barrester.

Much about that time it hapned that his uncle Francis Ross<sup>1</sup> of Achlossin had fallen to a great estate in England, by the deceise of one Captain William Ross his kinsman there, and over persuaded Mr. Æneas to go along with him to London, to prosecute his suite; which was manadged at their aryvall there, or within three moneths after, with so much diligence and conduct, that by ane arbitration of the Lord Bishop of Londons, to whom it was referred, Achlossin was possessed of the Castle of Dumfreis, and 20 chalders of victuall round it, with 12000 pound sterling of readie cash in Ireland.

Mr. Æneas having by this time been introduced to his Royall Highness the Duke of York, by a solemne recommendation of two Arch Bishops,<sup>2</sup> the late Marquis of Montrose, the Marquis of Atholl, and the Earle of Airlie, as the son of a most loyall family, and very capable to serve the King, and them. The Duke presented him to his Royall Brother King Charles the Second, under no small characters, who shortlie after, as a speciall mark of the Royall favour, constitutes Mr. Æneas Shirreff Deput of the Shyre of Aberdeen, by

<sup>1</sup> Francis Rose, or Ross, of Auchlossin, married a sister of Æneas Macpherson's mother, and so was his uncle by marriage. See *Family of Kilravock*, p. 35. Captain William Ross may have been the prisoner banished after Carbisdale. He was banished only out of Scotland, and may have made money in England or in Ireland. I have not been able to verify this acquisition of Dumfries Castle. In 1715 it belonged to Lord Nithsdale, who sold it to M'Dowall of Logan. In 1722 a portion of the grounds was sold as a site for the new church. M'Dowall's *History of Dumfries*, p. 616.

<sup>2</sup> The two archbishops were Alexander Burnet of St. Andrews, formerly Bishop of Aberdeen, Alexander Ross, or Rose, then Archbishop of Glasgow, and at end of 1684 transferred to St. Andrews. The latter was connected with the Auchlossin family. His father was John Rose, parson of Birse, of the family of Inch, which family also gave another son to the Revolution Episcopate, Alexander Rose, Bishop of Edinburgh. 'The late Marquess of Montrose' was probably James, third marquess, who died in April 1684, while our author was in London. The Marquess of Atholl was John, second earl and first marquess. The Earl of Airlie was James, second earl, the companion of Montrose as Lord Ogilvy. Nine years after this he is described as an aged man and freed from attendance at Parliament. See Douglas's *Peerage*, 'Family of Kilravock,' p. 525; Grub's *History of the Church*; Keith's *Catalogue of Scottish Bishops*, etc.

Commission<sup>1</sup> under the Great Seal of Scotland, altogether independent of the Shirreff principall. This commission his Royall Highness presented out of his own hand to Mr. Æneas, telling him that it was too mean for him; but he hoped to see him serve the King in a better station. Immediatlie thereafter, Mr. Æneas had his Audience of Congee of the King, and Duke, and took post for Edin<sup>r</sup>, and from thence to Aberdeen; where taking possession of his office, he made one Mr. Andrew Thomson, Advocat, his Substitute, and returned himself to Edinburgh; where he was scarce three moneths, when King Charles the Second dyed,<sup>2</sup> and his commission in his person. Which obliged Mr. Æneas to take a new journey to Court, to get his commission renewed by the King his Successor. And

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<sup>1</sup> In the Register of Deeds, *Sheriff Records of Aberdeen*, 1684-1686, we have various items of interest connected with Æneas Macpherson, and his sheriffship, suggesting some legal points of interest. He held a 'diet of court in Aberdeen,' 6th January 1685. There is no account of his induction. On 9th January 'at Aberdeen, in presence of ane potent earl, George Earl of Aberdeen, etc. etc.' George Pattone, his representative, 'gave in the substitution underwritten desiring the same to be insert and registered, and whereof the tenor follows. Be it kend till all men whom it effeirs by thir presents, me, Master Æneas M<sup>c</sup>Phersone of Invershie, Sheriff Depute of Aberdein, lawfully admitted by virtue of and conform to His Majesty's Comm<sup>n</sup> under the Great Seal, giving power and warrant to me to nominat and creat substitutes for me in the said office [for] whom I must be answerable as the same, the fifteenth day of October 1684 years.' He then appoints Andrew Thomson his substitute. Notwithstanding this the records show that Andrew Thomson (called Advocate in 1656) was already a sheriff-substitute in 1681, and held office to 1687. In further complication, Andrew Fraser, whom Sir Æneas speaks of as a successful candidate against him in the new reign for the sheriffship of Aberdeen, held office continuously from 1682 to 1708. Clearly, if the records are to be trusted, there were two sheriff-deputes in Aberdeen, one under the Great Seal, and one under the Sheriff Principal. They were both at one, however, in having the same substitute. Sir Æneas sat regularly in court from 6th January 1685, till 15th June, when again Andrew Fraser of Kinmundy takes his place, having apparently lain low during the dominance of the Great Seal.

<sup>2</sup> Æneas is wrong, or the Sheriff Court Records are wrong, as to this. The king died on 6th February, and Æneas appears in the Records as holding 'diets' in Aberdeen all through January, February, March, April, May, up to 15th June. He could not, therefore, have been in Edinburgh. He is also wrong as to a commission of sheriffship lapsing with the death of the king. He himself acted for four months after the king's death. It would seem that the new reign afforded an opportunity of being rid of an appointment of questionable regularity; but see later the history of the sheriffship in 'the Patron turned Persecutor.'

after aryvall at London, not being able to go to Court, because of a plaigie ague he laboured of, and understanding that one Andrew Fraser of Kinmundie had petitioned the King for his Commission, and was like to carie it, by his interest at Court ; made bold to wryte a line to the generous Earle of Airlie, telling him his condition, and circumstances, upon which his Lordship immediatly took his chaise and came to Mr. Æneas's lodgeing, and after some discourse, beseeched his Lordship might be at the trouble to go to court, and mention his name to his Majestie, and tell him, that Mr. Æneas understood some were putting in for his commission, but that, in respect he could not dare to see his Majestie till he were ridd of his plaigie ague, he hoped his Majestie would not be prevailed upon to do any thing in prejudice of his right. Which was *dictum factum* to the loyall and renowned Airlie, for he went straight to court, and craved ane audience of his Majestie ; which being granted, his Lordship told the King, that a friend and servant of his Majesties, Mr. Æneas M<sup>c</sup>pherson was just then aryved, but could not dare to see his Majestie in the condition he was in, being under a plaigie ague ; and therefore hoped his Majestie would do nothing in prejudice of his just right. My Lord Airlie urging that Mr. M<sup>c</sup>pherson's father, William M<sup>c</sup>pherson of Invereshie, was the first gentleman in the Highlands, espoused the Royall interest under his glorious father, and caried on the war, in conjunction with his Cheef, till he received his death wounds at Blair in Atholl and Aldern. And this he did, (said my Lord) When all the Frasers in Scotland were in actuall rebellion against the King. The King answered, that his Lordship told him no more than he knew before, and bid tell Mr. Æneas, that he was sorry for his illness, and that he had saved his commission for him, and no other subject should have it. The Earle of Airlie returning to Mr. Æneas with these good tydings, cured him perfectlie of his ague, so as he was in condition to pay his court within two days after. Mr. Æneas appearing in the crowd, the King stept out and (without the formalitie of ane introducer) presented his royall hand to him, to be kissed, and having put severall queries to him about his health and journey, he asked him (in fine) if he had got his commission? Mr. Æneas

answered, Not. The Earle of Melford<sup>1</sup> was ordered instantlie to extend it. Mr. Æneas going then to Scotland, found (at his aryvall) that the Earle of Erroll<sup>2</sup> (who was brother in law to the Earle of Perth,<sup>3</sup> then Chancellor of Scotland) had obtained a commission to be Shirref Principall of Aberdeen, impowering him to appoint a Deput. And accordinglie (in virtue of that power) had placed the forementioned Andrew Fraser of Kinmundy, which left Mr. Æneas under a necessitie, either to drop his Commission, or enter in a suite of Law, before the Lords of his Majestie's Privy Councill against the said Fraser, and his constituent the Earle of Erroll, who was the Chancellor's brother in law. Mr. Æneas foreseeing what the ishue might prove, came to the Earle of Perth, and laid his commission at his feet, telling his Lordship, that he did not think it *tanti momenti*, as to engage in a plea of law with the Earle of Erroll (who was bound in honour, to support his own Deput) and therefore left it to his Lordship to consider of some other way to make up his loss.

The Earle of Perth thank't Mr. Æneas very heartilie, and told him he hade done verie wiselie, and discretlie, and that he thought that commission unworthy of him, and that he would think of ane other, fitter for a gentleman of his capacitie, and education, which accordingly was done. Mr. Æneas going to Court again with these new credentialls, the King told him that he found he had his enemies, for he did not at all intend that Erroll should have a power be his Commission to appoint a Deput, in prejudice of his right. But (said he) Mr. Æneas, have some patience, and I'll provide better things for you. Three moneths after that, Mr. Æneas being very solicitous to

<sup>1</sup> The Honourable John Drummond, second son of James, third Earl of Perth, was created Viscount of Melfort in Argyllshire (part of the forfeited estate of Argyll) 14th April 1685. He was created earl 12th August 1686. It was natural that Æneas, writing so long after, should call him earl, though at the date he was viscount.

<sup>2</sup> John, eleventh Earl of Errol, married Lady Ann Drummond, only daughter of James, third Earl of Perth, the sister of the Chancellor.

<sup>3</sup> James, fourth Earl of Perth, afterwards, at St. Germans, created Duke of Perth. The details of the interviews with Perth are more fully given in 'the Patron turned Persecutor,' *infra*.

get something done, or return to his native countrey, the King told him, that he must not think of returning, he had something in view that was more considerable, for which he should have a demonstration within few days. Shortlie after this, as Mr. Æneas was standing in the Court, Melford stept to him, and whispered him in the ear (by the Kings order) that the King resolved to provide for him, and to give him qualitie for the post, desyred him to go instantly to the knee, and receive the honour of Knight-hood. Which being accordinglie done, his Majestie appointed Sir Æneas to be his Levetennent de Roy, and Governor of the celebrated province of Nevis<sup>1</sup> in America. But such was his misfortune, that (after the King had ordered a ship of sixty guns for him, to transport him there, and had put his servants (to the number of twenty-two) aboard, with all his plate and furniture) before he made saile, the Prince of Orange landed, and stopt his voyage.<sup>2</sup>

After this, the king, his master, having withdrawn, first to Rochester, and thereafter to France, for the safetie of his Royall person; Sir Æneas, with all the rest of loyall friends were forced to lurk and abscond. The Prince of Orange understanding at that time how troublesome the Clanns were to him, and being told by Major Generall Mackay, that if the M'Phersons joined the Grants, they would be able to cast the ballance in the Highlands; gave a message to Major Generall Mackay,<sup>3</sup> to offer Sir Æneas a Collonell's Commission, and eight hundred guineas of levy money, if he would but regiment the M'Phersons, and make them join the Grants. To this Sir Æneas answered, that he was but a cadet of the family, that

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<sup>1</sup> Nevis, one of the Lesser Antilles. The island is about twenty-four miles in circumference and was colonised by the English in 1628. 'After a descent upon Guadaloupe in 1703 by Colonel Codrington, the English embarked with precipitation and landed in Nevis, where they must have perished by famine had they not providentially been relieved by Graydon in his way to Jamaica.'—Hume and Smollett, ix. 511. The number of slaves on the islands in 1834 was 8815, and the compensation to owners when they were set free was £151,000.—*Penny Cyclopaedia*.

<sup>2</sup> William put to sea 28th September 1688, was driven back by stress of weather, but eventually landed in Torbay, 5th November of that year.

<sup>3</sup> There was much consultation and negotiation in London before men took up their line. See Mackay's opening sentence in his Memoirs, and Bishop Rose's letters in Keith's *Catalogue of Scottish Bishops*.

his Cheef was born their Collonell, and that it would be a kind of usurpation in him to accept of a Commission in prejudice of his just right. Major Generall Mackay told him, that that was not all he was to expect, but that the very minute his Cheef, or he, regimented the M'Phersons, and presented their muster-rolls to the Laird of Grant, he should have his Commission in America. To this Sir Æneas replied, that he desyred to be excused, he had not freedome to serve their Government; for if the King his master (according to their principles) was not King, and that something might absolve him from his alleadgeance, he was the best freind and benefactor ever he hade; and nothing would absolve him from his gratitude, and for that cause, he would never accept of a Commission against him. Upon which Sir Æneas was dismist, and four warrands of high treason ishued out against him, and he that succeeded him in his employment, Sir Edward Codrington,<sup>1</sup> within seven years made out 5000 pound stirling in the heart of Kentshire, tho. he was not worth a groat when he entered. And then he must acknowledge that his gain was Sir Æneas's loss.

Sir Æneas afterward having absconded seven or eight months, in the want of all things, but that of a good conscience, the Queen his Royall mistress (the King himself being then in Ireland) sent a Royall present of 500. pound stirling to Sir Æneas out of France, bid tell him, that the King and she, were both very well satisfied with his sufferings, and services; and tho. the King, nor she were not able to requite him, according to his merits, she could not omitt to send him that small present, till she should be in condition to make a better.

Shortlie after this, Sir Æneas being betrayed be a ladie of qualitie of the Scots nation (to whom Secretarie Johnston<sup>2</sup> had

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<sup>1</sup> Sir Edward Codrington. Doubtless of the well-known family identified with the West Indies. Christopher Codrington, scholar, poet, soldier, Fellow of All Souls, Oxford, and governor of Barbadoes, founded Codrington College. He was son of Christopher Codrington, governor-general of the West Indies.

<sup>2</sup> James Johnston was Secretary of State for Scotland along with Sir John Dalrymple. He was dismissed in 1695, but made Lord Register in 1703. He was discarded soon after. Who the lady of quality was does not appear.

There is good reason to believe that Sir Æneas was the Mr. Williamson of

given 150 pound for the treachery), he seased and confined him to a messengers house, where he was kept so very strict, that for seven moneths space, his wife<sup>1</sup> and children were not allowed to see his face; and his eldest son upon the morrow after he was seased, sickened (upon the apprehension of his father's danger) and was a moneth buried before he knew his sickness. During all this time, Sir Æneas was tampered with by the Government, hade severall times before the Secretaries of State, and twice before the Privy Councill, who offered to make his fortune, if he would serve the Government, and answer queries upon oath and honour. The English of which, was, to betray the King's interest, and his freinds. Which being rejected by Sir Æneas with indignation, he was instantlie (by order of the Princess of Orange) sent prisoner aboard a man of warr, to Scotland, to be tryed for his life. Where having at length aryved, he was (by order of the Chancellour<sup>2</sup>) committed to Edinburgh Tolbooth (one of the coarsest and nastiest jailes in Brittain) and being within a féw days after, brought under strong guards from the prison to the Councill Board, where severall queries being put to him, he made answer, that he hade no answer to make but one, and that was, that he would answer none at all; if they hade anything to say to him, he was readie to stand his tryall; that he was not bound to accuse himself, and it was none of his business to accuse others. Upon this he was returned to prison, his Jailor ordered to keep him stricter than ever; which was accordinglie done to that hight, that for thirteen moneths time, none of his family were allowed to see him; till it hapened that the Earle of Bredalbine<sup>3</sup> was sent prisoner from

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the Montgomery and Annadale Plot, who was seized at Dover on his way to France. No papers were found on him, Simpson, his companion, who escaped, having them in his possession. Nevil Payne was apprehended at the same time. See Introduction and Index.

<sup>1</sup> His wife was a daughter of a Colonel Scrimgeour, connected with the Earl of Dundee's family. She was a great and patient sufferer.

<sup>2</sup> Lord Tweeddale was Chancellor. He was second earl and first marquess.

<sup>3</sup> John Campbell of Glenurquhy, created earl 13th August 1681.

On 10th June 1695, by order of Parliament, he was committed prisoner to Edinburgh Castle for h connection with the Glencoe Massacre. He had many

his seat in Parlia<sup>t</sup> to Edinburgh Castle, and the speat running so high against him, they were resolved to knock off his head within three days. But they having but one evidence, it was moved in Parliament, that Sir Æneas might be a very fit evidence against him. They ordered Sir James Stewart<sup>1</sup> his Majesties Advocat, to go to prison, and try how far Sir Æneas might be engaged against him. Sir James coming in to Sir Æneas's chamber, told him (with a smile) that he came with glade tydings to him, which was to tell, that it was in his power, not only to work his freedome, but to make his fortune. Sir Æneas answered, that was no news at all, he had that in his offer, e're he left London, and desyered to know, if they hade softned their terms, or were such as a man of honour might submitt to? Sir James answered, That there was nothing to be asked of him, but what a man of als great qualitie as was in the Highlands, hade actuallie undergone; that many in the Councill thought it hard to obliedge Sir Æneas to be ane evidence against his freind and comorade Mr Paine;<sup>2</sup> but that all knew Brodalbine was none of his freinds. And for that reason Sir, (said Sir Æneas) he'le never answer one querie against him; for, if he is the instrument to take away a freind's life, it imports ingratitude; to have the life of ane enemy, it imports malice; and both are equally against honour; and for that cause, the Governm<sup>t</sup> hes not that to give him, that will tempt him to such a means, nor to inflict upon his person that will fright him to it.

Upon this the Advocat left the roome, and returning again, told Sir Æneas that if he gave him no better answer, he was afray'd the Government would go to all hights of extremitie ag<sup>st</sup> him. Sir Æneas answered, that that was his own affair,

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enemies on both sides of politics, but was eventually discharged without trial.—*Acts Parl. Scot.* See 'the Vindication,' *infra*.

<sup>1</sup> Sir James Stewart was made Lord Advocate in 1693. He was afterwards well known as Stewart of Goodtrees, and was a subject for the pasquil writers. To these Jacobite writers he owes the sobriquet of 'Jamie Wylie.' He was Lord Advocate from 1693 to 1713, the year of his death. His house, on the north side of the High Street, gave to the close the name of Advocates' Close.

<sup>2</sup> Neville Payne, prosecuted for treason 1693; three years prisoner in Stirling Castle. Debts incurred for his subsistence in prison ordered to be paid in 1696.—*Acts Parl. Scot.* See 'the Vindication,' *infra*.

and (be the ishue what would) he resolved to venture. And told his Lordship, that (to convince, it was not his being tacked to anie partie, or interest, made him that neastie and obstinate), tho' the King his master was upon his throne tomorrow, and made it the condition of his favour, to be ane evidence against Sir James Stewart; he would risque the same miserie under his masters Government, that he did under theirs, or he answered one querie against him. He would not (he said) be pointed at, and called Sir Æneas the evidence, for the Indies. This report being made by Sir James Stewart in Parliament, and by some of the members, to the Earle of Brodalbine in the Castle, he gave his enemies a defyance, (for he dreaded Sir Æneas more then any) and sent his brother in law the Laird of McNaughton,<sup>1</sup> and Thomas Menzies<sup>2</sup> of Carse, to Edinburgh, Tolbooth, to thank Sir Æneas for his freindship, owning that it was fairly in his power to take his life, and assureing him, that the life he owed him, if ever there was occasion, should be employed for his service. But tho. Sir Æneas obleidged the Earle of Brodalbine, for his carriage, he highlie insenced the Government who moved to tortor against him, and thereafter, his tryall. But when they could neither try nor tortor him, they banished him the three Kingdomes, by solemne Act of Councill, never to return, without the leave of the Government, under pain of Death. And accordingly was forced to take him to his travells; and makeing London his way, he was scarce twenty four hours there, when he was seased and made a prisoner, and kept seven moneths in a messengers house, till he subscryved a new Act of banishment there, in termes of the Scots one. So setting off from Harridge to Havers house<sup>3</sup> in Holland, he made the best of his way to Saint Germain, where his Royall master was, of whom he hade a kind reception, and ane honourable pension settled upon him, to maintain himself, and his family.

<sup>1</sup> John Macnachtan of Dunderawe, married Lord Breadalbane's sister. See an account of him in *Grameid*, p. 153.

<sup>2</sup> Thomas Menzies of Carse—apparently little known. Sir Alexander, better known, may have been his father. There was affinity between the Breadalbanes and Menzies. A sister of the earl married Sir Alexander of Weem.

<sup>3</sup> Harwich to Hellevoetsluis? A curious result of phonetic reproduction, if this be the correct interpretation.

Here Sir Æneas stayed full seven years, till he heard that his eldest brother's son, young Invereshie,<sup>1</sup> dyed in Flanders, by whose death his estate and fortune fell to him in course. He asked leave of the King to return to Scotland in order to recover it; and took sail from Roan<sup>2</sup> in a merchant ship belonging to Stockton, with his wife and family, excepting only his eldest son James,<sup>3</sup> whom the King and Queen would not part with, but desyred he might be left to their care, which was accordingle done, where he continues to this day; the King saying to the Queen at the time, that he were very unjust if he did not provyde for Sir Æneas's son; that Sir Æneas was of a worthie, loyall family, no man had served him better, or lost and suffered more, then he had done. Addressing himself then to the Prince his son, said to him, James, if I doe not live to reward Sir Æneas's services, I recommend him and his children to your care, and consider him not as your subject only, but as the best of my freinds. The Prince answered (like a man) that it should be so. And the Queen said, Sir Æneas (said she) the Prince hes a very good memorie, and he will not forget his fathers command. Then having kist their Royall hands, he set off to Roan as said is, and set off in a Stockton ship, and having waited on his family in that ship, very near to Stockton river, he sent his wife and daughter to Edinburgh with a petition to the Privy Councill to take off his act of banishment, and returned himself by a New Castle colier was going to London, where he absconded for severall moneths, waiting the ishue of his petition. But the Government was so cruell, that (notwithstanding all the interest his freinds were able to make) his petition was not allowed a reading, so that he was forced to abscond in London for four full years space, in great want and miserie, till Princess Ann, her

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<sup>1</sup> Elias, only son of John Macpherson of Invereshie, was a minor when his father died, and Sir Æneas was his guardian. Elias died in Flanders about the end of the century. See Introduction.

<sup>2</sup> Rouen doubtless.

<sup>3</sup> In the manuscript genealogy Sir Æneas is represented as having two sons and a daughter: Duncan, who died a colonel in Spain; James, without further note; and Mary, married to Sir John Maclean, fourth baronet of Morven and Duart. Another son is referred to above as sickening and dying on his father's apprehension. As to the dates of this piece see Introduction.

Act of Grace and Generall Indemnitie<sup>1</sup> was proclaimed, under protection whereof, Sir Æneas came to Edinburgh, and from thence to Badenach; where at first he recovered his health to admiration; but being denied the benefite of any of the two best houses of the family, (which was his, by right) he was confined to a sad quarters in a farmers house, both cold and moist to extremitie; which altered the habits of his body, and (in March) flung him in so many various distempers, that he shortlie after dyed of them.

A little before his death, he called his cousens, who was to superintend his funeralls, and hade one small requeist to ask of them, which was, That none be-west Tromie, or be-east Feshie, should be called to his buriall. These were the marches of his paternal estate and fortune, where none lived but his own poor tennents and farmers, for which he gave his freinds this reason, That the King his master denyed to be buried, but as a gentleman; and that it might very well serve him, to be buried as a plough-man.

Shortlie after (being the twenty eight day of June 1705) he dyed, praying heartily for his enemies, and his rightfull Sovereigne's restoration, and was buried with his predicessors, in the K. of Inch.

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<sup>1</sup> 'In March 1702 a proclamation of indemnity having been published, a great number of Jacobites returned from France and other countries, pretended to have changed their sentiments, and took the oaths, that they might be qualified to sit in Parliament.'—Hume and Smollett, vol. ix. p. 489.



# THE LOYALL DISSUASIVE

OR

The Resolute Advyce of a faithfull Kinsman, wherein are contained the Author's Just Exceptions, against ane unjust Agreement, said to be set on foot, betwixt his Chiefe and ane other of the same qualitie. That other his Inveterate malice and pernicious designes against him, and his family, sufficiently exposed, with some Instructions and Directions to avoid them

In a Memoriall

To the LAIRD OF CLUNY in Badenach

By

SIR ÆNEAS M'PHERSON of Invereshie, Knight

'Tir viis tu ain asshi is ffuile vic-ndoshich,  
Cuir oin treule er do ghorris; Tir in shi Cuir gho.'  
*Gillicallum of Phæness.*

'When you are at open warr with the M'Intoshes,  
Bolt your door once; when in peace and friendship, bolt it twice.'

LONDON

July the thirteenth 1701

*The Contents*

The Introduction shows that some of the M'Intoshes having confidentlie enough affirmed, that they were Entered into ane agreement with the Laird of Clunie; By which he is to renounce the Chiftanrie of the Clan Chattan In favours of the Laird of M'Intoshe; The Author Reckoned himself obleidged, both as a Loyall Subject, and a good and faithfull kinsman, to Remonstrate against any such agreement: In the manner mentioned in the following sections.

SECT. I.—Shows what Cluny is to pairt with by any Transaction with the M'Intoshes, Except on Equall termes.

SECT. II.—Some of the Wofull effects that must follow on such a posture and agreement.

SECT. III.—That the M'Intoshes were always known enemies to the M'Phersons, and their Interests.

SECT. IV.—And in the age we live in Enemies to our honour, and unjust Detractors from it.

SECT. V.—M'Intoshe for qualitie, not equall to the heiress of the Clan Chattan; But farr Inferiour to her.

SECT. VI.—That the M'Intoshes are not Clan Chattan either by birth or action.

SECT. VII.—The M'Phersons and the heiress to whom M'Intoshe was Maryed came of the King of Lenster in Irland.

SECT. VIII.—That our predecessors and familie were with the Earle of Marr, and for their lawful Sovereigne at the batell of Harlaw.

SECT. IX.—That your title is Unquestionable, and the solemne sentence pronounced by the Lords of his Majesties Privy Councill in your behalf, free of injustice and partiality.

SECT. X.—The Immediate effect and consequences of that Decreet and Sentence.

SECT. XI.—For all that, the M'Intoshes nothing doubtfull, but you may be prevailled upon to give up your right, the absurdity and Insolence of their proposalls on that head exposed and Ridiculed.

SECT. XII.—The history and origin of the Clanchattan further cleared and confirmed by the concurring testimonies of the Laird of Wardes, and Mr. John Forbes, two of the learnedst Antiquaries of the whole Kingdome at that tyme.

SECT. XIII.—What use and Improvement the famous Andrew of Cluny made of what passed.

SECT. XIV.—The former proposall in reference to Invercald further considered, and the partiality and injustice of our adversaries on that and other heads better cleared.

SECT. XV.—Containes the directiones, as distinguished in severall paragraphs.

THE CONCLUSION.

[*Dedication*]

To The RIGHT HONOURABLE  
THE EARLE OF MARISCHALL.<sup>1</sup>

MY LORD,—The great obligations my chief the Laird of Cluny, with his whole Clan and family lay under to your lordships most Illustrious father,<sup>2</sup> the late Earle of Marischall, and the personall favour conferred on me lykewayes, severall tymes both by his Lordship and yourself have engaged me to make this humble acknowledgement of my duty, till I have a fitter opportunity to express my thankfullness.

These few sheets in this their cloudy season, are only intended for privat use, and to lurk and abscond like their author till it may please God that our sky begins to clear, and all our false lights and meteors gives way to our rightful sun, our dread and lawfull Sovereigne whom Almighty God forever preserve and prosper.

When that blessed minute comes I hope they may venture abroad with the greater safety, that they have so just a claim to your Lordships patrociny; the title and subject matter of the discourse being sufficient to recomend them to any loyal persone but more especially to your Lordship who besides the undoubted interest your Lordship has in the ancient and honorable family of the Clanchattan (whose honour and loyalty they take upon them to assert), you yourself have the honour to represent one of the most noble, most loyall, and most antient families in the whole kingdome. A family that in Keneth the Second's tyme, nine hundred years agoe (as your

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<sup>1</sup> William, ninth Earl Marischal, took the oaths and his seat in 1698. He always opposed the measures of King William's reign, and 'set up mightily for episcopacy.' 'All endeavour to have him on their side, for he gives himself liberty of talking when he is not pleased with the government.' He died in 1712. See Douglas's *Peerage*; and for personal details Mackay's *Memoirs*; and *Memoirs of Marshal James Keith*, Spalding Club. His wife was Lady Mary Drummond, eldest daughter of James, fourth Earl of Perth. His son George, who succeeded him, was attainted after the 1715. His second son was the famous Field-Marshal James Keith.

<sup>2</sup> George, eighth earl. He had served in the French army and afterwards distinguished himself at Preston and Worcester, where he was made prisoner.

lordship may pairtly perceive by the tenour of this discourse) owes its rise and greatness to the utter extirpation of the Pictish race and Monarchy by the valour of its founder.<sup>1</sup>

A family that always since has distinguished itself by its constant adherence and eminent services to the crown, there being scarce ane age wherein some one or other of the Keiths have not been seen shineing in Armour in tyme of warr, or in their Robes in tyme of peace in the King their Majesties service.

And in fine, my Lord, a family that in our tyme has the good fortune to be represented by your Lordship, who in the strong and early propensions you have frequently showed to serve your prince and country, gave us no less early proofs of your Lordships inheriting the virtues with the estate and fortune of your ancestors.

And if we add to all this, the great accession your Lordship has happily brought to it, by matching with the noble and renowned family of Perth, which for all the good qualities that are capable to make a family illustrious is to be exceeded by none and equalled only by your Lordships. What may we not expect of your Lordship in your tyme? or what from the issue and posterity of two such noble stocks as that of Keith and Drummond?<sup>2</sup> who must have all the goodness and heroick virtues of so many eminent ancestors conveyed to and in a maner twisted in themselves.

These extraordinary appannadges, as they make your Lordship the scop and envy of your enemies, so do they also render your Lordship sufficiently quallified and capable to protect and support your friends, and if in the crowd of such, your Lorship vouchsafe me, my mean share, I make no maner of question to hold it out against my present adversaries, a race of people who under the pretext of friendship have now for several ages been constant and hereditary enemies to our name and

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<sup>1</sup> For note of this and such like matters, see Introduction.

<sup>2</sup> The issue of the union:—George, tenth earl (for memoirs of whom see Preface to *Memoirs of Marshal James Keith*, Spalding Club); Marshal James Keith; Lady Mary, married to John, sixth Earl of Wigton; Lady Anne, 'justly esteemed for her wit and beauty and all the qualities worthy of her noble birth,' married to Alexander, sixth Earl of Galloway.

family, and from the tyme that your Lordship's great and illustrious father did us the justice as well as the honour to espouse our interest,<sup>1</sup> want only power and opportunity to be so to your Lordship.

I doubt not but some surly Momus may object against me that in this defence I have here and there dypt my pen in vinegar and used my adversaries more harshly than was meet. But I would have such to understand that it is excusable in any to put on rough gloves who is to deal with bryars and thorns. They were themselves the first aggressors, and if they have provoked us to publish some very undenyable truths, in exchange of their false and impudent slanders they may know without my help whom they have to thank for it. Self defence is naturall and allowed both by the law of God and man, and to stand to a base defence (all know) were to stand to none at all.

Nor is it improbable either that some one may suggest that this small tractate is too mean a present for one of your Lordships character, as to which I am ready to plead guilty, and freely own that in itself and for its bulk and outward appearance it may be justly reckoned so. But if the mind and fortune of the author are jointly considered with the subject it defends, viz., the honour and loyalty of the Clanchattan, in whom, as I hinted above, your Lordship has no small concern, I hope they may not be altogether unacceptable to your Lordship; tyme may come when I may have some other offering, it may be better fitted and adapted to your Lordships Quality.

But I lykewayes foresee that a third and nycer sort of Criticks may object that in this discourse I seem to put too great a value on the Chieffs, honoring them with such Titles and Compellations as in their account is only due to Peirage, not considering that for 1300 years together, the Chieffs of Clanns were the only peers of the nation, the *Proceres Regni*, as Buchanan, the monks of Pasly,<sup>2</sup> and other authors calls

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<sup>1</sup> For active interest on the part of Earl Marischal, see Section IX.

<sup>2</sup> Buchanan frequently quotes the Black Book of Paisley. The book came into the possession of President Spottiswood, and was carried to London by General Lambert. See note, *infra*, on Black Book of Paisley.

them, but if any will take upon him to fly in the face of all our authors and contradict this with a bold assertion, let any such assign us who else were the peers if the Chiefs were not; not the Thanes for they were subservient to the Chiefs as is sufficiently proved in the following discourse; and to say that during all that tract of tyme in which we had neither Earl nor Lord there were no Nobility, no honorable person in the kingdome, were absurd and ridiculous, without precedent or example in any kingdome or country that is not a downright anarchie, upon the face of God's earth. It being therefore most reasonable to believe that we had always Peers, and no less clear and evident by our histories that for so many ages the chieffs were these Peers, they must be still so, who have done nothing to forfault it, and consequently the general titles and compellations given to other peers to which they have no particular or peculiar right by patent are no less competent to the Chieffs.

We had Earles and Lords same ages as we had Dukes or Marquises, and as the creation of these did not make void the peerage of the Earles, etc., no more did the creation of Earles and Lords take away the nobility and peerage of the Chieffs. And it seems to me very remarkable also that to this day amongst our neighbours of France, where the rules of honor and heraldry are better understood and more strictly observed than anywhere else in Christendom, they make no Distinction between the peers and gentry, they are all equally noble, tho' not equally great, a plain argument that there was a peerage and nobility in France before these lofty titles were introduced amongst them, and if so, to be sure also amongst us who made it our business to ape the French in all things. But this is not peculiar either to them or us, but common to all our European nations, as may be seen to any that reads their severall histories. And if we consult the sacred Scriptures, the best and truest of all histories, we shall find there that during the whole legall dispensation the children of Israel, tho' they had neither Duke nor Earle, etc., had their nobles whom they called the Princes of Israel, who were the heads of their several tribes, and no other than our Chieffs.

Thus far have I endeavoured to anticipate what I thought

was most likeliest to be objected against this Discourse, wherein I only propose to myself to satisfie the disinterested and judicious. It is hard to please some sort of people, impossible to please enemies, and he that thinks to please all, like trimming and temporiseing loyalists, have commonlie the misfortune to please none, which has been little my study in any part or portion of my life. May Almighty God bless and preserve your Lordship, to be as in right you should, a support and credit to your country, a patron to your friends, and a constant eyesore to your enemies. And may it be my good fortune or I dye to find some favourable opportunitie to demonstrate to the world more effectually that I am as I profess,—My Dearest Lord, your Lordships most humble and most obedient servant.<sup>1</sup>

[*Introduction*]

To the RIGHT HONOURABLE  
THE LAIRD<sup>2</sup> OF CLUNY M'PHERSON,  
CHIEF OF THE CLANCHATTAN.

SIR,—Amongst the Manifold Afflictions I have been trysted with since the Revolution, I reckon it none of the lest, that I am barr'd the Liberty to pay my duety to my friends, especially when I am told for certain, that your kind neighbours the M'Intoshes, under the pretence of a general good, have a designe on foot to wheedle you out of your Birthright, the Chieftanrie of the Clanchattan, which can have no other effect than to enslave your family, and Ruine you and yours.

The common arguments made use of for this end are all of them including sophisms or nothing to the purpose.

It is convenient (they tell you) the Clanchattan be united; they are all friends, and should not be different families; and the better to help them out with this, They'le give you an example of a sheaff of Arrows, which being well and closely knitt together are not to be broken, but singlie and apairt are easily overthrown.

<sup>1</sup> There is no signature in any copy I have seen.

<sup>2</sup> The laird is Duncan Macpherson, who succeeded his brother Andrew the original of our frontispiece. For account of him, see Introduction.

These things at first sight seem fair and plausible to vulgar understandings; But to a considering person whose Judgement is not vitiated or byassed by his Interest, all immediately appear to be but trick and Hocus. The generall good so much insisted on is nothing but their own particular advantage without any benefit on our part, but constant and perpetuall trouble with Reproach and Infamy to the Bargain.

No man wishes more than I, that all true Clanchattan and their friends may be united; But that your neighbours the M'Intoshes (who preach up this doctrine of late) are neither Clanchattan, nor your friends, I hope may be made clear and evident by the sequell of this Discourse.

Their sheaff of Arrows compacted close together, if all of a peice and of one kind, I shall grant them fairly Represents the benefits of united friendship; but if you mix your sheaff with different sorts of wood, with shafts made of oak (for instance) or the false hearted aldern, you are like to spoil the embleme; the first is too hard and stubborn for the gentle birds, and likelier to squeeze your Arrows, than to strengthen and support them; while the other (upon the meanest pressure) treacherouslie gives way, slacking the ligaments of your sheaff, and leaves your Arrows, louse and scattered, and shift single for themselves.

Almighty God has blessed you with a queever of your own, a Clan and family—that for several ages (without the help of mixture, or the assistance of your enemies) have been able to stand it out, and maintain your ground against the insults of any neighbour family, whom now to disperse were folly and to gift were madness. Its your Interest theirfor and the interest of your friends, to look before you leap, and doe nothing rashly. Consider the Craft and Cunning of those you have to deale with; that if you had at stake, but a stock of cowes, or a good possession; the matter were the less; these or some such other might be in time recovered; but if you are overreached in this, there's an end of you for ever; your family is sunk, and your name and memory extingished.

But, thanks to Heavens for it, you are wise enough your self, and have many a capable kinsman, who (on this occasion) may not fail to serve you, and least (in such a juncture) I may

be thought wanting to contribut my mite, I reckon myself oblidged, first, in duetie to God (who requires it at my hand) nixt to my laufull Sovereaign (who must be a looser by that bargain), and to you my Cheef, (as a faithfull kinsman) to lay before you plainly, and as briefly as the subject matter may permitt—*First* what it is you are to pairt with; *Secondly*, the dismall and Ignominious effects of such a foull and shamefull parture; 3<sup>ti</sup>o to whom and for what you are to pairt with such Irrevocable advantages. 4<sup>to</sup> I shall vindicate the Justice of your title—with the honour and Loyalty of your family—against their Idle Cavills and exceptions, in several Instances, which prove to a demonstration that the MackIntoshes never were your friends; and (profess what they will) designe to build upon your Ruines. 5<sup>to</sup> I shall take notice of the immediate consequences of your solemn Decreet and sentence; what effect it had with your own Relations at home, and what with your friends and neighbours abroad; and in the last place close with some few instructions and directions, which rightly observed may help to secure you against their attempts; and serve as so many Antidotes against the Infection of their poyson. And (for method's sake and the better understanding and retaining of this Discourse) I shall divyde it, into different sections as I go along.

[*The Loyall Dissuasive*]

SECT. I

*What you are to pairt with by any Transaction with the M<sup>c</sup>Intoshes, except on equal Termes.*

First then I may not forbear to tell you that you are to pairt with all that is justlie valuable to you this side of heaven or happiness—That is, your honour, and your Birth-right, the Chieftainrie of the Clanchattan, for nothing else will please that party.

A Right that is as naturale to you as the blood that runs in your veins. 2<sup>do</sup> A Right that (in the beginning of King Charles the Second his reigne) was declared yours by the wisdom of the nation; not by start or stealth, but after a

long and litigious debate in the most solemne manner that could be.

3<sup>to</sup> A Right that had been recognized, not only by strangers and your own kinsmen, But by all the Kings that have possessed the throne since.

4<sup>to</sup> A Right that setts you in the front of the first Gentlemen of the Kingdome; and puts it in your power (upon the head of your Clann and family) to make as good a figure as any of them in your Royale masters service.

5<sup>to</sup> A Right that may furnish you, or some of your posterity, a favourable opportunity to raise your name and family, by the merits of their services.

6<sup>to</sup> (and in fine) A Right that has been taken notice of by some of the best Authors,<sup>1</sup> that have written since (who much to your honour, and the credite of the family have published your quality and capacity in most of all the languages that are spoken in Europe). This Sir, and no less than this, you are like to pairt with, if you enter into any new Covenant with the M'Intoshes. But how dishonourable on your side may the better appear, if you'll consider the Reverse of this with the fatale consequences that must needs follow on any such transaction, briefly hinted at in the next section.

## SECT. II

*Some of the wofule effects that must follow on that agreement.*

For *Primo*, you thereby absolutlie degrade yourselfe, and instead of being in the front of the first Gentlemen of the nation, by a spontaneous Act of your own (that has no precedent in any Record or history) you bring yourself to the rear, and give a just title to all the young Chiefs in the Highlands to take you by a sleeve and bid you observe your distance.<sup>2</sup>

*Secundo*. In stead of your being courted by Kings and Princes for the service and following of your name and family M'Intoshe will be applied to. All the Royall Commissions (on

<sup>1</sup> Jeremy Collier published his *Great Historical, Geographical, Genealogical, and Poetical Dictionary* in London, in 1701.

<sup>2</sup> In Manuscript C. this is interpreted, 'Consider you a cadet.'

extraordinary occasions) must in course be directed to him as Chief; He'll have the raising of your kindred; the constant honour of their actions, with the reward and merite of their services.

*Tertio.* By such a mean truckling, you'll lessen yourself to that degree, that none of your neighbours, of any power or quality, will think you worthy of their friendship, or enter into any Confederacy or allyance with you; whereby you'll be left to the sole protection of your new Patrones; who, without your assistance, were never able to protect themselves. And when they have once disarmed you of the service and support of your Relations at home, and other friends abroad (which must unavoidable follow upon your yielding up your right) mind that I tell you on't, They are the likeliest of any to be the first to fall fould of you themselves; and never leave of their Tyranny and oppression till they have purged Badenoch of you, or bring you and your family so low that it may not be in your power ever to contend with them.

*Quarto.* If ever the Highland Clanns are unking'd of their severale superiours (as I am sure most of them will, and you amongst the first of them) instead of your being then the Kings vassal and superiour to all your Clann and kindred, M'Intosh (as Chiefe) will certainly be superiour of all, and have you and your family at his mercy, to use you as he pleases. The cheif reason why some of that family (to whom this is become no secret) are so earnest to have the agreement finished before their comes a change.

*Quinto.* Instead of the just account already given by some noted authors,<sup>1</sup> of the Independency and antiquitie of your name and family, They'll reckon themselves obliged in their next Edition to make your Agreement and surrender known to the world; whereby your family will be totally sunk in that of another and such of your Relations as have advysed you to bring it to that pass, and not protested against it, rendered a just reproach to all succeeding ages.

The former were your Advantages, which by the law of

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<sup>1</sup> There may be a reference to Nisbet as well as Collier, and to the unknown Book of Paroch mentioned below.

Nature, and Customs and Constitution of your Country you stand justly possessed of, if you keep as you are—and these against the losses you must sustain by such a change.

I come now to consider in this place (according to our method) to whom, and for what it is you are to part with these advantages, and render yourself little, for no end but to make another great. It is to the M'Intoshes, a sort of people that never were your friends, but when there was occasion for your service; at all other times (whether your honour or Interest is to be considered) were still your worst and greatest enemies; which I shall endeavour to prove distinctly in the manner following.

### SECT. III

*The M'Intoshes always known Enemies to our Interest.*

For proof of this, I would only ask you, who amongst your neighbours (from age to age) coveted your possessions? Who was it (for instance) that turned one of old out of Pharr,<sup>1</sup> and another out of the half Davoch of Craggy,<sup>2</sup> or who that lately turned a third out of Garvamore<sup>3</sup> (one of the ancientest possessions of your name and family). Sure I am it was neither Grant nor Cameron, and if the M'Intoshes used your families so, under the strictest ties of friendship, which way do you and friends propose to trust them for the future.

They'll answer you to this, that things were then in another form: the Clanchattan (tho' known to be one people) had the misfortune to pass under different names, which left them

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<sup>1</sup> Farr, or Pharr, had been possessed by a certain Angus Macpherson, sprung from the Brin family. He apparently sold his rights in the property to Alexander Mackintosh. Its restoration out of the hands of William Mackintosh, of the Kyllachy family, was in 1665 the subject of negotiation between Andrew Macpherson of Cluny and the Laird of Mackintosh. It was at Farr that Mackintosh mustered his forces for the 1715 rising.—*Macfarlane's Genealogical Collections*, vol. xxxiii. of Scottish History Society, p. 353; Shaw's *Mackintosh and Clan Chattan*, p. 415.

<sup>2</sup> There is a Craggan in Strone, near Newtonmore, which at one time belonged to Mackintoshes; but it is thought by local authorities that the reference is to Craggy, in Strathnairn, near Daviot Church.

<sup>3</sup> A well-known meeting-place on the confines of Badenoch.

distinct and different families. That tis naturale for such (while they are so) to mind their particular interests, and to prefer it always to the Common benefite. But now, they are resolved, it shall be so no more: They are to change their name and call themselves Cathon, and which, if they doe, say I, they'll still retain their nature like the catt in the fable, that being transformed to a fine lady, could never refrain from mousing.

Indeed, if they had taken our name first, when their predecessor married the heiress four hundred years ago, they had long ere this time quite forgott their own, in which it is not improbable, that we might have mixed, and been one people many a year since. But the M'Intoshes being now for so many ages distinguished by ane other name, and always proud of, and from ane other family, (quite forraigne to us and ours) except they lay aside that vain and groundless conceit (which is not to be supposed) we may very well believe that (in all differences which may arise twixt them and us) They'le still keep up their old rancour and partiality, and be as far from being Clanchattan, or heartily in our interest as they were before.

It must be confess'd, that they gain visibly by changing their name, If thereby they have your strength and following added to their own; But I would gladly know where lyes your interest to follow that example, or what is it you are to expect is possible to make up the losses you must necessarily sustain by such a wofull change; for this they'll tell you, you are to have their friendship, and their strength and following to support you, as there is occasion.

But, say I, Is it not possible for you to strick up a friendship with some of your neighbour families, maybe as usefule to you as theirs, without sinking of your own. No, the M'Intoshes wont hear of that: you spoile their mercat for 'em, if you take you to a method so much for your interest and against theirs. Your neighbours (if you'll believe the M'Intoshes) are (in respect of them) but strangers to you, not to be relyed on. But they themselves are your blood friends, and will never fail you.

But how are we sure of this? We have no way to judge of

what is to come, but by what is past, and, according to that Rule (so far as I can find) we had better not have then have, their friendship. We can shew them when and where we fought their battles many a time without them, and if they can tell us but one single time that ever they fought ours, either with us, or without us, we shall thank them for the discovery, and be the readier to trust them for the future.

So much I think may suffice to demonstrate that the M'Intoshes were never friendly to our interest, and (pretend what they will) never are like to be.

The next thing to be considered is, how unjust they have been to our honour and the Credite and Reputation of our family, as well by their negative as their positive lyes and slanders, for he that denyes a truth, with designs to lessen the reputation of ane other, is no less a lyar than he that affirms a falsehood, which may be seen and verified of our adversaries in the discussing of this point, which is like to take up the following and severall other sections.

#### SECT. IV

*The M'Intoshes at all times, and in the age we live in, Enemies to our honour, and unjust detractors from it.*

This is so farr true, That I am very sure, we have no sort of Enemies that makes it more, or so much, their studdy to lessen our reputation than the M'Intoshes. And to such pitch of madness does their Malice several times transport them, that rather than not to hurt us, they will be sure to wound themselves. The Clanchattan (some of them have said) have no honour but what they deryve from them; tho' it be very wel known that they themselves have neither quality or honour, but what they borrow of the Clanchattan, as shall be made appear in its proper place. If none but the ordinary sorts amongst them were guilty of this mistake it were the less to be Regarded, But even the best and wisest of them (when they fall upon the Common Controversie betwixt you and M'Intoshe) are sure to imbarass themselves and run upon such absurdities.

The deceist Kinrara<sup>1</sup> was a man of very good sense, and knew how to reason closely enough on other subjects: But in this was, alwayes to seek,<sup>2</sup> as plainly enough appeared severall times. But more than ever, at a sett Conference held twixt him and me at Inverness, to the hearing of the present Laird of M'Intoshe,<sup>3</sup> some of the Chiefe Citizens of the place and M'Intoshe's first ladye:<sup>4</sup> who (to do her right) was as good a Judge as any of them. After we were set, and spent some time on General purposes, my lady (observing that neither he or I had a minde to break it off), addressing herself to Kinrara told him that seeing he had alwayes professed a Readiness to Discourse any of Clunie's friends upon the debates betwixt him and the M'Intoshe about the Cheiftainrie of the Clanchattan, she had taken upon her to make that appointment, and could not but own that upon the first motion of it, she found me ready to undertake it. And now that you are met (said she) I enter my protestation, that laying aside all heats, nothing may be omitted, but all calmie and discreetlie urged, that may be said for either pairty. To this Kinrara answered that he was alwayes ready to serve his Chiefe especially in ane affair concerned his honour so much, and asked of me, If I was come there to argue with him; my answer to this was, that I did not pretend to argue with a person of his knowledge and experience, But only to be informed of what he had to say, might not be answered by some other. Then, Sir, said he,

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<sup>1</sup> This is Lachlan Mackintosh of Kinrara, the learned author in 1670 of the Latin manuscript now printed in vol. xxxiii. of the Scottish History Society. He was brother of William, eighteenth laird of Mackintosh, and married Isabel, daughter of one of the Grahams of Claverhouse. See Shaw's *Mackintosh and Clan Chattan*, p. 26.

<sup>2</sup> Peculiar expression—meaning, I suppose, that though reasoning closely on other matters, on this subject he was always wide of the mark, and there was difficulty in finding him and bringing him up to the point.

<sup>3</sup> This is Lachlan, nineteenth laird, son of William, eighteenth laird, and Margaret, daughter of Graham of Fintry. He succeeded his father in 1660, and died 9th December 1704. His funeral procession extended four miles. The feasts and entertainments on the occasion lasted a month, and much embarrassed the family to a late period. See Shaw's *Mackintosh and Clan Chattan*, p. 411.

<sup>4</sup> 'M'Intoshe's first ladye' was Magdalene, only daughter of Lindsay of Edzell. His second wife was Anne, daughter of Sir George Munro of Culrain. Lachlan, the succeeding laird, was the son of the first wife.—*Ibid.*

I have to say in behalf of M'Intoshe, first, that his predecessor was married to the heiress of the Clanchattan.

Secondlie. That in virtue of that marriage he entered immediatlie not only to the possession of a great and opulent fortune, But likewise to the command and following of the whole Clann and family. A Clann, said he, that time out of mind was so considerable in the countrey that no Cheif in the Highlands ever debated with her predecessors but the Laird of M'Lean once, ane age or two before that, and that the Great M'Donell, to whom they had both submitted the controversie, decided in favour of the Clanchattan.

That neither M'Lean nor any other Chief in the Highlands disputed with the Clanchattan, after M'Intoshe married the heiress till the Battle of Harlaw, where M'Intoshe appearing without his usual strength (the best pairt of his friends having joined the Enemie) M'Lean made that advantage on't.

*Tertio.* M'Intoshe (said he) was alwayes thereafter habite and repute Captain of the Clanchattan. Clunie's predecessor, and the whole clann owned him as such, as appears by their bonds of acknowledgement extant to this day.

Lastlie, (says he) Buchanan and other Authors, wherever they speak of M'Intoshe, honour him with that as his Cheife and principall designation: And (sayes he) If that be not enough to make a Cheefe, I know not what may.

To all which, Sir (said I) It might serve for answer that what you have urged at this time, and a great deall more, was propounded and repelled befor the Privy Councill; but not insisting on this Generall, I shall (out of Respect to you) consider your arguments more particularlie as they lye in course.

*Primo.* That M'Intoshe was married to a daughter of our family tho' we might, we did not at that time contravert; But hade just ground to say that she neither was or could be ane heiress. Because then, and for some years after, there was no heiresses<sup>1</sup> in the kingdome, Especially as there was ane heir

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<sup>1</sup> Sir Æneas in making this assertion had not the advantage of modern research or of the library of the Scottish History Society. The truth is that Highland law and tradition was everywhere giving way before the feudal system, and that Highlanders were ready to carry their purpose by any law that came handy.

male in that proximity of blood as M'Ewan of Clunie was at that time: Consequently that the Estate and Command of the people justlie belonged to Clunie, and was unjustly wrested from him by the Great M'Donell in favour of M'Intoshe<sup>1</sup> who was his nephew at that time.

But then again (said I) if I should pass from this, and (for argument's sake) grant that she was ane heiress, and as such might have right to the Estate, M'Intoshe, his marrying of her, and possessing of her fortune without taking the name and bearing of the family, could never make him Cheefe. That was *conditio sine quâ non*, as Lawiers and Logicians speak, which whatever title he might have to the fortune by such a marriage, The precedency and following of the family (by the Law and Customs of the kingdome) devolved immediately upon the heir male who was Clunie's predecessor.<sup>2</sup>

Your third argument (said I) founded upon habite and repute, is of no force to constitute a right, Except it may be proved that he who was so habite and repute had a right before, which (for the former reassons) cannot be done in this case. Who knows not, that ane usurper was habite and repute a King, during his usurpation, and (after all) he is so far from being a King, that he is no more than ane usurper? Nor does it alter the case that his sone and successors possess it, to the 10th generation. Because the law tells us *Quod est vitiosum in principio tractis temporis convalescere nequit*, That is, what is bad and faulty in the beginning, no length of time can alter. In Civill cases tis true, our law allowes prescription, but it is not so much in favours of the unjust possessor, as to punish the righteous owner for his supine negligence, in not asserting of his right: And the same law likewise tells us that *Jura sanguinis non prescribunt* That there is no prescription of time or ages against the right of blood.

4to, That M'Intoshe may have bonds of acknowledgement

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<sup>1</sup> This is Angus Mackintosh, son of Ferquhard, by Mora of Islay, as is said. Angus More of Islay was his grandfather. His uncle was Alexander, Lord of the Isles, if this tale be true. See quotation in Shaw's *Mackintosh and Clan Chattan*, p. 30, note from *Collectanea de rebus Albanicis*, giving a different account of matters, to which later on Sir Æneas refers.

<sup>2</sup> See on the other hand some cases given by Shaw; p. 54, etc.

from some of Clunie's kinsmen, we dont at all Contradict, Because there was scarce ane age but Vassalladge and Interest oblidged a pairt of them to adhere to him, which gave some colour to M'Intoshe his pretensions, but that ever he hade any such bond of Clunies predecessors we positively deny. Nor does M'Intoshe himself pretend to any, but ane alledged granted by Andrew M'Pherson of Cluny this present Clunie's<sup>1</sup> grandfather; which when compared (at the Council board) to his other subscriptions, appeared a manifest forgery; But then, *Secundo, Esto* he had signed that bond (a matter (considering his character) altogether improbable) it was only binding on himself, and after his time, could not obleidge his successors; and that because, as *jus sanguinis*, the right of blood cannot prescribe, no more is it transmissible, But so as the very minute the successor quarrells it, he is *ipso facto*, without any plea or process of law, possessed of his right.

To your fyfth Argument from Buchannan and other Authors (said I) my answer first, is, that history or tradition does not constitute a right; but only gives us matter of fact, which is not alwayes matter of right. 2<sup>do</sup> That even in that also, Authors for the most pairt are very partiall in what may concern particular persons and families; and Buchannan who was prepossessed with so much Rancour and prejudice against all loyall families, may be easily presumed to have been no friend of ours, and if he is brought in as ane evidence to witness for M'Intoshe against us, it may not be much for the honour of his cause.

But lastlie Sir (said I) beside what is already urged in behalfe of Cluny against your arguments, both from law and reason, we have the constant custome and practice of all the families of the Kingdome of our side to plead for us in this point, so much, That if you can instance us one familie in the whole Kingdome that owns one for their Cheefe for his being married to a daughter of the familie or ane heiress, without his assumeing the name and bearing of the family, we shall furthwith submitt, and give up our right to yow. But if any

<sup>1</sup> This is the Band of 4th April 1609, signed at Termit in Petty by Andrew Macpherson. Sir Æneas regards the signature as a forgery, but he gives no justification of the statement.

such is not to be found (as I am sure there is not) what reason can be assigned why our family should be singular.

And when he was pressed home with severall instances of other families, who were and are in M'Intoshe's circumstances, particularlie that of Sutherland and Calder, who notwithstanding of their being married to the severall heiresses of these noble families (contented themselves not haveing taken their names) to continue Cadets of their own Cheefs: was put to such a bay, that (in flatt Contradiction to his own Concessions, and to all the histories and tradition of the Kingdome) he was pleased to say that the Lady to whom M'Intoshe was married (at that time) was of a plebeian Race, not a Gentlewoman, consequentlie not to be expected that one of M'Intoshe his quality would change his name for her.

Now Sir, (said I) is that Lady by whom yow said (but ane hour or two agoe) M'Intoshe had a great Estate and entered upon the command of such a considerable family, of a sudden become no gentlewoman? Could her family be so great and illustrious in the Kingdome that for severall ages no Cheefe in the Highlands contended with her ancestors, but once, and but once, the Laird of M'Lean; and yet she herself be but a mere plebeian? If I rightlie understand, said I, this is not to argue for M'Intoshe but at one blow to overturn his Claime, and all his Collourable pretences; For if she was no heiress and of no family her father could not be a Cheef, nor M'Intoshe, who married the daughter, pretend to any Command or Quality on her accompt; which (without more speaking) leaves Cluny on his own bottom, and at least unquestionable Cheef of his own family; who, (even as such) may weigh with the most of the other Cheefs, both for antiquity and eminent services to the Crown; and, as I was proceeding to expose the folly and absurditie of that Rash assertion a little more home and plainly, Kinrara pairted in a huff;—leaving all the company much scandalized at his weakness and impertinency. Such desperate shifts are men commonly reduced to (be their parts never so raised) that mentain a desperate Cause; as I shall endeavour to make more clear and manifest in the following section; where that Gentleman's Qualitie who was married to our heiress, In Reference to her, and his pretended Ancestor, is to be considered.

## SECT. V

*The M'Intoshes for quality not Equall to the heiress, But farr Inferiour to her.*

But seeing Kinrara and our other Adversaries have made such a noise and clatter about that person's extract and quality, who was married to the heiress of the Clanchattan, and some time (in their Cups) have the insolence to say (as he did in his anger) That she was not the M'Intosh's equall or a sufficient match to him; I reckon myself obleidged in duety to our family to make known what he was, and leave to the reader to judge what his quality might be, and where the inequality lay, whither of his side or hers.

First there *iisdem mediis*, the same way that we are told he was come of the Thane of Fife,—that is by tradition (for they pretend to no other document or authority) we are likeways told that he was M'Donell's Bastard nephew, begott of his sister (as she said) by the Thane of Fife's sone, who had fled to M'Donnell's Court, after his father's forfaulture; But seeing he was not Legitimated by a succeeding marriage (as he could not be In Respect his supposed father ran for it, upon her being impregnated, and was never seen thereafter, he was in the eye of the law but *proles incerti parentis*. The sone and offspring of ane uncertain father, consequently more a plebeian himselfe than our heiress.

But then 2<sup>do</sup> (Granting he had been Legitimated, which (so farr as I could hear) was never yet pretended) he was but the sone or Grand Child of a Forfaulted Traitor, and (without the Kings pardon, or some other mark of honour) could not pretend to be a Gentleman, which leaves him and all his posterity worse then plebeians, his and their blood being tinged by treachery and Rebellion; the other not: For a Bour that is not a traitor is a better man then a Duke that is so; and may in time become a gentilman by his Vertuous actions, without the benefite of a pardon; which the other cannot and by a necessarie Consequence, By no law or reason could he pretend to be equall to the heiress of one of the noblest families in the Kingdome (for such the Clanchattan was at that time, and for

many ane age befor and some after, till the forraigne and lofty Titles of Earles and Lords became in vogue and fashion; which might well lessen the Respect of the Ancient Nobility (I mean the Cheefs of Clanns) but did not make void or take away their quality. For Thirteen hundred years together, They were the only Peers of the Nation, The *proceres Regni*, as Buchannan and other Authors calls them, For quality farr befor the Thaness,—who were only the Kings Servants, or, (if you will) his Baillies as our Shirrefs are at this day; whereas the Cheefes of Clanns were the only true nobility, *Consiliarii-nati*, born of his Majesties Councillours by their birth, and as such (on severall occasions) hade power and authority to command the Thaness; but at no time had the Thaness any authoritie to command the Cheefs: a custome that has continued to our very day; as (for Instance) any privy Councillor may (in virtue of his quality and the trust reposed in him) order the Shirref of the Shire to raise the *posse Comitatus*; That is, the powere and strength of the whole shire wherof he is Shirref, If he but thinks that the publick requires it; But if any such Shirref should offer to Command a privy Councillor, or dispute his order, he would be reckoned a mad man or a fool, and have a stone doublett to the Bargain. So that it is very plain our Adversaries grosslie mistake and magnifie the quality of their Ancestor, who, tho' he hade continued in his integrity, hade been but ane ordinary match for the heiress of the Clanchattone; but as he stands condemned for Treason and Rebellion, he was so far from being her equall, that none of his posterity can pretend to be a gentleman, but as come of her.

That this has been no secret to themselves is plain and manifest from this one Remark, that the Lairds of M'Intoshe, from age to age, when they set up for Quality, never debated it with the Cheefs, as Lairds of M'Intoshe, or come of the Thane of Fife, but as Captains of the Clanchattan; for which I might give as many instances as there happened disputes 'twixt them and their neighbours; but shall content myself with one at present, which, considering its circumstances, may very well serve for all. One of the Lairds of Grant upon a difference that arose betwixt him and some of the M'Intoshes,

had appointed a solemne meeting 'twixt him and them for removeall of these mistakes, and when both pairties met, and in their approaches were within the distance of a salute, Grant, observing that none of the other side offered to vaile the cape,<sup>1</sup> stopt of a sudden, and sent off a couple of Gentlemen to ask the reason of that neglect, as he was pleased to term it. To which Augus M'coil vic William's, the present Kyllachies predecessor,<sup>2</sup> who was tutor of the family of M'Intoshe at that time, and as brave and bold a gentleman as was in Scotland in that age or since, answered, like himself, that for M'Coil vic William's Beanachadea<sup>3</sup>—that is his own salute—he did not dispute it with the Laird of Grant; he might have that when he pleased; but, said he, for the Clanchatton's Beanachdea, that neither Grant, nor no other Chief in the Highlands needed expect of him while he had the honour to represent the family: from which is easy to observe, that, in this Congress, there was no mention of the Thane of Fife, nor of M'Intoshe himself as Laird of M'Intoshe, but as Captain of the Clanchatton; which shews clearly that, whatever they may be pleased to say or whisper in their privat conversations, in all their publick appearances they plead their quality, not from the Thane of Fife, but from the heiress of the Clanchatton; or if they did, for the reasons above set down, none of the Chiefs would yield it.

But after all, I would not have my reader think that I am

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<sup>1</sup> This perfect bit of Highland ceremonial deserves a note. Ceremony among the Highland chiefs was no foolish imitation of Saxon or Norman manners, but the living survival of the courtly customs of Celtic royalty. The numbers of place-names ending in Rhee, Ree, Reigh indicate many kings, little perhaps, but still kings. Is the 'vailing of the cap' the origin of the military salute?

<sup>2</sup> I assume that our author uses 'predecessor' in a general sense, not meaning 'immediate predecessor.' Angus Williamson was a very notable man among the Mackintoshes. See notice of his depredations on Huntly's kin and lands in vol. xxxiii. *Scottish History Society*, p. 252 and *passim*. Also Shaw's *Mackintosh and Clan Chattan*, pp. 251 and 508. The immediate predecessor of our author's contemporary was William, one of the three to whom Lord Moray committed the task of capturing Grant of Carron in 1630. He survived to 1670, and perhaps later. Angus was son of Donald Mac William, William's father being third son of the tenth chief.

<sup>3</sup> The proper rendering in modern Gaelic is 'Beannachadh-Dhia,' *i.e.* the Blessing of God.

such a stranger to my native country, but that I know there are some other families in the Kingdome, descended of M'Duff, who by their eminent services, and constant adherence to the Crown, have made a sufficient amend for his fault, and have justly merited, now for several ages, to be ranked among the first and best Peers of the Kingdome. But I would gladly know, what is this to any other of his descendants that can pretend to neither.

There was, 'tis true, one of the Lairds of M'Intoshe honoured with the title of knighthood, which, according to some casuists might restore his blood without any pardon. But if the Lairds of M'Intoshe plead their quality from that date (as they must doe if they are not true Clanchattan) there is not a Chief in the Highlands, nor a gentleman of any quality that I know of, he can in right contend with. But that they neither are, nor were, Clanchattan I have promised to make out, which shall be the work of the ensuing section.

#### SECT. VI

##### *The M'Intoshes not Clanchattan, either by birth or practice.*

When a single person or family is called by a certain name, it must be because he is trewly and by birth, what he is called, or that his friendship and good offices to that name and family gains him the Denomination; but that the M'Intoshes are not Clanchattan, in either of these respects, I prove thus.

First they are not so by birth or blood, for tho' their Ancestor was married to a daughter of our family, they are no more Clanchattan for that, since they did not (in due time) take the name, than they are Clan Grant, Clan Campbell, or Clan Gordon, of all which families they are no less come by the mother, than of ours; and yet neither of these families own the M'Intoshes for their Kinsmen, far less doe they acknowledge the first of them for their Chief, nor no more should we.

And then for their friendship and good offices (without insisting on what is said already on the head)—can we believe the M'Intoshes are Clanchattan? or if they were and thought

themselves so, that they would treat the Clanchatton as they doe? Is it possible they would be at so much trouble to question their quality, contradict their pedigree, and everything else, may make for their honour and advantage? They won't allow the Clanchattan (so far as they can help it) to be come of anything that is honourable, or anything that is so (except themselves) to be come of them. But how justlie is left to the reader to judge by what is said. All their great and eminent services till M'Intosh was married to the heiress, must be ridiculed, and whatever is found in History done by the Clanchattan since, ascribed to themselves.

Thus the Clanchattan in Buchanan, the Catana Tribus as he calls them, who so seasonablie rescued Queen Mary<sup>1</sup> out of the clutches of a certain peer who had plotted and conspired against her, must right or wrong be beleived to have been the Laird of M'Intoshe and his family; notwithstanding that 'tis very well known there was no Laird of M'Intoshe during her reigne; and that he who was Tutor for the time, was so far dipt in the faction of Murray, that it is not very likelie that any who was influenced after that, to pay so undutifull a visite to the sone, as we all know he did, would at any time have served or saved the mother, if he could.

But the Catana Tribus did it, that is enough for them, they were called Clanchattan and tho. we were likewayes so, we were but their followers, and did nothing but by their command and order. A delicate plea indeed, but if rightlie examined nothing can be more ridiculous or absurd; for by this way of reasoning they must be believed good and loyall

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<sup>1</sup> The reference, I presume, is to the effort of John Gordon of Findlater to capture Queen Mary, in Inverness, in September 1562. Young Mackintosh is said to have been nineteen years old at this time, and might well take a prominent part in the protection of the queen, though he was under a tutor. The tutor now, and for some time subsequent, was Donald, grandson of Alan Mac Malcom Beg.

The complicated argument of the latter part of the sentence is seemingly somewhat captious, but I do not know the reference. Huntly paid an unceremonious visit, with evil intention, on James VI. in Maitland's house in the town of Edinburgh, during the popish conspiracy, in conjunction with the preparations for the Spanish Armada invasion, but this can hardly be the reference. The tutor of Mackintosh may have taken part in the Ruthven or Gowrie conspiracies.

subjects, when they are not only disaffected, but known to be in actual Rebellion against their Sovereigne.

The History of King Charles the first,<sup>1</sup> his life and actions, done acuratlie enough by ane unknown hand I hade occasion once to see, which for the benefite of strangers the author hade committed to the Latine tongue, wherein (as he gives the great Montrose his deserved Elegies) he is not wanting to doe justice to the Clanns. And when he comes to speak of our family, following Buchanan's stile, tells the world, that the *Cattana Tribus* was the first family in the Highlands declaired for the King; That before Montrose hade his commission, or set up the Royal Standard, they hade bravelie defeated Collonell Hurrie's Regiment of Horse, who by order of the States hade set upon them in Glen Clova<sup>2</sup> within ten miles of Perth. Here I may not ommitt to give my reader ane account of a small passage, but a very remarkable one happened at this time, whereof this Author in so short ane abstract, could not well take notice.

When Collonell Hurrie's Regiment was approaching, and come so nigh that they were known to be ane enemy, and not the Marquis of Montrose who was expected every minute, William Macpherson of Invereshie who in absence of his Chief the Laird of Clunie, commanded that Detachment of the family, caussed sound ane alarm in all haste, and having drawn up his men, with the best advantage the place and so short a time could allow, as he was going to, and again, among the ranks encouraging the people, he espyed one of their number stooping almost with his head closs to the ground,

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<sup>1</sup> This history of King Charles, by the unknown hand, in Latin, is not known to me. The book referred to may have been Wishart's *Deeds*. The Latin title was 'De rebus auspiciis Serenissimi Caroli Dei gratia Magnae Britanniae Regis,' etc. Wishart gives credit to the Badenoch clans for joining Alastair Macdonald.

<sup>2</sup> The Glen Clova affair is not history, but it may be tradition. The Farquharsons from Braemar (part of Clan Chattan), with whom Invereshie was connected, may have been active in raiding before Montrose raised the standard. The references to Hurry are too vague, and indicate a reliance on the stories of childhood, which legal training does not always weaken. The unravelling of the tales would be a very enjoyable treat for a lengthened leisure. Clova must be nearer thirty miles from Perth than ten.

which Invereshie mistaking as the effect of fear in some ordinary souldier, he raised his cane with designe to baton him into better heart, and manners; but finding as he stood up that he was a gentleman of very good quality, of the family, one Lachlan M'Pherson of Dalifour,\* who thereafter proved a brave aud famous captain in the King's service, Invereshie of a sudden stopt his hand and was put to the expense of ane appologie, for the base attempt, told Dalifour<sup>1</sup> that he was sorrie he hade offered to use a gentleman so, but that he deserved no better treatment for giving bad example to the common souldiers. Mistake me not, said Dalifour, for I mean nothing less. I was only fixing a spur (each spur is in the custody of Macpherson of Breakachy) upon my brogg. A spurr, said Invereshie, what in the name of God is your business with a spurr? Why Sir, said he, with ane oath, I hope to be horseman within a quarter of ane hour.<sup>2</sup> Which I must take notice, was a great and generous saying, might have well become the most heroick Roman, for considering that they were but a handfull of foot, scarse 300. men ready to be attacked and fallen upon by a full Regiment of horse, there could nothing show less concern, or more courage. And just as he said, so it proved, for after the Enemie was defeated he pursued the chase for some miles, and returned well mounted on one of their best horses bringing a captain and a common trooper prisoners along with him. But, to return to my Author who goes on to tell us that immediatlie thereafter they, *id est*, the *Cattana Tribus*, took in Blair Castle in

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\* This Lachlan is yet alive both to acknowledge it and if it should be denied to adduce their witnesses to prove it.

<sup>1</sup> Lachlan Macpherson of Dellifour, at Forres, 12th January 1648, confessed that he was at St. Johnston (*i.e.* Tippermuir and Perth), Auldearn, Alford, and siege of Leithen. He was ordained (in good company), not being a leader, in his own habit, *i.e.* not in sackcloth, on his knees to acknowledge his deep sorrow, etc.

<sup>2</sup> 'When Montrose saw the superior numbers of the enemy, and especially their strength in horse, as he himself had not a single trooper, and not more than three horses altogether, lean, sorry jades, he had reason to fear he might be surrounded and attacked in front, rear, and flank.'—*Deeds of Montrose*, p. 59. The above quotation from Wishart justifies the exclamation of Invereshie and the prophetic preparations of Delafour.

Atholl,<sup>1</sup> and other two of the strongest castles in the shire of Murray, to witt Lethome,<sup>2</sup> as the author calls it, and Burgie,<sup>3</sup> in which the rebels had put strong garissons. Thus far that author; and that all this was done by the M'Phersons commanded by your Father, Collonell Ewan M'Pherson of Clunie, and in his absence, as at Glenclova, by William M'Pherson of Invereshie; before any other clann or family appeared for the King, is known to severalls yet alive, and I have seen sufficientlie attested under the hands and sealls of five of the greatest peers of the Kingdome, whereof the late Marquis of Montrose, the present Marquis of Atholl and the deceised Earle of Airly were three. The other two I have forgott them. But if there was no more but the forenamed, their Testimony is more than sufficient to confirm the truth of what that author relates in reference to our family. And yet according to the M'Intoshes former rule, these great and considerable services done by the *Cattana Tribus* and only by our family, must be believed done by them, tho' it be known almost to the whole kingdom, that dureing all that Civil Warr there was scarce a single person<sup>4</sup> of that race and family but was either a rebell or disaffected to the King's service and interest.

I own that John M'Intoshe of Forler commonlie called M'Commie,<sup>5</sup> was a brave loyall gentleman, and behaved very

<sup>1</sup> In 1644 Alastair Macdonald, with the Irish and the Badenoch men, marched on Blair Atholl before Montrose arrived to take command. There was no fighting, but only a state of tension between them and the men of Atholl. When the castle was occupied by the united forces, it may have seemed to the Badenoch men as an 'intaking' of it.

<sup>2</sup> They were probably part of Huntly's force, which besieged Lethen Castle for three months, and eventually gained it. The terms granted to the besieged under Brodie of Brodie were of the very easiest. Huntly should have been besieging Inverness. Wishart says: 'Finally, after ten weeks wasted in the siege of some paltry little castle, after loosing the pick of his men, he was forced to decamp, steeped in disgrace.'—*Deeds of Montrose*, p. 176. Several of the Macphersons confessed to have been at the siege of Lethen.

<sup>3</sup> Burgie, another house not far from Lethen, within a few miles of Kinloss.

<sup>4</sup> This is too sweeping. See Kinrara's account of his chief, of himself, and other prominent members of the Clan Mackintosh.—*Macfarlane's Genealogical Collection*, Scottish History Society, vol. xxxiii. pp. 313-325.

<sup>5</sup> The name of John Macolmie in the act of forfeiture appears between the loyal gentlemen, Patrick Graham of Inchbrakie and Donald Robertson, tutor of Struan.—*Acts Parl. Scot.*, vi. pt. 1. p. 323.

worthily in the King's service; but he needs not be excepted in this place, his predecessors, as he told me and others severall times, was a son of the house of Garvamore in Badenoch where never a M'Intosh traded till this our age, otherways than as a guest, or passenger, so was rather M'Pherson, as all the other M'Intoshes in the south are, who tho' by ane unaccountable mistake they bear their name, have our nature and constantlie from age to age loved us better than them. But if he had been a M'Intoshe, as he was called, he was neither at Glenclova, nor at Blair Castle, or the seige of Lethome<sup>1</sup> and Burgie, consequentlie that part of the history that concernes the services of *Cattana Tribus*, under the reigne of King Charles the First, cannot at all be ascribed to the M'Intoshes, nor the rescue of Queen Mary, more than this, except that in contradiction to common sense and reason, and the vouched testimonies of unexceptionable witnesses, their bold assertion pass for a sufficient proof.

By this ane instance of their ingenuity or, to speak more plainlie, of the downright contempt they have endeavoured to put upon us, for some ages past, you may easily guess what justice you are to meet with from that pairty for the time to come, if you own yourself their kinsmen or followers, or enter into any friendship with them, otherwayes than on equal termes.

But this is not all, I have severall other points to mention and justifie against their idle cabbills, that concern our honour, no less than the former, for as they deny or assume our services, they take upon them also with no less assurance, to contradict our pedigree, but with what justice or success may be seen in the following section.

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<sup>1</sup> The Register of the Provincial Synod of Moray contains the confession of several Mackintoshes as to their serving at Lethen and elsewhere in the royal cause. Lachlan Mackintosh of Kinraig confessed to being at Perth, and under Huntly in Moray. Angus Mackintosh, portioner of Banachar, acted as captain over the Mackintoshes at the retreat at Inverness, at Lethen, at Alford, and at Perth, James Mackintosh in Kinrara confessed to Perth, Aldearn, Aberdeen, and Lethen. The body of the clan remained at home.—Shaw's *Mackintosh and Clan Chattan*, p. 334.

## SECT. VII

*Our family and the heiress to whom M'Intoshe was married, came of the King of Lynster.<sup>1</sup>*

Our adversaries main study in all things, so far as they can, being to lessen the Clanchattan, thinking thereby to dignifie themselves, they wont allow the heiress to whom M'Intoshe was married, nor our family to be come of the King of Lynster in Ireland, albeit it makes as much for their own honour as for ours.

But herein their malice is easily exposed. All the Irish annalls and the constant tradition of our country, agree in this point, as the two teeth of an indenture, as could be easily made appear, if I designed a History by a full quotation of severall authors, but that being undertaken by a more ingenious hand,<sup>2</sup> who has it already on the anvill, and will be sure to publish it when fitt, I shall content myself at present with a passage out of the Psalter of Paroch,<sup>3</sup> the best and most authentick record in the three kingdomes.

<sup>1</sup> For treatment of this mingled legendary matter, see Introduction.

<sup>2</sup> This 'more ingenious hand' is probably the non-juror Jeremy Collier, who inserted in his Dictionary a long account of Clan Chattan, evidently supplied by Sir Æneas. Sir John M'Lean of Duart was also engaged on the subject, and he may be referred to here. Balhaldy says of him: 'He loved books, and acquired the languages with great facility, whereby he cultivated and enriched his understanding with all manner of learning, but especially the *belles lettres*.' His genealogical acquirements are noticed by Sir Æneas later on. See *Glimpses of Life in Highlands*, by A. Macpherson, p. 436.

<sup>3</sup> The Psalter of Paroch, or Parock—an edition of the Psalter of Cashel, and a translation of it, 'so well known in Ireland and among the learned in all Catholick countries,' is unknown to learned men in Ireland now. Parock a little below is spoken of as a place—'a general diet held at Parock.'

The British Museum possesses No. 1. of the 'Psalter of Cashel or Irish Cyclopædia,' issued July 1814. It was intended, in magazine form, to reproduce Irish history along with matters of modern interest. It was published at Cashel and its first pages give some account of the Book of Cashel. There is no second number in the Museum.

Was there a previous effort at Irish history emanating from Cashel under the name of its parish, 'Patrick's Rock'? The city of Cashel stood in the parish of that name. In oral transmission Patrick's Rock might easily become Parock, and still more easily, if Patrick were in print abbreviated into Pa. Perhaps the

This famous History being ane Edition and Translation of the Psalter of Cassill, so well known in Ireland, and among the learned in all Catholick countries, expressly tells us 'That in the year of God there happened a competition twixt two of the greatest families in Ireland, the O'Neill and the O'Donills about the crown of Lynster which vaiked at that time, when the difference was come to such a height that a bloody warr was like to follow, a man of quality of the Scots nation called Muriach Cattanach, but commonly Albanach<sup>1</sup> from his country, a clerk of Great Piety, comeing seasonable to the place when both pairties were ready to engage, did endeavour to reconcile them with so much prudence and discretion that tho' he could not prevail with the competitors to submitt to one ane other, both of them hade him in such esteem and admiration that they unanimously agreed to elect him for their King, for two reasons, first, because the Cathans or Chatti in Germany, from whom he deryved his pedigree, were, as they said, of the Silesian race, consequentlie he himself no stranger, but of their own blood; Secundo, because of the great fame and character he had justlie gained, then and severall times before, dureing the five years space he hade resided amongst them, after his returne from Palastine and the Holy Grave, to which he hade taken a Pilgrimage. That he was married thereafter to ane of the competitors sisters, by whom he hade severall children, that Ireland was never so happy as under his reigne, that after he hade governed the Kingdome for thirteen years with unspeakable conduct and moderation, the other four Kings and all the states of the nation, thinking that the same spirit of

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'Parochus' may have had a prominent place on the title. This is merely a suggestion, but the existence of such a book is a matter of literary interest.

The Psalter itself is reckoned among the lost Irish manuscripts. A few extracts from it are found in a fragment in the Bodleian. It was said to be written about the beginning of the tenth century, in verse, by the great Cormac MacCuillenan, King and Bishop of Cashel. The manuscripts disappeared apparently about 1400.

It is perhaps needless to say that an Irish Psalter is not a psalm-book, but a metrical chronicle.

<sup>1</sup> In our Introduction may be found some disentanglement of this legendary matter. Murdach Albanach was a poet of date 1180-1220. He sings of Alun Oge, the son of Muiredach, and doubtless had an Irish descent, but he is not to be confounded with any of the Irish kings called by his name, Muredach. See, for his poetry, Dean of Lismore's book and Skene's *Celtic Scotland*, vol. iii. p. 117.

Government and goodness might be entailied upon his posterity unanimouslie at a general dyet held at Paroch, settled the crown upon him and his for ever; that it continued in his family for severall generations till one of his successors Dermond M'Murrich<sup>1</sup> was expelled the Kingdome for his tyranny and lasciviousness, that the same Dermond was restored again by Henry the second of England, and that in gratitude to Henry, he bequeathed his daughter Eve, having no heir male, to young Strongbow, son of the Earl of Pembrock, King Henery's generall in that Expedition, with the fair dowrie of the dominion and Lordship of Lynster, reserving the Crown and the Royall dignity to the King of England; the first title they hade to Ireland, and upon which they have bottomed their conquest always since; that the Irish to this day, have Dermond M'Murrich in such detestation that by way of reproach they call him Dermond nanguall, not that they reckoned himself a stranger, but because he hade brought strangers in upon them.

Thus far this great and famous story, which you see is both full and plain, for confirmation whereof there are severall families of good note and qualitie in Ireland, some called M'Murrich or M'Murchie, others called Cavanach, that deryve their pedigree from that Royall stem. The first is clear and obvious, and for the second the transition is so easie from Cattanach to Cavanach, and the custome so common with those of that language to suppress their consonants, as in the sentence *Kavel-tù* for *Kalich-vel-tù*, that it is as little to be doubted as the former.

So much I think is sufficient to demonstrate that we don't speak without book, but have the first annalls of our side, and how farr the tradition of our country agrees with this account may be easily judged by a noted sentence of the *Beanachabairde*\*<sup>2</sup> always made use of by those of that trade,

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\* The oration or salutation commonlie used by the Bards or poets, when they come to any noted familie.

<sup>1</sup> This personage is well known in the history of the passing of Ireland under English dominion.

<sup>2</sup> The correct rendering of the salutation in modern Gaelic is *Beannachadh bàird*, *i.e.* the Blessing of the Bard.

in the publick assemblies of our people, and in the particular house of some of the principall families, which I have thought worth the while to insert in this place, both because it is the half couple of the preceeding history, and a full and short abstract of the genealogie of our family. The sentence follows:—

‘Donill Daule M’Gillichattan chlerich vic Ruie Laichin Erinne.’

Englished thus:—

Dougall daule (that is pure blind or short-sighted) the sone of Gillicattan the Clerk,<sup>1</sup> who was sone to the King of Lynster in Ireland. This I suppose can be no secret to themselves altho’ out of spite to us they have latalie endeavoured to suppress it. For my own share I declaire sincerely without prejudice to them or favour to ourselves, that since I have the judgement to know my right hand by my left, it is what I frequentlie heard, both in private and publick wherever a discourse arose about the genealogie of the Clanchattan. This came in course as a generall principle known to all, and contraverted by none. From which I observe, first, that this Dougall Daule who according to their own accompt was the heireses father, was sone and successor not only to Gillicattan but Gillicattan clerach, a parson or churchman, for none else were called cleri or clerks in those days. It must needs follow that being himself M’Pherson, upon the same foot with us, that is, in memory of his prediccursors office, his daughter was so, and all that are come of her, if she was ane heiress, should be likeways called M’Pherson, without which M’Intoshe do or say what he will, can never pretend to be our Cheefe; for if he should tomorrow, or any time hereafter assume the name of Cathone, that gives him no more title to be Cheefe of the M’Phersons than if he hade been married to the heiress of Struan, should think to be Cheefe of the Robertsons by calling himself M’Donell. The case is plainly the same, for as we are Clanchattan, but called by another name, they are no less known to be originally M’Dowells. Struan’s familie has been a tall cedar in our Lebanon for three or four hundred years

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<sup>1</sup> See Introduction for the spiritual character of Clan Chattan.

space at least, as yours has been for severall ages more, and it were great pity that either the one or the other should be shrunk into a shrubb, or which in good heraldrie is more mean and base, the sapless branch of any other tree of no better kind or quality than your own.

My next and last remark from this short sentence is, that as Dougall Daule's predicesor was a parson or churchman, the same or ane other of his ancestors, was King of Lynster in Ireland, which agrees to a tittle, with the former historie, and is so close and pregnant a proof of the genealogie of our familie that I doubt not our adversaries may find it a hard task to bring such ane other for their own.

A stranger or any indifferent person will be much to seek how to find out a reason why the M'Intoshes deny a matter of fact, that if they are Clanchattan makes no less for their honour than for ours; but this need be no mysterie to any that knows the temper and politick of that partie. They think (tho' very groundlesly as is proved above) that they have honour enough without it, and rather than admit of any that may make for ours and set us on a level with themselves tho' it may be likeways equally for their own, they are resolved to contradict it, and vainly imagine they have authority enough to laugh it out of countenance.

I have several times smiled to see some of these Gentlemen make wry faces upon their hearing that the Illustrious family of the Keiths<sup>1</sup> is come of the Clanchattan, as we are, but being to speak of this in another place, I shall insist the less upon it at present, for tho' our adversarys don't like it, they have not confidence to contradict it, because the tradition of both familys is for it, and the Earls of Marishal have from age to age owned no less themselves. And you may remember that

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<sup>1</sup> No doubt the Keiths claimed of old to be the descendants of Clan Chattan. See Douglas's *Peerage*. The remarkable monument claiming the connection, to be seen at Ravelston House, is an interesting relic of the tradition. It is called the Black Stock of Dunotter. Thomas Kirk in his account of his tour in Scotland in 1677 says: 'In the buttery [of Dunotter] is an old table called the black stock of Dunoter, where many a health has been drunk.' Mr. P. Hume Brown in his edition of the traveller's journal, p. 39, gives the long Latin inscription now upon the table, where the words *stirps ista Chattorum* are prominent.

the late Earl Marishal,<sup>1</sup> a man as good as great, and his brother the Earl of Kintore<sup>2</sup> vigorously and above board espoused your interest for that very reason against the Laird of M'Intosh in your Debate before the Councill, and after you had obtained your Solemn Decreit and Sentence, the Earl of Kintore did you the honour to invite you to an Entertainment which ended in a Rout and Ramble, lasted for three days space, during which time to the hearing of the Earl of Aboyn,<sup>3</sup> Mr. Archibald Steuart,<sup>4</sup> brother to the Earle of Moray,<sup>5</sup> and some other persons of Quality, his Lordship owned his relation to your family and proposed you might do my Lord Marishal and him the honour (as his Lordship was pleased to phrase it) but to see him at their Country houses, that a mutuall friendship upon the head of your relation might be drawn up in writing betwixt you, which you promised at that time to do, tho' I doubt it be not as yet performed.

But passing this at present as a matter not controverted, I come to speak of another in the ensuing Section no less clear and evident, tho' our good friends the M'Intoshes endeavour to darken it all they can, who, not contented to question our pedigree, take upon them likewise to attack our Loyaltie.

#### SECT. VIII

*That our predecessors and family were with the Earl of Marr, and for their lawful Sovereign at the Battle of Harlaw.*<sup>6</sup>

This the M'Intoshes contradict and with their usual assur-

<sup>1</sup> George, eighth Earl Marischal, succeeded his brother William in 1661, and died in 1694. He was a good soldier and royalist.—Douglas's *Peerage*.

<sup>2</sup> John Keith, created Earl of Kintore in 1677. He was mainly instrumental in saving the Scottish Regalia from Cromwell.—Douglas's *Peerage*.

<sup>3</sup> Charles, second Earl of Aboyne, succeeded his father in 1681 and died in 1702. He had many difficulties in taking his seat in Parliament in Edinburgh, being a professed Papist but declaring himself a Protestant.

<sup>4</sup> Archibald Stuart was fourth son of James, third Earl of Moray, in the Stuart line. He possessed Dunearn and had a large offspring, with whom many Scotch families are connected.

<sup>5</sup> Alexander, fourth earl, succeeded his father in 1653. He died at Donibristle in 1700.

<sup>6</sup> Fought at Harlaw, near Inverury, 24th July 1411. Mackintosh, according to the Kinrara Manuscript, was next to Donald himself, and the chief of M'Lean

ance affirm they were with M'Donnell and under their command that day. I confess it is their interest for many a reason to struggle for this point, first, they have been for the most part, if not always Rebels themselves, and they would gladly have it believed that we were once so, 2<sup>dly</sup> They have no other way to prove your predecessors submission to and dependence on themselves, but by a bold alleadgeance, that on all occasions might concern the publick, the M'Phersons joined the M'Intoshes and were commanded by them, though nothing can be more false except they have the art to make a part the whole. For that some of your kinsmen were with M'Intosh at Harlaw and other times, who were vassals and otherways bribed and corrupted by him, we do not, we need not, controvert. Nay further if it may oblige them, we shall also grant that the whole family have frequently and but too often assisted them in their private quarrels, and that like themselves they make this goodly improvement of our friendships. But that any of your ancesstors with the strength and the body of the family were in arms against the King, or joined the M'Intoshes, for or against him, is what we positively deny, and they 'll never be able to prove till the Sun changes his course and takes a journey to the east. No, we have reason to bless God for it, loyalty is a principle as natural to our race as life is to a soul, from which no sort of superior reall or pretended could ever debauch us. But seeing our honour depends so much upon the truth or falsehood of this Lybell, I reckon myself obliged to examine it more fully e're I part. The M'Intoshes affirm that we were rebels as they were that day, we are no less peremptory, that we were then and always honest men still on the right side of the hedge, and tho' in a thing so remote I shan't pretend to give positive proof for any assertion more than they can do for

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third in command. Other authorities say that M'Lean was chief after Donald. It is unlikely that the Macphersons, or rather Clan Vurich, assisted Mackintosh, for the dissensions appearing at Invernahaven, and culminating in the battle on the North Inch of Perth, 8th September 1396, were in no way healed at the time of Harlaw. Kinrara does not name any among the sufferers except Clan Bean.—*Macfarlane's Genealogical Collections*, Scottish History Society, vol. xxxiii. p. 185.

theirs, I shall at least give some presumptions and such as in the eye of the Law are equivalent to a proof; and to begin, first,

It was much about this time (some few years before it), that the M'Phersons made a totall Rupture with the Laird of M'Intoshe for bestowing of the Vanne or Right hand on the Davidsons at the battle of Invernahavon<sup>1</sup> which till then was religiouslie kept for your ancestor, in honour of his being the heir male of the familie; or (as they said and was the same upon the matter) the first and chiefest Cadet.<sup>2</sup> Nay, and so nicely was this punctilio and compliment observed in behalfe of Cluny, (on purpose to engage him) tho' none of your ancestors ever accepted of the Condition, that at all times in his absence, there was a blank or void space left for Cluny at M'Intoshe's right hand, to which no other had liberty to approach. From this account, which is more their own than ours, I observe by the by, that in those days there was no exception of the young Laird, or of ane Invercauld, or any other Cadet; But I go on to tell you that your predecessor<sup>3</sup> taking notice that the whole familie hade abandoned M'Intoshe for the publick injury he had done them, very dexterously took occasion from thence, to convince such of his friends as had till that time adhered to M'Intoshe, how unjust they were to

<sup>1</sup> See previous note. Invernahaven was fought in 1370, though some say 1380 and 1386. Kenneth M'Ewan seems to have been the chief of Clan Vurich at the time, but all is uncertain.—*Glimpses of Life in Highlands*, pp. 289-314.

<sup>2</sup> I suppose that Sir Æneas means that in the great confederacy of Clan Chattan under Mackintosh as captain, Cluny's was the first family. He does not admit that it was a family cadent of Mackintosh.

<sup>3</sup> Which predecessor? If Kenneth is intended, he must have been past diplomacy. His father, Ewan Mac-in-Phairson (said to have been so designated from the original vocation of his father), lived, according to the genealogy of Sir Æneas, in the reign of Alexander II. (1214-1249). The battle of Invernahaven at its earliest date was fought under Kenneth in 1370. If Ewan did not live well into Alexander III.'s reign (1249-1285-6), and had not his children late in life, Kenneth could hardly have commanded on the second day of Invernahaven, and carried out a prolonged diplomacy afterwards. The truth is, names and dates are not to be trusted in these accounts. Some chief of Clan Murich did affect at this time a drawing together of the old Clan Chattan, of the male line, and separated them from acquiescence in the captaincy of the heir of line, the Mackintosh. If we make the marriage of Angus Mackintosh with Eva, daughter and only child of Dougall Daul, in 1291, Kenneth, the cousin of her father, may not have been born before that date, and might thus help us somewhat nearer a solution of the point.

own a stranger to the prejudice of their own honour and his just right; and had the success to prevail with all of them (particularly my predicesor Invereshie) to renounce M'Intoshe and own himself, and him only, for their Chief. Is it then probable, or to be supposed possible, that a gentleman of that Cluny's mettle, who but very lately had gained so great a point, would (in his time) part with it so easily in favour of his Competitor, and join with him, by any, with his whole name, consisting of six or seven hundred men; and help him withall to a good estate for yielding of a precedency that in right should be his own? Such ane act might well become a madman or a fool, but is very unlike the fame and character of that pert and forward gentleman. But if (as some of them say) he had the misfortune to act so mean a part in his old age, when he was superannuated, and did not mind or matter what he did; (which I shall prove by and by to be a false and manifest calumny) I hope it shall never be charged on you or any of your successors, that you have transcribed so infamous ane example. My second presumption for our being on the right side at Harlaw shall be the constant and hereditary Loyalty of our name and family, than which there can hardly be a better defence in Law. If a man (for examples) of known honour and integrity is accused of Robbery or any other crime without plain and manifest proof, the presumption of his Reputation is enough to carry him off; and if that be a good plea in behalf of a single person, it must be much more so for a Clan or family, whose actions are more publick, and the presumption proportionably the more clear. There might be of our family perchance a D—ll M'Pherson<sup>1</sup> in ane age, or some straggling soldier or officer in another that renounced their dutie; but I challenge the sharpest-sighted of our enemies to make appear that ever any of your predecessors, any M'Ewan of Cluny was seen at the head of his family, or any part of the family by his order against their lawful Sovereign; and till our adversaries prove that, which they'll never be able to do, the presumption of honour and honestie remains of our side. But then 3<sup>lie</sup> The friendship that the Earls of Mar<sup>2</sup>

<sup>1</sup> A sidelong hit at Dugall Macpherson of Powry.

<sup>2</sup> The third argument of Sir Æneas, to prove that the Macphersons were on

—the first Earls successor—have from time to time (in their several turns), showed to our name chiefly on that account\* (as they have always owned themselves) is more than a bare presumption of the truth of what we say. Fourthly If we had nothing else to urge but what is deduceable from Kinrarae's own acknowledgement in the above mentioned conference twixt him and me at Inverness, 'twere enough to prove our point, where he expressly gave for a Reason why M'Lean contended with M'Intosh at Harlaw, that the better part of his friends had joined the Enemy, as he was pleased to call the King's armie.

Let us now consider who those friends could be. Sure not the M'Intoshes, for it is not to be imagined that they would or could leave their natural and undoubted Chieff. Nor the Färquharsons, because Finla the first of that name was scarce born a hundred years thereafter, and for the other petty Tribes, If there was any of them then in being their strength and number was so inconsiderable that their absence could hardly give that advantage to M'Lean. Who could these friends be then, that had joined the King's armie? None but the M'Phersons, who were then and many ane age before, Blessed be God for it, as they are now, the stock and bodie of the Clanchattan. Then lastly.

What occasion have we to insist upon presumptions, when that very Debate as it was managed by M'Lean, is a manifest confutation of their calumnious charge, and by a necessary consequence a positive prooffe for us. M'Intosh pleads to have the vann in M'Donnell's army at the Battle of Harlaw, conform to ane old decision pronounced by the great M'Donnell on a like occasion against the Laird of M'Lean in favour of the

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\* See Maclean MS.

Lord Mar's side at Harlaw, is very weak. The earl who commanded at Harlaw was Alexander Stewart, who had married Isabel, the Countess of Mar. He died without children in 1435, and thereafter, till 1567, there was no permanent settlement as to the earldom. It was conferred on one person after another until 1567, when John, Lord Erskine, descended from those who knew not Alexander, came into his rights. A wonderful friendship it must have been to survive such changes. That there was friendship between Sir Æneas and John, eleventh earl, when he was working up his party for the rising, which eventually came off in 1715, is very probable.

Clanchattan, To which M'Lean answered That if there was any such Decision as he believed there might, M'Intosh has no interest to plead it, for says he, tho' your predecessor was married to a Daughter of the family of Clanchattan, the generality of the kindred considered him as a stranger and did not own him for their chieff. That M'Donnell gave him the command of some of the people and called him their captain, But said M'Lean neither that nor any thing else without taking of the name could entytle him their Cheiff.

That no Chieff in the whole Kingdom ever had or affected such a Designation; That the Captain of Dunstaffnage for instance was but the hereditary Keeper of a castle, and the Captain of the Clan Ranald only appointed Leader of that branch of the M'Donnells, as M'Intosh was of the fragment of the Clanchattan that adhered to him; But that neither Moidart nor Dunstaffnage pretended to be Chieff in virtue of that Title, nor no more could he. Adding withall, that if he had any just competitor, any that could plead the benefite of that sentence, it was M'Ewan of Cluny who was of the other side and not there to Dispute it.

Thus far that Debate, the substance whereof I have heard many a time, related by old Gillecame of Phoiness,<sup>1</sup> Thomas of Eteris<sup>2</sup> and the Laird of Wardes<sup>3</sup> one of the best geneologists in the whole Kingdome. But more particularly of late by the present Laird of M'Lean,<sup>4</sup> one of the most knowing and accomplished gentlemen of our age and nation.

From which, I observe, first, That M'Intosh was never owned by the whole family, 2<sup>dly</sup> That he was not called Chieff but Captain, 3<sup>lie</sup> That Chieff and Captain are as far from being the same as the M'Intoshes commonly apprehend, but are almost as different as that of King and Constable, the one

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<sup>1</sup> The author of the severe saying on the title-page. He was born about 1579. He was 'old and unable to travel' in 1644. His eldest son Donald was out with Montrose in 1644. Gillicallum's wife was a daughter of Robertson of Clune in Atholl.—*Macpherson Manuscript Genealogy*, as taken from manuscripts of the late James Macpherson of the family of Phoness.

<sup>2</sup> Thomas Macpherson of Eteris confessed being at Alford, at Aberdeen, and at Lethen, and did subscribe papers at the marquis's desire.—*Register Morav.* His subscribing papers suggests scholarship.

<sup>3</sup> See previous note and Index.

<sup>4</sup> *Ibid.*

being a mere office at the disposal of any that has power or authority to grant it, and competent as well to strangers as relations, whereas the other is a Title of honour jointly peculiar to the name and blood which no King or Emperor can transmit. 4<sup>ly</sup>. That at the time of Harlaw your predecessor was Reputed Chieff, tho. M'Intosh was called the Captain. But Lastly and chiefly.

That our family was not only not with the M'Intoshes at Harlaw, but on the contrair with the King's general against him and the other Rebels, which I humbly suppose is proved by such presumptions, not to speak of this last positive proof, as may be sustained equivalent to a full probation in any court of Christendom. So much I hope may suffice for this point. I come now in the next place to vindicate your Title and the justice of your sentence against the idle exceptions of your adversaries.

#### SECT. IX

*That your Title is good and the sentence pronounced in your behalf, free of Injustice and partiality.*<sup>1</sup>

After all that may be said, these gentlemen have too much of the copper colour in their complexion to be put to silence.

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<sup>1</sup> The reference is to proceedings taken in 1672 by Duncan Macpherson of Cluny to have his arms matriculated as 'Laird of Clunie Macphersone, and the only true representer of the ancient and honorable familie of the Clan Chattane.' This he obtained, and the Privy Council held him bound for his clan under the designation of Lord of Cluny and chief of the Macphersons. Mackintosh immediately applied to the Lyon Office and to the Privy Council to have his own title declared and those titles given to Macpherson recalled. Both parties were then called on to produce evidence. Macpherson had nothing to produce but tradition. Mackintosh had much documentary evidence as to his title to captaincy and chiefship covering a long period. The Council at length gave a decision which, says Skene, 'was as just a one as in the circumstances of the case could be expected of them.' The judgment was in the following terms. 'The Lords of Privy Council upon consideration of a petition presented by Duncan Macpherson of Cluny and the Laird of Mackintosh doe ordain M'Intosh to give bond in these terms vis. for those of his clan, his vassals, those descendit of his family, his men, tenants and servants, or dwelling upon his ground; and ordaine Cluny to give bond for those of his name of Macpherson, descendit of his family,

They'll still have something to say, tho' not against the Loyalty of your family, at least against your sentence and your Title, which upon examination will be found altogether calumnious, or nothing to the purpose.

The Council, they say, at the pronouncing of that sentence were all of your side and shewed manifest partiality in deciding in your behalf, notwithstanding it be notoriously known that except the Earl Marishal, you had not one friend at the Council board, on whom you had any reason to rely. My Lord Newark<sup>1</sup> tis true to whom you had made no manner of application was pleased to ask in face of Councill, what relation you had to Collonel Ewan M'Pherson of Cluny, who had so seasonably joined the Marquis of Montrose in the King's Service, and when he was told that you were his eldest son, he was pleased to say, That you had no dishonour by that Relation, adding, that your Father was a gentleman of great worth and honour, as meek as a Lamb, and as bold as a Lion, and in all things so well qualified for the military employ, that if he had got but the half of his education might have passed for a general in any part of Christendome; farther adding, that it was no small piece of impudence in the other gentleman,<sup>2</sup> for so he called M'Intosh, to Debate with his son for the Chieftanrie of the Clanchattan. That who'ere might pretend to be their Captain, in time of peace, to his knowledge Cluny was their Captain in time of Warr, when the King and Country had occasion for their service. And all this out of no sort of Interest or friendship but purely owing to the Justice of your Cause, whereas your adversary the Laird of M'Intosh had the

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his men, tenants and servants, but (without) prejudice always to the Laird of M'Intosh, bonds of relief against such of the name of Macpherson who are his vassals (Sub<sup>d</sup>) ROTHES.<sup>3</sup>

Upon this decision the arms were likewise recalled and those of the Macphersons again matriculated as those of Macpherson of Cluny.—Skene's *Highlanders*, vol. ii. pp. 185-187. See also Kinrara's account of the matter in *Macfarlane's Genealogical Collections*, Scottish History Society, vol. xxxiii.

<sup>1</sup> David Leslie who defeated Montrose at Philiphaugh and Carbisdale. He was created Lord Newark in 1661. His support of Cluny, whose father fought against him on the side of Montrose, seems generous.

<sup>2</sup> This was Lachlane Mackintosh, twentieth laird, a man of great importance to the clan.

Earl of Weem, whom he called his Brother,<sup>1</sup> as being come of another son of the Thane of Fyfe, the Earl of Rothies<sup>2</sup> who was then Chancellor, and married to Weeymsses Daughter, and consequently most of all the Council ready to decide for him, if he had had any shadow of Law or reason of his side.

Nay so confident was M'Intosh of his stock of friendship at that time, that he came to the Barr, not to dispute his Title, but to crow it over you, and yet such was the Justice of your cause, that after three full days Debate of the Lawyers of both sides, who at that time were as great men as professed their trade in Europe, the Lords gave their positive sentence in your behalf.

But the matter did not rest there, M'Intosh run to and again among his friends, like a wild Boar robbed of his Cubbs, and just as we were readie to Extrait our Decreet, a stop was produced under the Chancellor's hand, and a new day appointed for a second Hearing, and as Troubles and afflictions seldom come single, this piece of bad news was seconded with a worse. The Clerk told us, that the Earl of Weemyss had sent several expresses for his absent friends, who returned him their assurance to be at the Councill Board that day on M'Intosh his account, so that we lookt upon our cause and consequently ourselves as for ever lost. And you may remember what you were advised to do in that extremity. But the justice of Heaven with the good help of the few friends you had, made his second muster as ineffectual as the former. †

For after a new and strenuous Debate that lasted two days more, both parties being at last called in, were told by the Chancellor, that the Lords adhered to their former sentence, farther adding, That they declared them different familys, independent of one another, ordering the Laird of M'Intosh to bind for the peaceable deppartment of his own clann and family, and you for yours. Whereby instead of one Decreit

<sup>1</sup> David second Earl of Wemyss, served heir-general of his father in 1655. The family claim descent from M'Duff.

<sup>2</sup> John, sixth Earl of Rothies, was made Chancellor in 1667. He became Duke of Rothies, but not till 1680, after this case was decided. Douglas gives his wife as Lady Anne Lindsay, daughter of John Earl of Crawford-Lindsay. His funeral impoverished his successors for generations.

and victory with which you were like to be contented, you obtained two, and your adversarie forced to leave the field in much confusion and disorder.

It was taken notice of at this time, that the Earl Marishal<sup>1</sup> never appeared more like himself, and a stanch friend than on this occasion. In the first Debate his Lordship was cool and calm, trusting to the Justice of the Council, but foreseeing now by the Chancellor and the general air and disposition of the Council, how matters were like to goe, he did not think it safe to wait till it came to his turn to give his vote, but stood up and told the Chancellor \* ‘That he humbly supposed it was manifest to their Lo.p. from what was said in behalf of M‘Intosh, that his pretence of being Chieff of the Clanchattone was no more than that his predecessor was married to a Daughter of the family whom he was pleased to call ane heiress. Therefore desired their Lordships might consider :

‘That if they sustained that alone sufficient to make a chieff, without taking of the name and bearing of the family, it might be of dangerous consequence to those of any Quality in the Kingdom. There was,’ he said, ‘few or none at that Councill board, but had the honour to be Chieffs or Heads of very considerable familys, and he hoped that for their own sakes, their Lordships would be tender of making a precedent in Cluny’s case, that in time might reach themselves.

‘But besides this,’ said my Lord, ‘and what else has been urged in behalf of the Laird of Cluny by his learned Lawyers from the Justice of his cause, I reckon myself obliged in virtue of my alledgiance to tell your Lordships, that it may not be for the King our master’s service, that this Honourable Board by any act or Deed of theirs fix the Dependence of this worthy Loyal family on any other of a contrair temper, who may not fail so far as they have authority to debauch their principles and misemploy their services.’

This short and sententious speech was so seasonable and well timed, that however the Council might have been dis-

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\* The Earl Marishal his speech before the Privy Council in behalf of the Laird of Clunie.

<sup>1</sup> See Index—‘Marishall.’

posed before their sitting to have favoured M'Intosh, they were of a sudden brought to their right, and unanimously, excepting the Earl of Weymss and other two, adhered to their first sentence; and how far your noble friend the Earl of Marishal had proved a prophet if M'Intosh had prevailed against you at that time, may be easily judged by his carriage and Department since,\* for no sooner was the Prince of Orange landed and the news come to Scotland, but that forthwith he wrote to his Kinsmen of any Rank or Quality (as one of the best of 'em told me) In which he signified his<sup>1</sup> intention to Declair for O. peremptorly ordering them to meet him by such a day, in such a place, that they might consider what force to raise, and how and after what manner carrie on the work. And not content with that, so far did his zeal transport him for the good old cause, that he had the indiscretion to send another of the same strain to you, as his supposed Kinsman (which you were pleased to shew me), without regard to your Solemn Decreet and Sentence, or, that if you had a mind to take the field you were capable to form a Regiment

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\* The Laird of M'Intosh declared for the Prince of Orange against his lawful sovereigne, on the first intimation of his landing.

<sup>1</sup> Whether Mackintosh were as prompt as our author makes him in joining the Prince of Orange is a question. Claverhouse was anxious to conciliate Mackintosh, and in one of his letters to Cluny he says: 'The gentry must march themselves, and I expect 400 men and no expenses will be allowed. M'Intosh, Grant, and all must come out.' It would seem that Mackintosh had tried to stop the rising under Claverhouse, professing to quote the Duke of Gordon. In another letter to Cluny Dundee writes, 'That M'Kintosh is a lying rogue. The Duke of Gordon gave him no comision to forbid you to ryse. I spoke with one that saw him on Thursday last, and was in the castle as well as M'Kintosh. This Sir I desyr you will acquaint the country of, and when he came first he said no such thing.' Lord Dunfermline represented Gordon at this time and tells Cluny to 'List the Mackintosh men and gett them out as formerly.' It is clear that Mackintosh fell back from all connection with the rising, and Cluny went forward, though slowly, in union with it. General Cannon gives him warrant from the Duke of Gordon to raise all the men, Mackintoshes, and all who are on the duke's ground. See for many original letters of the time, *Gleanings from the Charter Chest of Cluny Castle*, by Alexander Macpherson, F.S.A.: Inverness, 1889. Certainly Keppoch's burning of Dunachtan was likely to settle Mackintosh against Dundee. Keppoch humbly begged Dundee's forgiveness, and said that he 'would not have abused Mackintosh so, if he had not thought him an enemy to the king as well as to himself.' See *Gramicid*, p. 128.

of your own without his help, and to command them too, as of right you should, independent of him or any other Chieff in the Highlands. From which 'tis plain enough, that if he had got any authority over you, he had certainly so far as he could, have debauched your principals and misemployed your services, which was no other than the Earl Marishal wisely foresaw, and like a good friend and loyal subject seasonably prevented.

So much I think may suffice to vindicate your just and Solemn Sentence from the imputation of partiality. And for their next exception against your Right and Title 'tis scarce worth your while to notice it. The M'phersons, they say, always owned M'Intosh, and never questioned his Title till that time; which is nothing but the old Sophism in a new Dress, answered more than once already, and to be at the trouble to say more were but to plant a piece of ordnance against an Aspine leaf, which naturally has the palsie, and in a short time without our trouble, must fall to the ground at last.

But lest they may be apt to say, that I don't so much slight the objection, as under that pretence endeavour to avoid the force on't, I take the trouble once more to tell you and them, that the fallacie lyes in the general word M'phersone, and from the few of our family that we don't deny from time to time adhered to M'Intosh, they would gladly infer, but very illogically, the submissions of the whole.

If all the family so often and so tamely owned M'Intosh, particularly your predecessors (which they must say and prove or say nothing to the purpose) why were they constant and declared Enemies to all them that did? 'Tis well known that for several ages your predecessors of Cluny and ours of Invereshie, seldom mett or spoke, but when a publick calamity, the Insult or Inroad of some neighbour family obliged them to join for the safetie of the whole, and it was very remarkable, that when the work was over, as they mett without any ceremony or Salute, so they parted.

What could occasion that unhappy Dryness? Their possessions lay forked and at a distance, so that there could be no jealousy or difference arise among them on that head. What

was it that provoked the family of Cluny so justly, in your Grandfather's time, to contrive the utter extirpation of ours?<sup>1</sup> at least of all the Gentry, but our defection from our natural Chieff, and our unjust owning of a Stranger to the prejudice of his just Right.

These things evidently prove, however bold your Enemies are to assert the contrair, that your predecessors never acknowledged M<sup>c</sup>Intosh, but had the heart, as well as the head to be revenged of them that did, and at all times maintained their Right, as you have done yours, tho' in a rougher manner, which leads me naturally and in course to take the promised view of what followed on that Decreet, by which your Right was declared, and your Adversarys for ever after put to silence.

#### SECT. X

##### *The immediate effect and Consequences of the Solemn Decreet and Sentence.*

Having answered your adversary's Cavils and Objections, both against your Sentence, and your Title, I hope to your own and your friends Satisfaction; I come now to consider the immediate consequences of your Decreet: What effect it had, for instance, on your Relations at home, and what on your friends and Enemys abroad. And first.

For your own kindred in and about Badenoch, all of them without the exception of one Recusant, cheerfully submitted to your Right, paying you that respect which is due to your character and station; so much that for twenty years thereafter, there was not a family or Society in the Kingdom more

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<sup>1</sup> This is an important admission as to the falling away of so many from Cluny. See Macphersons Band against Cluny, Introduction; also Invereshie's separation from Cluny (Andrew Macpherson), *Macfarlane's Genealogical Collections*, Scottish History Society, vol. xxxiii. p. 343. 'About this time, John Macpherson, tutor of Invereshie, proposed to abandon Andrew, and to lead all his tribe, commonly called Slighkean vic Ewin and Slighkillies into the service of Mackintosh, yea though Andrew was unwilling. On this condition, however, that William Mackintosh of Borlum should agree to sell to him the lands of Raits for the same price which he himself had given for them.'

united amongst themselves or more affectionate to their Chief, as I trust they continue to this day, tho' I have not the good fortune to be there to witness it. And for your friends abroad, In which number I comprehend disinterested strangers, as well as your neighbour Clanns and familys. All of them not only approved of the Justice of your cause, which for their own sakes they could not well avoid, but likeways highly commended your Resolution in asserting of your Right, and your courage and conduct in the prosecution of it. Only your good friends the M'Intoshes could not away with it but stormed extremly at your success.

As to which you were more than once acquainted by expresses from the Country during your stay at Edinburgh (for you made no haste to be gone as the other did), that the M'Intoshes had several Meetings and Cabals, in which they thundered out their threatnings against you and all your family. If you did not, they said, at your first appearance in the North, Renounce your Right, and the benefite of that Sentence, nothing must serve their Turn, but to enter into open warr with you, Teare your Bearing in your presence, and not leave a M'pherson alive within the compass of twelve months. But this was only in their Liquor; a little sleep and recollection made them more calm. They considered that the M'phersons were then perfectly united, and too hard for them to deal with till time furnished them an opportunity to divide them—the only thing could give them ane advantage over them.

In the mean time seeing nothing else would do, M'Intosh contented himself with the mean resentment of turning some of your kinsmen, who held of him, out of their possessions, and prisoning others for cutting of Greenwood; and having no way to be revenged of Invereshie on his own ground, to deprive him of the multures of two Davachs of Land only, which without any thirlage, were in use to come to Invereshie's miln, more for their own convenience than any friendship to Invereshie.

This mighty design being once formed and approved of by some of his hot-headed friends, Milnwrights were immediately employed to sett up the Machine of the Miln, and at the same

time to precipitate the matter, others were appointed to set up the House. But both of them were, at their first appearance not civilly, according to form, but very rudely, interrupted by Invereshie. M'Intosh, justly enough incensed at this, sent a friend to ask at Invereshie, how or for what he came to stop his men from working on his own ground? who by his particular order were setting up a Miln according to his Right.

To this Invereshie answered, that he did not find himself concerned to dispute M'Intosh his Right; one thing he said he was sure of, that he himself had an undoubted Right, his predecessors and ancestors having had a Miln upon that Brook on which M'Intosh intended to build his own, past memory of man. If M'Intosh pleased to order his Miln to be builded, any where under his, on the same Stream, he would not at all stop the works; But for the Brook above, it was his Aquaduct, prescription had made it his property, and the Law allowed him to defend it, especially considering that the Stream was to be altered from the old channell, which with the change of the ground might lessen his water, and prove prejudicial to his miln. If M'Intosh thought otherways, he desired the Gentleman to tell the Laird, that if he pleased to give a Certificate under his hand, declaring, that if at any time M'Intosh his miln was found prejudicial to his, in such a case it should be lawful for Invereshie without any process or hazard of a Riot, to pull down M'Intosh his miln, he should have free liberty to build it where he pleased, otherways 'twas but excusable in him to maintain his right the best way he could. To which M'Intosh Replied. That he would never comply with that Demand of Invereshies, that it was too much for a Kinsman to ask, and he would let him know that he was still his chieff, for he flattered himself with the empty fancy of being so, notwithstanding all had past. Shortly thereafter Tradesmen were sent not once but several times with strong Guards to carrie on the work, who were as often interrupted and sent a packing by Invereshie.

This being lookt upon by M'Intosh as no small indignity, and thinking that his Credite was not a little concerned to have the work accomplished, Gathered together all the force

and strength he was able to make, and came himself in person at their head, believing that his presence might animate his men to go on, as it did, but they were scarce well begun when they were fain to leave off.

Invereshie upon the first notice of their appearance had put the fire cross up and down the Country, with so much dispatch and expedition, that ere M'Intosh his rear came up, you were yourself upon the spott with 7. or 800 of your Kinsmen, whereupon M'Intosh finding himself at such a visible disadvantage (for he did not think that all the M'Phersons would have appeared against him) retired with his men a mile off to a small village called Dalnevert, leaving you and yours possessed of the ground, and in the meantime shamefully enough, sent an express to the Laird of Grant for a supply of men, and to the Laird of Invercauld<sup>1</sup> also, tho' he was Invereshie's Uncle by the mother.

The Laird of Grant<sup>2</sup> being but young at this time and unwilling to trust his own Judgement in ane affair of such importance, sent in all haste for the most special of his friends to ask their advice upon that emergencie. After most of them were come and the case stated, such as favoured M'Intosh were positive that the Laird was obliged in honour, considering his relation to M'Intosh (for both familys were mutually come of one another by marriages) to send 4 or 500 men to M'Intosh his assistance on such a pressing occasion, and finding their chieff at that time not much averse, but rather very much inclined to follow their opinion, they sent of themselves a gentleman in all haste to M'Intosh, assuring him that next day twixt 8. and 9. in the morning he might expect 500 of their name and family to join him.

Upon this assurance M'Intosh dispatched another immedi-

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<sup>1</sup> See for the connection previous note in Life of Sir Æneas on Sir Robert Farquharson.

<sup>2</sup> Ludovic Grant of Freuchy succeeded his father James laird of Grant in 1663. In later life it is said of him: 'He was a man of publick spirit and awful mien, reckoned the best of chiftans, commanding with authority and love, on all occasions ready to express his mind with freedom.' He was a thorough-going supporter of the Prince of Orange.—*Macfarlane's Genealogical Collections*, Scottish History Society, vol. xxxiii. p. 115.

atly to you peremptorly ordering you and your friends forthwith to leave his ground and property, or prepare for battle again tomorrow's morning. This as you remember obliged you pretty timely to draw up your men twixt him and the miln on M'Intoshe's ground, where you stood posted for a great many hours readie to receive him.

But this proved a false alarm, for no sooner were the old men of the name of Grant come up, who knew the world and their chiefs interest better, but the Laird was quite of another mind.

\* 'If the Dispute' said Achachiernaik,<sup>1</sup> one of the oldest and wisest men of the family, 'were betwixt the M'Intoshes and M'Donnels, betwixt them and the Frasers or any other clann or family that lived at a distance, it were no great matter' said he, 'if in such a case we should give them some assistance. But' says he, 'to assist M'Intosh against Clunie and the M'phersons, were no other but to assist our professed enemies against our best and nearest friends. We have had,' said he, 'several bloodie quarrels with the M'Intoshes and almost with all the familys of the Highlands, some time one, sometimes another, as the M'phersons likewise have had, But, which is a kind of wonder,' says he, 'and not to be matched in the whole Kingdom, for full 400 years, that we have been their nighest neighbours, there has not been so much as one Slaughter betwixt the M'phersons and us, or us and them. A Blessing that has been handed down to us by them that came before us, and should be transmitted by us with equal care to such as come after us. The M'phersons,' said he, 'are a downright honest people, hates trick and cheat, the best and firmest friends can be, but where they have a just prejudice, fierce and implacable Enemies. And if we,' said he, 'but once exasperate them and engage in blood with them, as God forbid we should, there may be a Warr begun in our time by

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\* The Grants and the M'Phersons always kind and friendly neighbours.

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<sup>1</sup> James Grant of Auchernich appears in the *Acts Parl. Scot.* at this time. The family were a branch of Grant of Grant, and the property is only about three miles from Castle Grant on the opposite side of the river above the Grantown bridge.

our own folly and indiscretion that perchance may only end with the end and utter extirpation of one of the two families: for these reasons, gentlemen,' said he, 'my opinion is, that our chieff send an Express to M'Intosh to tell him in plain language, that he has no freedom to join with any against Cluny and his family, that they have been his kind and friendly neighbours for several past ages, and not fitt or just that he should disoblige them, that his advice is, that M'Intosh accomodate the matter and not keep up a difference with Invereshie for a trifle.'

This was Grant's Resolution, who young as he was, gave in that and other things no small indications of what he was to prove there after. For some times it shews no less mettle and discretion to take a good advice than to give one.

But M'Intosh promised himself a better answer from his Brother in Law, the Laird of Invercauld,<sup>1</sup> tho' in effect it proved worse, being the same upon the matter, but rougher in the manner. 'He bidd the Messenger tell M'Intosh that if he thought he could be persuaded to fight against his own blood against Invereshie who was his own Sister's son only because he kissed M'Intoshe's sister (which he expressed in the rudest terms could be)\* he was, he said, very much mistaken. He knew that M'Intosh had several friends very capable to advise him, but that he himself was headstrong and ungovernable else it was not to be supposed that he would take such ridiculous means and disoblige a gentleman of Invereshies Quality for so inconsiderable a matter.'

Both these answers coming much about a time had almost put M'Intosh beside himself, and the rather that he could not make good the Challenge sent to you, at the time appointed.

On the other hand your patience was almost broke, and your friends breathed nothing but to be at them right or

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\* The Laird of Invercauld refuses to assist M'Intosh against Cluny and the M'Phersons.

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<sup>1</sup> Alexander Farquharson of Wardess, and afterwards, on his brother's death, of Invercauld, married Elizabeth, daughter of William, eighteenth chief, and sister of Lachlan, nineteenth chief of Mackintosh—Shaw's *Mackintosh and Clan Chattan*, p. 347.

wrong. It was destined, they said, that there was a day of battle to be betwixt them and the M'Intoshes, and they could see no reason why it should be avoided at that time. Upon this, that you might soften their temper, and put them in hope it might be so, two of your number were dispatched to M'Intosh, to ask of him what he resolved to do, or how long you were to expect his coming according to his message. But by this time he was become better-natured; that message, he said, was not sent by him, but without his knowledge by some bussie persons, that he always inclined to have that difference taken away in a friendly manner.

That for that end he had named three friends, and desired you might appoint as many more, who might discourse the matter, and bring it to some conclusion. Which being done, M'Intosh at last, after his fifteen days campaign in the middle of October was persuaded to give the Declaration craved at first by Invereshie. Upon which you and your friends departed to your several homes, with no small honour and reputation, leaving M'Intosh time and opportunity to finish his tedious and troublesome undertaking.

This passage and Transaction of your life, I was myself a witness to, and have reckoned not amiss to insert it in this place, not to inform you of what you know already, but to be a lasting Testimony to your friends and their posterity of what you and they are able to do, whilst you are as you were then of one heart and mind, and how little it may be in the power of your enemys to do you any hurt, and I think if there was nothing else to persuade you to continue as you were, affectionate to one another, but the peace and quiet that followed upon this single instance and example of your friendship it might suffice to do it.

For twenty years thereafter at least there was not only a cessation from all hostile actions betwixt you and the M'Intoshes, but likeways from all insulting and provoking language, no publick disputes were heard against your Right, or the Justice of your Title, nor so much, so far as we could hear, as a whisper of their own, but during this time a profound silence as to both, till now of late (encouraged by the advantage of the times) they begin to sett up their old preten-

sions and are full of their expectations, that you may be prevailed upon to Renounce your Right.

## SECT. XI

*The M'Intoshes nothing doubtfull, but you may be persuaded to give up your Right. The absurditie and insolence of their proposals on that head exposed and Ridiculed.*

That you are to make up a new friendship with M'Intosh, and to own him as Chieff upon his assuming the name of Cathone in conjunction with his own, was told me lately by one of the chief projectors, not as ane emptie wish or a remote conjecture but as a thing so far concluded alreadie, that it stuck only at Invercauld, who, as my author said, was turned very insolent of late.

That he debated with the young Laird of M'Intosh, with whom as he was pleased to say it did not become him to contend, and that in this grand affair, which according to him concerns the honour of the Clanchattone so much, he would not submit to the general measures, except forsooth, you gave him your precedency.

He acknowledged, he said, that you had Quality and Antiquity of your side, but Invercauld had gott a deall of wealth which had swelled him so much in his own conceit, that it was to be feared he would not yeild it, but hoped, he said, that you would be better-natured and shew some more concern for the general good. Adding, that he left it to me in case of ane extremity, to think of some expedient might please both partys, if it was but such another as M'Donnell fell upon in the controversie betwixt M'Lean and the Chieff of the Clanchatton.

Here indeed I stopt my friend, and told him that it was to no purpose for him or any else to talk to me of that affair. What Cluny does of himself, said I, I am not bound to answer for, nor can it touch my honour, but assure yourself, said I, that if Invercauld was Master of all Deeside, from the Upper Bridge to the Town of Fittie,<sup>1</sup> except he have something else to say, with my consent Clunie shall never give him precedencie

<sup>1</sup> A village at the mouth of the Dee, now part of Aberdeen.

in any part of Christendome. If Invercauld was rich and had got a good estate, what then? said I, it is only for himself, and puts Clunie under no sort of obligation.

My friend finding me thus warm, seemed to have repented that he was so free, and was very careful to talk no more of this general project any time thereafter, in which he was certainly in the right, for we were not like to agree on that unwealdie subject, tho' in all things else that may concern his honour or his interest, without encroaching upon yours, I have promised to be in his hand, and will be sure to serve him all I can.

But in this affair so often mis-called the general good, I declair in the sight of God, now that for quality and antiquity, you stand upon a levall with any chieff in the Highlands, considering the honour you have alreadie gained by asserting of your Right, both to yourself and family, and the probable measures that are taken to make you more considerable, I would not be the villain that would advise you to renounce your Right for any friend his Estate, far less for any assistance he is capable to give me for the recovery of my own.—Nay, not to save my life at present, prisoner as I am, if that was made the condition on't. And I hope your other Kinsmen, who have the luck to be better stated, may be no less careful of your honour, and firm and faithful to your service.

But yet at the same time, I want not my own fears, that M'Intosh must have a partie among you, some treacherous friend or other that has undertaken to influence you, else 'tis morally impossible, that M'Intosh himself or any other in his name, would have the confidence to make such ridiculous proposals.

I have often told you that it is the grand politick of your Enemys to divide you among yourselves. The ambition of some and insatiate avarice of others have furnished them ane easie handle to debauch your Kinsmen, which your adversaries from time to time could the better afford to do, that with the heiress of your family, their predecessor had got one of the greatest Estates at that time in the Kingdom, and whilst he has ane Auchlichytte<sup>1</sup> or but a summer Shealling to dispose of,

<sup>1</sup> Achadh leth cheud, *i.e.* 'the plain of fifty,' meaning, I suppose, a pasturage for fifty head of cattle.

may pasture eight or ten cows, there may be still some among us, readie to sacrifice the honour aud wellfare of the family to the worship of Idols, their own private interest. But I hope you 'll have the judgement to distinguish them, and the resolution to brand them with a mark of Infamy, if it is but to make them sensible you know them, and know yourself too well to trust them.

If the M'Intoshes could work their point and bring your family in subjection to their own by discreet and decent methods, I know not who would blame them, because 'tis much their interest it should be so, but their proposals on that head are so vain and foolish, and have folded in them such a mean opinion of your sense and the fidelity of your friends, that their insolence can hardly be forgiven them. They may fancie what they please, but as you are stated, you are as much and as truelie Chieff of the Clanchatton as Lochiel is of the Camerons, Balnagoun of the Rosses, etc. having all that they can plead to constitute your right, with the Council's authority superadded, which none of them pretends to.

And such, if it may not offend the M'Intoshes and whether it do or not, I must crave to tell them, that you owe no precedencie to M'Intosh himself, bnt on the contrair, reckon which way he will, he owes it unto you, so that to challenge it for his son or for Invercauld, whom they themselves believe a cadet of their family, besides the absurdity of the thing seems to me very unwise and impolitick. For if you have any fragment left you of the heart and mettle of your ancestors, they could hardly think of a worse way to bring you to their hand. But herein I desire not to be mistaken, as if I insisted on this out of any prejudice to the Laird of Invercauld, I do assure any that may be of that opinion, that 'tis only in defence of your just Right. Invercauld is a gentleman I am bound on many accounts to honour and respect, and for whom I may venture to say, that tho. he be not of that standing and antiquity as may priviledge him to dispute it with the Chieffs, he has several other advantages may justly intitle him to come in immediatly after them, tho' not among them.

For besides his good Estate, he has founded a very considerable family, distinguished from all others by a different

name, capable to bring a full battallion of good men all of his own blood to the King's service, and I think it may be reckoned bad Heraldrie, if not a certain sort of arrogancie, in any young Laird in the Highlands, or old Laird there, or else where, that owns himself a cadet of any other family to contend with any such, be his Estate and fortune never so large and wide, excepting the cadets of noble familys who are born within the pale of honour, and whose quality and precedencie is or should be known. From which it may be easily concluded, that tho' I stand in this for you, it is not at all with any design to lessen Invercauld, but to do you both the right I should, according to my mean capacity.

You may remember what a rough conversation I had on this very account with this Invercauld's father<sup>1</sup> at Inverness Castle, a week or two after his marriage, to the hearing of M'Intosh himself, most of all the gentlemen of his name and the Magistrates of the place.

And I am sure that I shall never forget, that I saw the Laird of Wardes, that Invercauld's father,<sup>2</sup> who best deserved precedencie and respect of any ever came of the Race and family, absolutely refuse to take it of your brother, Andrew of Clunie,<sup>3</sup> when he was but nineteen years of age, a kind of school boy at the College of Aberdeen. They had several accidental meetings but no opportunity of being housed, till Mr. John Forbes,<sup>4</sup> one of the Regents of the College, had

<sup>1</sup> The Invercauld Sir Æneas is dealing with in this passage is John, son of Alexander. Alexander is the father referred to. John was rising to great importance, and married as his third wife Margaret, third daughter of Lord James Murray. His daughter, Anne, married Angus Mackintosh, twenty-second chief.

<sup>2</sup> 'That Invercauld's father,' means Alexander's father, Sir Robert. See Index.

<sup>3</sup> Andrew of Cluny, the original of our frontispiece.

<sup>4</sup> John Forbes? I have been unable to identify this Mr. John Forbes. He answers in so many particulars to Mr. Robert Forbes, that I am inclined to think that the author has made a slip in the name. Robert was 'esteemed the learndest man in Scotland; he was formerly a regent of the New College [Marischal], and was made choice of to make a speech to the King, which he knew not of till past midnight.' He was transferred to King's College in 1663, and died a regent there in 1686 or 1687; he was also sheriff.—*Thomas Kirk's Tour in Scotland*, edited by P. Hume Brown, p. 37. John Forbes, master of the Grammar School, became Professor of Humanity, but he was never, as far as I can learn, a regent of Marischal College, or famous for learning. He was, however, a contemporary of Robert.

invited them both to dinner, and one or two of his Brethren Regents to keep them company. When dinner was served, the Landlord according to form, bidd his guests take their seats, pointing at a chair for the Laird of Wardes, he again beckoned to Clunie and pressed him to sitt, which being modestly declined by Clunie, the Landlord renewed his importunity with Wardes, but all to no purpose, he would not so much as hear out, but told Mr. John, that if Clunie knew himself so well as he did, there were, he said, few or no gentlemen in the Kingdom he owed any place to. Clunie then, to avoid being troublesome, did take himself to the end of the back furme, and had the discretion even at that age to leave the chair at the board head for Wardes. And from what passed then in that learned conversation, take the following Abstract of the History of the Clanchattone.

## SECT. XII

*The History and Origin of the clanchattan further confirmed by the concurring Testimonys of the Laird of Wardes and Mr. John Forbes, two of the learndest Antiquarys of the whole Kingdom at that time.*

All ceremony being at length discussed, after they were sett, Wardes entertained the Company for a full hour together with the rise and origin of the Clanchattan, and Clunies just pretensions to be Chieff of that Noble ancient family, who was well seconded by Mr. John, both of them very learned men, but for their skill in chronologie and the rise and pedigree of the ancient familys, were superior to any of their contemporaries in their own country. They differed in some circumstances but agreed in the main.

\*That the Clanchattan<sup>1</sup> were a strong colonie of the ancient

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\* The Laird of Wardes his account of the rise and origin of the Clanchatton.

<sup>1</sup> For notes on this matter, see Introduction.

Chattie or Catthons in Germany, That being drove from thence by another family of that Country assisted by the Emperor, settled themselves first in Holland, called Batavia at that time. But after ane age or twos residence there, finding the country fitter for mechanicks, than men of their martial genius, they embarked for Brittain, and by stress of weather when they designed for England, were fain to land in the North of Scotland in a place always since called in Latine Nessa Cattorum from their landing in it, and in Irish, then the language of the country, Gaullone, because possessed by strangers, both which names the country retains at this day.

That they stayed in Caithness for 4 or 500. years space, during which time they had done many eminent services to the Crown against the Picts, Danes, Britains and the other Enemys of the Scots nation, till Gilli-cattou-moir his time, who being at that time married to a daughter of the Royal family of the Picts, King Brudus his sister, by whom he had many children, was by that allyance in such friendships with the pictish nation, that in that unhappy war, which after a long peace had of a sudden broke out betwixt the Scotts and Picts, in which King Alpine himself and most of the Scots nobility perished, he maintained a neutrality and joined with neither partie.

That when Kenneth the second succeeded his Father Alpine and designed a just revenge against the Picts, He summoned all the nobility to the Royal Standard, and among these Gilli-cattou-moir, or the great, so called by way of Eminence for his large Soule and heroic actions.

That Gillicattou-moir notwithstanding his interest in the Royal Family of the Picts, sent one of his sons with the better half of the family to join his lawfull Sovereign. That before they came up, the Battle was fought bloodily on both sides, and the Scots giving ground, but that the Clanchatton when they came, did so animate their countrymen by their presence and example, that there was a great and glorious victory obtained against the Picts and their name and nation for ever after utterly extinguished.

That most of all the Clanchatton and their valorous Leader were cutt off in this engagement, but that his son who was

likewise there, in consideration of that eminent service was created Knight Marischal of Scotland, of whom the present Earl Marischall and his illustrious family are lineally descended.

That Gillicatton-moir himself died shortly after, and that his other son with the half of the family that had not joined the King's forces, were by advice of Civil Counsellors denounced Rebels, as favourers of the Picts, and after much struggle were forced at last to leave Caithness, but by the mediation of friends, tho' with much adoe had leave to settle in Lochaber, where they continued in great power and splendor, according to the way and manner of these times for several ages, still signalizing themselves by their services to the Crown, as they had an opportunity.

All which said the Laird of Wardes, is at large sett down in the book of Paisley as referred to by Buchanan. The tradition likewise of the remote Highlands, where the History of former ages is best of all preserved, call the Clanchatton to this day *Shiale Geuli-chatton-voir a Gauillow*,<sup>1</sup> That is, the progeny or offspring of Gillicatton-moir of or from Caithness.

\* And agreeable to this account, said Mr. John Forbes, It has been the constant Tradition of the family of Marishal, that they and the Clanchatton are of one stock and Race, all originally of the Chatti in Germany, from whom also the Langrave of Hassin one of the most ancient Princes of the Sacred Empire derives his pedigree, and has a principal House or Castle called Castellum Cattorum to this day.

Farther, adding, that he himself perusing the Earl Marishals Charter Chest, had observed that in some of the ancient monuments and charters of the family their name was written Cathone, that in time it passed from that to Kethon and from that again to Keth, which said he, is not so much a change as an abbreviation of their former name and desired to know how the other branch of the family, the Clanchatton in the Highlands came to be called M'pherson.

That, said the Laird of Wardes, I can soon resolve you of

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\* That account of History confirmed by Mr. John Forbes.

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<sup>1</sup> Modern rendering: *Shiol Ghille Chatain mhoir a Gallubh*=the race of Gille Chatain Mōr from Caithness.

and wonder I did not tell you sooner.\* There was, said he, some ages before M'Intosh married the heiress of the Clanchatton, a second brother of the family whose name was Muirach preferred to place in Halie Kirk, according to the Dialect of these times and made Prior<sup>1</sup> or Parson of Kinguishie in Badenoch. Shortly after his elder Brother the Chieff dying without any heirs male, he was called from his Convent to the Estate and following was married to a daughter of the Thane of Calder's by whom the short time she lived he had a numerous issue.

That he was great grandfather to Dougal Daule the heiress's father, and that his posterity for ever after were called Comurich from his name and Clanpherson in memory of his office.

That the same Muirach, after his return from Palistine, to which he had taken a Pilgrimage, upon his first wifes death, was for his great worth and merite much to the honour of his Countrie Elected King of Lynster in Ireland. And that the Crown continued in his family for several generations, till King Henry the second of England his time, who made a total conquest of Ireland, in virtue of a Right granted to him by one of Muirach's posterity.

And by this means, said he, instead of one name they came in time to have two M'Murich and M'pherson as is said above, and when M'Intosh's predecessor was married to a Daughter of the family, tho' he got the Estate, yet seeing he did not take the name, the Quality and following devolved in course upon the heir male, whom, said he pointing to Clunie, That young gentleman and no other has the honour to represent.

Thus far did both these great men agree about the Pedigree and geneologie of the Clanchatton and our Plebeian heiress, which in all its steps from the first Minnite that our Ancestors left Germany, is as far superior to that of Thanes or any other

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\* How and when Clanchatton came to be M'Pherson.

<sup>1</sup> I am not aware of any direct evidence as to there ever having been a priory or abbey at Kingussie. The name 'abbey' is sometimes used of the ruins of the old church now, and I find in 1600 the mill and 'Abbey Croft set' to Ingram Scott.—*Spalding Club Miscellany*, vol. iv. p. 165.

account our adversarys have to give of themselves as a Thane is above a constable.

Here I crave leave to acquaint my Reader, that at the time of this Interview, I was myself but very young, being just entered into the College under the care of the above named Mr John Forbes my Regent, and could not be presumed to have judgement enough to understand, tho' tis like I might have memory to retain what is here related; the lator being always more early and vigorous in youth, then the former: But considering that during the four years space I was at the College, In the winter time, I had almost the constant conversation of my Regent, and in time of vacation in the summer, was at Wardess Castle with my Grandfather; who took a great deall of pleasure to instruct me in that, and other things: I must have been a very arrant blockhead, if I did not conceive and retain what was so often told me; and unjust to you, and the family, if I did not committ it to writing; for the benefite of posterity.

But to return to my purpose, the Company being ready to part, Cluny addressing himself to Mr John Fforbess his host, thanked him for his kinde intertainment, and the honour he hade done him, in making him acquainted with the Laird of Wardess; and heartily thanked them both, for their good company and edifying conversation: Intreating that, since they hade done him the pleasure and satisfaction to acquaint him with his own Genealogie, and the history of his family to which he said, he was almost a stranger to that time they might be at the trouble to compleat the complement, and (at their leasure) give him in writing, what they knew, and hade to say upon that subject: Which both of them promised, but how farr performed, I don't so well remember.

After your brother was gone, Wardess was pleased to say, that he did not mind that ever he saw a youth, so forward and promissing, that (if he mistook him not) he was the likeliest to assert and recover his right, of any came before him, and if he lived for any time would be found in many things a very extraordinary person. And how far he made good the character shall be the subject of the next Section.

## SECT. XIII

*What use and improvement the famous Andrew of Cluny made of what passed.*

As this discourse gained no small reputation to your brother dureing the time he stayed thereafter at the College; so did it likeways contribute to inspire him with those high and generous thoughts, that (to the astonishment of all that knew him) he begun so soon to put in practise, as (for instance) first he loved dearly to be in the conversation of the best quality, who commonly (in his time) were the worst company, but it was easy and naturall for him, to preserve his virtue,—as the ivy does its greenness in the middle of rubbish. Seconde he maintained his rank all his time, not only against the young lairds and cadets, but the old ones also. Told the Laird of Balnagown,<sup>1</sup> one of the first and best Cheefs in the Kingdome,—upon some difference of that kind happened betwixt them at Edinburgh—that for quality he stood upon even ground with him, and though he did not think it worth while to dispute or struggle for precedency, he would let him understand, it was what he did not owe to him nor any Cheef in the Highlands. 3<sup>ly</sup> He had the charming art to prevaille with all those of his kinsmen, who for severall ages, had adhered<sup>2</sup> to M<sup>c</sup>Intoshe, to renounce him for ever, and own him and him only for their Cheef, in a full and formal bond drawn up for that effect, signed by the deceased John M<sup>c</sup>pherson of Invereshie and all the other gentlemen of the name, and family. 4<sup>ly</sup> When by the King's letter of concurrence and express order he accompanied the present laird of M<sup>c</sup>Intoshe in his expedition against the Laird of Lochiel, at the head of six hundred of his name and blood, after they had agreed on all other termes, and were the length of Garvae, on their March, he had the pressence of mind to stop and send a message to M<sup>c</sup>Intoshe to tell him, that he did not atall grudge to serve his friend or any honest nighbour, but least M<sup>c</sup>Intoshe (after the manner of his ancestors) might be ready to misconstruct

<sup>1</sup> Sir David Ross of Balnagowan.

<sup>2</sup> For relations of leading families of Macphersons with Mackintosh, see Introduction.

his kindness, and place it to the store of duety as a supposed kinsman; he did tell M'Intoshe that except he renounced that shamm pretence, and declaired under his hand that it was on no such consideration, he and the M'phersons went along with him; but as a kind friend and neighbour, for the like service from M'Intoshe, if the M'phersons hade occasion for it, he would go no furdur, so ordered his men to ground their armes, and remain where they were till he received ane answer.<sup>1</sup>

This was a bitter pill to M'Intoshe to swallow, and so hard to be digested that it took a day or two space or the best and wisest of his friends could advise him to it, but down it must at last, he saw your brother resolute; and when he considered how unable he was to deall with Locheall and his confederats, without Clunies assistance, The Declairation (as worded by your brother) was signed and delyvered by M'Intoshe, and you may remember that this and the former paper, or bond of acknowledgement were of no small use and consequence to you in your debate before the Councill.

These were but a small pairt of the early blossomes of that lovely sprigg, by which (as by a sample) it was easie to judge what we were to hope for, if God hade spared him dayes. But *proh dolor*, who can think on it without concern, or relate it to

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<sup>1</sup> Kinrara says Mackintosh 'ordered his camp to be pitched in the town of Kyltire, where several ill considered and unbecoming petitions were made by Andrew Macpherson of Cluny of which some were refused but others (not much to the prejudice of Mackintosh) were granted.'

The following letter, from the Cluny Charter Chest (reproduced in facsimile at p. xxxv) was obtained from Mackintosh on this occasion:

'I Lauchlan M'Intosche of Torcastle doe declair that Andro M'Phersone of Cluny, Lauchlan M'Phersone of Pitmean, and John M'Phersone of Inveressie and thar friends and followers have out of their meir guidwill and pleasure joyned with me at this tyme for recovering of my lands of Glenluy and Locharkag from the Clan Chameron and uther violent possessers therof (according to the Kings commission granted for that effect (and therfor I bind and oblish me and my Friends and followers to assist fortify and joyne with the saids Andro Lauchlan and John M'Phersones in all ther lauchfuls and necessare adoes being therto required by thes subscrivit at Kyltir the twelth day of September j<sup>m</sup> vj<sup>c</sup> sextie and fye yeirs by me befor thir witness Alexander M'Intosche of Connadge and Alexander M'Intosche notar publict in Invernes and William M'Intosche of Corribroch.

L. M'INTOSHE of Torcastell.

A. M'INTOSHE witnes.

WM. M'INTOSHE witnes.'

others without a flood of tears : for so it pleased Providence, that this paragon of his age, the rose and stay of his family, and ornament of his countrey, was snatched away in the Prime of his youth, and (to aggravate our sorrow) buried the same Tuesday he should have married. He was ane Absolom for beauty, a Joseph for contenance, a Tully for Eloquence, and a Jonathan for friendship.\* But least I may be supposed partiall by such as knew him not, take his character from a greater and far better hand, the late Lord Brody,<sup>†</sup> as he expressed it to the hearing of severall persons of quality, at Sir Hugh Campbell of Calders house ; there arysing a discourse of Cluny, after my Lord insisted for some time upon his personall endowments, with the other accomplishments of his mind, (which he said) he seldome or never saw so much trysted in one single person, he shut up the whole with this short Elogie, that, Andrew of Clunie hade all the embellishments of both sexes, without the infirmities of either, and if he hade been born King Charles his son hade made the three nations happy. But leaving this unpleasant digression (which lay so naturally in my way that I could not well avoid it) I come to examine that goodly proposall made by the M'Intoshes in behalf of Invercald, a little better, that their partiality and injustice to us, in that and all things, may be the more apparent.

#### SECT. XIV.

*The former proposall in reference to Invercald furder considered and the partiality and injustice of our adversaries on that and other heads better cleared.*

But if I should grant these gentlemen that you are at no loss by sinking of your family, and submitting to their generall

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\* Andrew of Clunie his just and deserved character.

† The former character more than confirmed by the late Lord Brody.

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<sup>1</sup> Alexander Brodie of Brodie, formerly one of the Commissioners to Breda from the Parliament and Kirk of Scotland, became Lord of Session in 1649. He died 17th April 1680. He is the author of the *Diary of the Laird of Brodie*, first given in Spalding Club *Diaries of the Lairds of Brodie*, where see minute details of his life.

good, and that the family of Invercald stands upon a levell with the family of Cluny, both for quality and antiquity, neither of which I am like to yield to them, till common sense leaves me; I say, even on these supposalls, what reason can be assigned, why you should submitt and give Precedency to Invercald, more than he to you; Are you to have any particular advantage by that agreement, he may lay no claim to? No, that is not so much as thought of. What then can be the reason? for that you must be contented, they give you none, but if it may obleidge them? I'le help them out with two.\*

First they find that Invercald may stand it out, and beleive that you are better natured, and may be easier dealt with. 2<sup>dly</sup> Invercald (as they will have it,) is come of their own family since their Predecessor married the heiress, and being of the blood, they might be excused to be partiall in his behalf.

The M'phersons were never considered as M'Intoshe his kinsmen, but as his Clann, that is (and in their sense) his drudges, according to the common distinction, *Clannichattan agus fuilvickintoshich*,<sup>1</sup> his Clann and those of his blood. But in these they are in the right, the M'phersons are none of his blood; not of his name nor come of his family, and without a manifest bull (that is, stark stareing none-sense) cannot be called his clann.

But if I consider who we have to deall with? this proposeall may seem the less absurd, that without stressing of our memory, we may call the time to mind, when there was scarce a sone of the family, or any that represented one in a direct line, but hade the impudence to juttle it with you, for precedency upon that vain and airy distinction of the Clann and blood, tho. they were fain to drop it with shame enough thereafter. But if they hade used us worse and harder, it must be confessed we hade our selves to thank for it, we hade given them our assistance in former ages so freely and so often, that in time we were (for that our folly and easy temper) justly despysed of them, laughed at by our neighbours, and no less justly become the common subject of sarcasme and satyr to all the

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\* Here our adversariës partialitie sufficiently exposed.

<sup>1</sup> *Clanna Chatain Agus Fuil Mhic an Toisich*=the Clan Chattan and the blood, *i.e.* the family or tribe, of Mackintosh.

Bairds and Rhymers of these times ; as appears by a noted and known distich composed by our highland Pasquin, the famous Anis Nanirh,<sup>1</sup> or Angus the Satyr, which take as follows—

Invin is mur ha tae,  
Clanchattan va kin cheile ;  
Thir chuir sonniss er chath,  
S- ndonis ki prach or fein.

Englised thus—

Just like the Clanchattan,  
That foolish, idle crew ;  
Who always wrackt and sunk themselves  
To serve who'ere they knew.

The M'Intoshes doe not at all challenge this, as said of them, for tho' they make it their business to assume to themselves what is said to the honour of the Clanchattan, their reproaches they let fall ; and if they should pretend to it, it will not do, for I know no family in the world that they did a good office to (excepting once that they joined Argile against the family of Huntly) so of necessity it must have been said (and but too justly said) of ours, considering the unjust improvement was made of this our friendship, by that unfriendly pairty.

For during the time that any of your kinsmen adhered to M'Intoshe, and were considered by him as his Clann, their service was challenged as a humble and ane incumbent dutie, and seldome asked of any of them, as a favour. Nay ! and to that hight of insolence were they come to, even since I remember ; that on a certain tyme, as the present laird of M'Intoshe intended for Brae Lochaber, haveing applied to some of your kinsmen for their company and concurrence, particu-

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<sup>1</sup> The name should be 'Aonghas nan Éisy,' *i.e.* Angus of the Lampoons, or Angus the Satirist. In modern Gaelic the lines would run :

Ionnan is mar a ta  
Clann Chatain bha gun cheill,  
Shior chuir sonais air chach,  
San donas gu brach orra fein.

Literally rendered thus :

Like imprudent Clan Chattan always giving prosperity to others and themselves for ever unfortunate.

larlie the deceast Donald M'pherson of Noid.<sup>1</sup> After M'Intoshe hade been a night or two in Noid's house, at Noidmore, well and splendidly entertained, and pressing for Noid's answer at parture, in a saucy supercilious stile; Noid took him smartle up, and told him they hade done enough already to manifest their kindness to him as a friend and neighbour, and more they did not owe to him. M'Intoshe was so exasperated, that he took up his cane, and offered to baton Noid on his own green \* (as Noid himself told me), notwithstanding that besides his quality (which was second to no cadets on the Banks of the Spey) his sense and goodness and gentlemanlike presence would have gained him a farr other sort of treatment and respect in any pairt of Brittain. And is it possible that you have a kinsman now alive, would be content to see it come to that pass once more? and yet to this and worse, it must come; if you renounce your right, and (to agravate the misfortune) without any imaginable temptation on your side; but on the contrary (as is hinted above) all the dishonour and discouragements can be framed or fancied.

That it is their interest (and much their interest too) that you should join with them, is manifest from the severall bangings they have met with since they were abandoned; from the Grants on the one hand, the M'Donells on the other, and almost from all quarters. But where or when has your loss appeared, since that pretended schism? Is there any Clann or family about you, that has valued you the less or reckoned you the easier prey, because you seperated from the M'Intoshes? I trow not. What is it then you can propose to your self by uniting with them? Your loss I have made als manifest as a sun beame. Where lyes your advantage?

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\* Ane instance of M'Intoshe's insolence, not to be paralelled.

<sup>1</sup> Donald Macpherson of Noid—a property situated between Ruthven Castle and the Bridge at Newtonmore, having some perishing and indistinct remains of antiquity, ecclesiastical and secular—was descended from John, third son of Donald Og. His grandson, Lachlan, succeeded to Cluny on the death of Duncan, the recipient of the *Loyal Dissuasive*. Donald had as his first wife Isabel, daughter of Alexander Rose of Clova. His son William married a daughter of Lachlan Mackintosh of Kinrara, the author of the manuscript of the name. William's son Lachlan succeeded to Cluny, and yielded up some claims to Mackintosh. See Shaw's *Mackintosh and Clan Chattan*.

What are you to have for your Prince's favour, which some time or other is possible to make your fortune? Or what is it that M'Intoshe, or any subject whatsoever is able to give you, for so fair a donation, as that of seven or eight hundred good men (whose number Almighty God increas and prosper) with their posterity for ever, and your self and yours into the bargain.

His whole fortune even at its best, if he would give it you, is but a baggatelle to this, a meer toy and trifle.\* An Estate is soon got, and sooner lost, but a tribe like yours, grows not out of the ground like mushrooms, nor is it to be sett up in ane instant. The King may make a man rich of a sudden, or create ane other a Duke; and (if he pleases) he may make a third both; but it was Almighty God, and he only, could say to Abraham, I'll make of thee a great family or nation. The promise we see was positive, and yet to convince mankind that (in course of Nature) it must be the work of tyme, he took many ane age to make it good.

What must be done then, may some among you ask? is M'Intoshe his friendship to be rejected? I say, No! and (I am sure) I mean nothing less. If M'Intoshe will be contented with friendship for friendship, upon ane equall foot of honour, no man shall be readier to consent to it. Taking Gillicallum of Phoyness his cautione still along with you, when you are at Warr with the M'Intoshes, (said he) (and no man knew them better) barr (or bolt) your door once; When in peace and friendship, be sure to bolt it twice. The meaning of this is plain, and wants no explication. A friendship then you see I am for. But any thing else, any sort of dependance, I protest against as what I abhor, and excecrate, and you should not so much as listen to, without showing your indignation. That fort must be very weak, or its captain faint-hearted, that answers a summons of surrender, in any other termes than that of thunder and lightnings, till force or necessity excuse him, which I am sure can never be your case.

Having thus farr made good my undertaking, that is shewed you first, what you are to pairt with, in case you enter

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\* The whole project, and proposall of uniting the two families, ridiculed, and its absurdities made manifest.

into any new covenant with the M'Intoshes further than a generall friendship. 2<sup>dly</sup> The dismall effects and consequences of such a foull parture. 3<sup>dly</sup> What sort of people you are like to complement with your honour, your liberty and all that is near and dear unto you this side of time? 4<sup>th</sup> Vindicated your title and the honour and loyalty of your family against their idle cabbills and exceptions, in severall instances, which prove to a demonstration, that the M'Intoshes never were your friends, and (profess what they will) design to build upon your ruines. 5<sup>th</sup> Taken notice of the immediat consequences of your solemne sentence, what effect it hade with your own relations at home? and what with your friends and neighbours abroad? adding likewise here and there some few digressions, I hope may not be unacceptable to you or any others into whose hands these few sheets may fall. I come now in the last place (according to promise) to give some directions, if rightly observed, may help you to avoid their snare, and disappoint their malice.

## SECT. XV

*Contains the Directions, as Distinguished in the following paragraphs.*

First give me leave to recommend to you, that without delay you make a compleat survey of all the differences of the family, great and small, and make what heast you can to accomodate them, with the help and assistance of the wisest of your friends; \* so shall you clean your watters, of that mudd which invites your enemies to fish in them, and secure your self and family from any myne to be sprung up against you, of your own powder. Nothing is reckoned more dangerous in the hand of ane adversarie, then your own weapon. And if you'le have but the art to preserve your self against your self, that is, keep your friends at a right understanding amongst themselves so as some of them may not be employed against the other, Take my word on't, you'le pairt the Serpent and the sting; I mean your adversaries, with that advantage, that it shall never be in their power to doe you any harme.

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\* Suffer no differences to be for any time among your friends.

## DIRECTION SECOND

When you 'le fall upon this wholesome course, see that you absolutely decline to be Judge your self of any of their differences, in the first instance at least, but single out nine of the best and discretest of your friends, three of each family, who may have full power and authority by consent of all, to determine such contraversies as are, or may happen to aryse amongst them, but still under your umpeerage, in caice of any varience or difficultie amongst the arbitrators, except it so happens, that you are pairty your self, in which case your only course and remedy must be to call for the aid and assistance of some friendlie neighbour.—The Laird of Grant (for instance) or some other such who has ane affection for the family and may be at the trouble to examine matters strictly, judge impartially, and keep you from the law,—the best office can be done you.

Nothing looks more odd and ominous then a law suit, at the instance of a Cheef against a kinsman, or (*vice versa*) of a kinsman ag<sup>st</sup> a cheef. It shews, as if the one hade lost his justice or authority, or the other his affection, and hade quite renounced his duetie. And it is hard to judge, which of the two, threatens most the ruine and dissolution of a family. But thanks to God for it, there is the less of this to be feared in your case, that the grand difference<sup>1</sup> betwixt you and your cousine Noid, is once happily composed (as I am told it is) for which I shall be sure to bless and serve him all I can, for ever after, and not only him, but all the unbyassed instruments of that friendship. Some would indeed persaude me, that the M'Intoshes hade no small hand in it, (a matter hard to be believed) but if true, *Timeo Danaos, et Dona ferentes*, they have certainly a designe upon you, and have served you in this;

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<sup>1</sup> The reference is to the question arising out of the marriage settlement of Duncan's daughter to the laird of Calder's son. She appeared to the clansmen to be about to be dowered with chiefship like the professed position of the original Eva, and the clan, headed by Noid, the heir, came into sharp contention with Duncan. The Macphersons declare 'on their great oath that they will not own, nor countenance any person as the said Duncan Macpherson his representative (failing heirs male of his body), excepting William Macpherson of Noid, who is his true lineal successor.' See *Thane of Cawdor*, p. 37. William of Noid heads the list. The date is 14th March 1689.

only for their own ends, as Satan does the Witches, that he may have them to himself at last.

## DIRECTION THIRD

If it so happens (as may be very casual) that a difference betwixt one of your friends, and another, prove too hard for the arbitrators, and come in course to your decision, make it your chief study to avoid partiality,\* have no consideration of persons, or particular families; but in all your actings and deportment, carry as becomes the common parent of the whole, so shall you endear all of them to your interest, and breed a hearty disposition in them to serve you, with the hazard of their lives and fortunes.—The greatest happiness you can propose to yourself on earth.

## DIRECTION FOURTH

When you have brought the matter to this happy pass, and secured your self intirely of the affection of your friends, assert your right with boldness at home amongst them, and abroad amongst your neighbours. Make them all sensible that you know your own strength and quality. The Council has declaired you Chief of the old Clanchattan and three Kings<sup>1</sup> have successively (after other) honoured you as such. And it will show great meanness in you, not to challenge his precedency in your time.

If it is but to be a precedent to your successors? What if your fortune be not so great as other mens? Content your self with this, that it is such as you may, and doe live upon, independent of your competitors. And if so, I can see no reason why you should humbly vail to them, or follow them at the breach; except it could be said, that you save or get something by it, which I suppose may be sooner said then proved, for he that goes in last of a company, where there is any kind of equality payes als much as the first. Not that I desire you should make a bugle for precedency, or struggle for a chair or door; (as some of your acquaintances use to doe)

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\* Particularly to be avoided as a plague or pest.

<sup>1</sup> Charles II., James VII., James VIII.

that other extream is a madness, and were worse and much more ridiculous then the former ; but with ane air of carelessness (except where it is your interest not to disobleidge) take it as you come to, and do not stop or wait for any.

If this is challenged or taken notice of, be not you wanting to justifie both your practise and pretensions.\* Having so many unanswerable arguments furnished you for that end : Particularly (without insisting upon all) you have this to tell them, that the Cheef of the Clanchattan, whom you have now the honour to represent, was (without any dispute) next to the great M'Donell, always the first Gentleman in the Highlands. And what was for so many ages, your predecessors right, must in course be yours, having done nothing to forfault it.

By this easy method, without any sort of charge, you'll have the reputation to have preserved your rank, till it please God you have a fortune sutable, which a little shuffling of the cards may bring about, sooner then you are aware of, and when it is once taken notice of that (on just grounds) you debate it with the Cheefs, the young Lairds and Cadets will not for shame contend with you.

#### DIRECTION FYFTH

Be sure to enter into a firm friendship and confederacy with some of the neighbour † clanns and families, in which the difficultie must be less, that there is scarce any I know of, but may be ready to preffer your friendship to your adversaries. Sir Donald M'donald<sup>1</sup> and the Captain of the Clan Ronald,<sup>2</sup> (to my knowledge) will be proud of your allyance. But if these are too remote ? Glengerrie<sup>3</sup> is nearer hand, and must be much changed if he is not als much yours as his own.

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\* Mantain your right to precedency decently and without noise, in your time, that it may not be challenged as a noveltie in your successors.

† A friendship with some neighbour family convenient for your interest.

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<sup>1</sup> Sir Donald M'Donald, first Baronet of Sleat.

<sup>2</sup> The reference is to Allan Macdonald, twelfth of Clan Ranald. He died of a wound at Sheriffmuir, and was buried at Innerpeffrey. See *Macdonalds of Clan Ranald*, by A. Mackenzie, and *Grameid*, Index.

<sup>3</sup> Alastair Dubh Macdonell, eleventh of Glengarry, a distinguished warrior. See his picture in the *Grameid* in great detail.

You can expect no great friendship of Invercald,<sup>1</sup> considering his relation to M'Intoshe,<sup>2</sup> but Inverey is a mettled independent gentleman, very well worth the gaining, his family in its time, (like your own) has benn constantlie loyall, and if he promises friendship you may safely trust to it.

But above all, the Laird of Grant<sup>3</sup> is fittest for your purpose, first, because he is your nearest neighbour, his friends and yours have now for several ages, drunk of one stream, always been (and I hope may continue to be) of one mind, 2<sup>dly</sup> The M'Intoshes hate him mortally, and he them, consequently of all mankind may be presumed the firmest to your interest and if both your families join heartily together, they and you may live at ease and laugh at all your neighbours.

## DIRECTION SIXTH

For the future make no family allyance with the M'Intoshes that is, give none of your daughters to their children, for two reasons. First, because the daughters of your family are generally very breedy, healthy, and well limbed, and as many children as they have to the M'Intoshes so many enemies are born to the M'Phersons. 2<sup>dly</sup> thereby too much of the mettle and vigour of your family (which all your neighbours knows, is farr above their own) is impairted to theirs.

For proof of this you need only call to minds, how far William Roy of Gask in his time surpassed those of his own family, and at this very day the visible difference both for strength and person that is betwixt such of the M'Intoshes as, by the mother are come of your family and such as are not, is sufficient to confirm it. It is likewise no less convenient for contrarie reasons, that your friends avoid marrying any of their sons to the daughters of that family. *Rectum est sui et obliqui norma*, that is, Right can hardly shew it self without pointing at the wrong.

## DIRECTION SEVENTH

Be carefull to keep your kinsmen in the use and love of

<sup>1</sup> See previous note, Index.

<sup>2</sup> John Farquharson of Inverey. Peter, his successor, was also a man of mettle.

<sup>3</sup> Ludovic, laird of Grant, on the other side of politics from Sir Æneas.

armes,\* you may easily perceive what art and industry is used to unman them by a contrarie practice. But you may with little trouble, and less charge baulk their fancy, if you please. First, begin with your own immediat tennants, and let them know, it is your pleasure that none of them appear in your presence, or at any of the publick meetings, but sufficiently accoutred, either with sword and gunn, or sword, pistol and target. 2<sup>ndly</sup> Communicate your mind and measures herein to the other heritors and cheef tacksmen of the family, that they may take the same course with their tenants, sub-tenants and servants. 3<sup>dly</sup> Be at the charges of two prizes once a year, a gunn and sword, to be shot for by the young men of the name, at two different times, when and where you may reckon most convenient (the publick mercats seem to me the fittest for that purpose, but your other friends may have better judgement in these matters, to whom I submitt my own). I have said the young men of the family, because such as are above the age of thirty, may be presumed expert enough already, and it seems to no purpose to be at any charge to make them so. It is likewise to be considered, that if they are admitted to shoot, they may likewise carry away the prizes, which may prove a discouragement to the youth. But then, 4<sup>thly</sup> let no stranger, (M'Intoshe or other) be privileged to shoot, except they have a prize of a like value to which your kinsmen may have equall access. 5<sup>thly</sup> The number of the shots and shooters (to avoid confusion) is to be stented by your self, or such as you appoint judge of the shooting. 6<sup>thly</sup> That all who are to shoot, excepting servants and the sones of mean and ordinary tennants give in a shilling, which (at the discretion of the Judges) may be employed either for the buying of the next prize, or to be spent immediatly upon the shooters, for drinking the Royall healths, your health, and his health that gained the prize. 7<sup>thly</sup> When the shooting is over, that care may be taken, the Judges gives their sentence fairly, and impartially, then bring the prizes to you, that you may delyver it out of your own hand to the victor, with some mask of ceremony and respect, if it is but to congratulate his good success, and commend his

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\* This use and love of armes among your friends, of great consequence to the standing of the families.

skill, which you may say, you hope he'll be ready to employ for his prince and country as there is occasion. This will make him very proud of his purchase, and breed a generous emulation in his fellows, to be better fitted for the next contest.

## DIRECTION EIGHTH

If at any time you hear that your kind and noble neighbours, the Marquis of Athole,<sup>1</sup> or the Earle of Marr,<sup>\*2</sup> are to have a hunting, wait of them if possible, at the head of five or six score of the best and cleverest of your men, by which you may assure yourself of two main advantages, first, you'll gain extremly on their friendship, for they reckon that a mighty complement, and it is not improbable but that some time or other, you may have occasion for their favour. 2<sup>ndly</sup> your friends shall therby be kept in heart, and in the constant use of armes, then which, nothing can be more for your advantage.

## DIRECTION NYNTH

But lastly and chiefly, give me leave to recommend to you, to keep fair with your superior. Be so far from lessening or disputeing of his right and what is justly due to him, that for his firm friendship, it is no great matter if your kinsman on some urgent occasion, allow him more; but still on the condition of his favour whereof your adversaries seem fork sure to make a purchass. But till he manifestly declairs himself

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\* The generall huntings not to be neglected, but, if possible, duelie attended.

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<sup>1</sup> John second Earl of Atholl and first marquis died in 1703. He had retired from public life after the coming of the Prince of Orange. His son and successor, John, afterwards second marquis, was, however, an active politician, and much looked to. He became the first duke and 'upon a loyal bottom' could raise six thousand of the best men of the kingdom. His second son William, Marquis of Tullibardine, joined Mar in 1715, escaped to France, and returned to Scotland with Prince Charlie when he unfurled the standard at Glenfinnan.

<sup>2</sup> The Earl of Mar of the time was John eleventh earl of the name of Erskine, soon to appear in 1715, as leader of the rising, at the hunting in the Braes of Mar. His life is well known; but it is not so well known that he devised the North and South Bridges of Edinburgh, and the making of a navigable canal between Forth and Clyde. See Douglas's *Peerage*.

and discovers his partiality by his actings, doe not you seem to notice any generall report he's pleased to put upon them.

But if once it appears that he favours them more then your friends. If (for instance) any of your friends are turned out of their possessions by his order, in favours of the M'Intoshes, then indeed it is high time for you to shew your resolution, as to which there can be no particular direction, only in the generall, what ever course you would be ready to take to defend your own life in the last extremity, or to revenge the death and murder of your father. Doe that and more (if such a more were possible) or the meanest of your kinsmen is turned out of his possession. Be carefull that there be no more Pharrs, or Gavas wrested out of your hands, else call to mind, I have told you, that tho. your enemies, may not be hardy enough to attack you all at once, They will turn your kinsmen out of doors pece meal, first one, then ane other, till at last the whole family is mouldered away to nothing, or (which I shall reckon worse than nothing) till they themselves have the absolute ascendent in the countrey. And if it once comes to that unhappy pass, the heretors themselves will be but ane easy prey to your adversaries, when they have not the Tacksmen to support them.

#### THE CONCLUSION

I know not how farr your cousine Noid,\* considering his own good nature and his Lady's influence, may dissent from these measures, but am very sure that all others of any soul or sense of the whole family will be of my opinion; Pitmean (for instance) Mr. Thomas,<sup>1</sup> if alive, Brecochy,<sup>2</sup> Dalifour,<sup>3</sup> Benchar,<sup>4</sup>

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\* Noid is married to a M'Intoshe a daughter of the deceased Kinrara who was uncle to the present M'Intosh.

<sup>1</sup> If 'Mr. Thomas' means Mr. Thomas Macpherson of Pitmean, he must have been nearly a centenarian, for he appears in the Gordon Rental in 1603, and signed by notary the Band to Mackintosh in 1609.

<sup>2</sup> John Macpherson of Breakachy appears as signing his own name with his own hand in the Band of 1609.—*Macfarlane's Genealogical Collections*, Scottish History Society, vol. xxxiii. p. 272. The family is of the Cluny stem, and is sometimes styled of Crubinmore.

<sup>3</sup> Dalafour. See Index for a member of this family.

<sup>4</sup> Benchar. John M'Pherson of Benchar married a cousin of Sir Æneas.

Tho. Dow M'Gillichallum,<sup>1</sup> and severall others, whom to name were tedious, you may safely trust.

Nor are my Cousine Germans<sup>2</sup> to be neglected, they are both men of sense, who, tho they have been unjust to me, or rather just to the family by keeping the fortune in the blood when through the iniquity of the times it was not in my power to have done so myself. I have the charity to believe, that if ever I am in condition to doe them right, they'll doe me no wrong. Naturall affection and the common principles of equity and morallity may obleidge them so far at least. But if it so happens as is very possible that my misfortunes end only with my life, so as I may not be able to pay what is justly due to them, I shall dye the more contented, that the fortune is in the family, and be far from thinking a cousine German a *Diliper Naud*,<sup>3</sup> or ane unnatural successor.

I must tell you that I was lately pressed hard to write in ane other strain to them, but I smelt the designe, and found a way to shift it. Severall ill and hard stories were told of them, and I make no manner of question, but for the same end, (that is, to make the best they can of our decisions) more and worse may be said to them of me. It will (no doubt) be told them that I designe their ruine, and that if there comes a change,<sup>4</sup> it will be in my power to accomplish it.

But to make them aasie on that side, I hereby obleidge my self both on faith and honour, if such a change may come to morrow, to take no advantage on't, but restrict myself to the arbitration and decision of four or fyfe friends of a side to be chosen by mutuall consent. Which (in such a caise) I humbly suppose may be reckoned a favour. And if there

<sup>1</sup> Thomas Dow M'Gillicallum. Is this Thomas of Coraldie, who married Janet, daughter of Alexander Gordon of Arradoul, and had by her seven sons and two daughters? He was the son of Gillicallum, the author of the lines on the title-page.

<sup>2</sup> John Macpherson was the eldest son of John, who was brother to William, the father of Sir Æneas. John Macpherson acquired the lands of Invereshie at this time. The other cousin, Angus, does not appear in the genealogy I have seen. John had a brother Robert. The direct headship of the family passed, on the death of Æneas, to the descendants of his brother William Oig. Æneas is said to have had a natural son Angus.

<sup>3</sup> Dileabair namhaid, *i.e.* hostile legatee.

<sup>4</sup> A change through the restoration of the Stuarts is what is looked for.

comes no change, they are free of a competitor. Let me therefore beseech them that no suggestion of that kind may fright them from their duetie, to the best of men and kings, to you their Cheef, or me, that (now in stead of a better) has the honour to be head of their family.

They know (or may know) that it is the common method of subtile and deceitfull persons, where they have once designed the ruine of a family, they may not overcome by force to doe it by stratagem. Their first attempt will be to divide them amongst themselves. If that faills them, their next is more malicious (having all that hell can furnish to make up the composition) your friends of best capacity, and who are the likeliest of any first to discover, and then to counter their designe) will be reproached with hard names. My cousin John (for instance) according to them must pass for stubborn and ill natured, Angus for notionall and seditious, and so forth of others, for no end but to discredit their advices, and deprive you of their services not unlike the plague of Athens, which (as Thuccidides reports) first seized the Physicians, that when it fell upon the people, they might have none to cure them.

I am now at length come to ane end of this troublesome task, which my duetie first to God, and his Vice Gerent, next to you my Cheef, and in the third place my affection for my friends has sett me to. If it is read with attention, free of that dust and prejudice may be raised against it, by the art and subiltie of your enemies? There are many truths in it may be usefull to the family, and which may gain me (at least) the character of a good and loyall subject, a most faithfull kinsman, and a sincere friend, which is all I covet. If it is not? I am afraid in process of time, you and they or some of your posterity may find me too true a prophet. Which that the Almighty God the Author of all societies may in His mercy avert, and preserve you and your family safe and harmless against the designes and machinations of all your enemies, shall be the constant wish and prayer of (My dear and only Cheef),—Your sincere well wisher, faithfull kinsman and most humble servant.

*The following paper (entituled,*

**THE CASE OF ALLEADGEANCE BRIEFLIE STATED)**

*was written at the end of the former Disswasive, or  
Manuscript, be way of Appendix.*

TO THE LAIRD OF CLUNIE.

SIR,—A certain Gentleman of reputed sense and learning, who it seems, either hade made, or was just upon the point of making a defection from his duetie, wrote lately a short paper by which he endeavours to prove that our submission and swearing alleadgeance to ane usurper or (as he calls him) King *de facto*, is not only lawfull, but a Christian duetie; which paper was very industriously dispersed among the King's friends, (as would appear) with designe at once, to justifie his own practise, and debauch others, for he that makes a false step is ready with the fox in the fable, that hade lost his taill, to advise all others to cut off theirs that he himself may be the less remarkable.

That paper, being at length sent to me by one of my acquaintance, who is pleased to over value some of my other performances, the following answers at his desire was returned to him, and by him to the Author, upon the morrow after.

And because his paper was considered by that pairtie as unanswerable, and with much dilligence spread farr and near, least some of the coppies (which I am told were carried to our Country) may come your length at last, I have thought it, and its answer no improper ane appendix to the present tractal, both which are as followeth. Fare well.

That the usuall and accustomary oaths may be lawfully taken to a *K. de facto*.

Christian duetie (says he) obleidges us to live a Religious and conscientious life. A Religious life, in obedience to God's holy laws, and conscientious, in obedience to the laws of God and man.

God's laws are infinite, and immoveable; man's laws are finite, and revokable. All humane laws (says he) remain with the power that inforced them; for many laws being polliticall, and instituted for the Civill Government that enacted them.

All oaths taken to man in authority, are (says he) in force only whilst their power remains, so that every man (says he) is *ipso facto* absolved from the oath to Magistrates, when that power ceaseth, for all power consists *in facto*,\* *ergo* (says he) oaths may be conscientiously taken to a King *de facto*; because God said, By me Kings reign, etc. Thus farr this Author, The answer is as followeth.

The former case modestly considered.

That Christian duetie obleidges us to live a Religious and Conscientious life, etc., I may not contravert. That Gods laws lykewise (in some sense) may be called Infinite, because His, and immoveable, except only by himself, I shall also grant. Thus farr this ingenious casuist and I are heartily agreed.

But that man's laws because finite, are therefor revockable; except by the same, or ane equivalent authority, I may not so easily yield, for, tho. (as he says) many laws are polliticall and instituted for the Civill Government that enacted them, to infer from this, that all oaths taken to men in Authority are only in force while their power remains, is no other than a plain *non sequitur*. The fallacy lyes in confounding the termes, Power and Authority, which in their own nature are very distinct and different, for as there may be a power without authority, for instance a company of pyrate or bandity, or (which is the same upon the matter) ane usurper may acquire a power, and under that shamm pretence enact shamm laws, but for want of just authority, their laws are not laws nor may they revock former ones made by a lawfull soveraigne, so may there lykewise be ane authority without a power, which has still a just, ane undoubted right to the service and fidelity of its dependents.

For if there is a King *de jure*, (as our casuist seems to acknowledge, by his granting one *de facto*) I am *de jure* his subject, and indispensibly bound by virtue of my naturall alleadgeance, als well as that of my legall, to serve him, and support his right. And if so, I am no less obleidged at all times, to use my outmost dilligence *ope et concilio*, by my assist-

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\* And a miracle was showed to pay tribute to Cæsar.

ance and advice, to recover it when lost. The reason is manifest, my oath is to the Authority, not the power, and whilst that remains of his side, (as it still must for it cannot be taken from him without his own consent) 'tis impossible I can be absolved of my oath, for, *Quod Jure non fit, Impossible est*, what may not be done in law, the law reckons impossible, far less may I take ane oath of the same kind and nature to any other (I mean to ane usurper or King *de facto*) who hade only power without authority, except it may be said, that I may conscientiously and without sin tye myself by oaths to contradictions, which I humblie suppose, one of our casuists sense may not be over ready to affirm.

His Argument in favour of ane usurper or King *de facto*, fetched from our Saviour's paying His share of Cæsar's tribute, is founded upon the supposell of Cæsar's being ane Usurper, which is but a supposall, and plain begging of the question.

For if Cæsar was ane usurper, he must have been so, either in respect of the ancient Royall family, or in respect of the Senate; not the first, because there was none of that line extant to be usurped upon, nor the second because they were themselves usurpers, and being no lawfull government, could not be usurped upon, for there can be no usurpation but against a lawfull Government, because he or they who have no right, (in the eye of the Law) can receive no wrong.

Or if 'tis said that the Authority divolved upon the people, and the Senate as representing the people, by the extirpation of the Royall line, and that thereby their Government *ex post facto*, long before Cæsar's time, even in that case (which tho. I might I shall not at present contravert,) it was in their power either to retain the Government to themselves or (*Quocunque tempore*) to transferr it *jure* and lawfullie to ane other. Consequentlie their sanction and renunciation in behalf of Cæsar (who were then his only just competitors) left him also *de post facto*, a just and lawfull Magistrate, or their supervient right could not make them so. But can our casuist say, or any for him, that this comes home to our case? I think not; for when there is a *medium Impedimentum*, ane undoubted lawful Sovereigne, or any of his descendents extant to plead their right, there can be none divolved upon the people, nor may he who

has a right from them who hade none to give, justly pretend to any, and if our Saviour hade lived under any such, that He would have payed him tribute with or without a miracle (that is, any at all) is more than our Casuist knows, or may war-rantly assert.

Almighty God 'tis true has sometimes said, 'By me Kings reigne,' but we read of no time that He said, By me usurpers reigne; (as is hinted above) ane usurper is no more a King, tho. he calls himself so then a robber is a Magistrate, that of himself and with the consent of his party and adherents arrogantlie without and against all law, assumes the designatione.

## FINIS

*The learned and ingenious Sir John Mackleane<sup>1</sup> made the following remarks upon the forsaid Dissuasive:—*

## REMARKS UPON YOUR MANUSCRIPT

SIR,—Clanchattan and not Clanchatton seems the most proper. Buchanan and others calling them *Cattana tribus*, *Cattana Gens*, and not *Cattona*.

The Remark of the Chiefs of Clanns being the ancient *proceres, magnates Regni*, and by consequence *Conciliarii nati* is excellent, and reasonable. The Princes of Iseraell, being the heads of the tribes is evident.

The peerage in France consisted anciently of 12, who were in themselves princes Pallatine, some of them holding in fie of the King of France as other Princes doe now of the Empire, tho'. absolute Princes, Soveraignes within themselves, as the Duke of Brettagne, Counts of Thelouse, and some of them Ecclesiastick as the Arch Bishop of Reimeise.

The territory of the 12. peers being in process of time (by marriages and otherwayes) annexed to the Crown of France, then the number of peers was augmented. Yet to this day, at

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<sup>1</sup> Married to the author's daughter Mary.

the coronation of the Kings of France, there are so many appointed to represent the primitive 12. peers, who in French are called pairs as equals or companions to the King, etc.

The distinction betwixt the new peers and the Gentry, is, that by their peerage they have their seats in Parliament. The Gentry are called *La Noblesse*, the nobilitie, so that these who are under the Titles generally of Counts and Marquisses in France, are only of the nobility which we call gentry. And even Dukes are created with bare titles without being, which they call *Ducs par Bravett*, or patent, who have no priviledge of peerage, so that the Gentry is still called *L'Ancience Noblesse*, and they were made such by patent, which they call *Letters de Noblesse*.

That our *proceres Regni* were the heads of Clanns before we had any peers, seems confirmed in that the peers who succeeded them, are still called by our Countreymen the Nobility, which termes we have certainly from the commerce we had with the French, amongst whom the Gentry is only called *La Noblesse*, and our communication with France being much older then our Peerage, the *proceres Regni* (who were the heads of Clanns) have been called the Nobility, and the Peers who were made to take up their places in the Convention of the Estates, and Councill, were called by the same name people formerly gave to the *proceres Regni*, for no Scotsman calls the Lords peers, but the noblemen, peers being the English terme, and nobleman the Scotch, so that our ancient noblemen were the *Proceres Regni*, who were no other then what the Princes of Israell were, heads of tribes, etc.

It would seem by the epithet of ancients still given by the French to their noblesse that they were antecedent to the very 12. peers, and that if the modern peers should take upon them the title of noblemen (as they have done in Scotland) yet by the Gentrys being called the ancient nobility, they should still retain what belonged to them, as being the more ancient of the two.

Tho', the Gentry is now in France by creation, that is, when any man for his services to the Crown, or other considerations, is made a gentleman, by the King, by a patent, which they call *lettres de noblesse*, yet the ancient families of the gentry for the greatest part are before any such gentry of creation, for these

families are known, and they produce their rights of their lands, which they have from the Crown, which shows how long they have possess them. And if any man tho' never so rich take upon him the title of gentleman, or noble, in France without being one, he is liable to be punished by the law.

I don't applaud your reason for the Chattis leaving Battavia, as a countrey more fitt for traffick then armes, for tho' it be so now, yet we find that formerly they were a most warlike people, and (if I remember rightly) Cæsar in his commentaries gives them for such, and the Battavi by the fastness of their countrey, and manhood, gave him more trouble then any other nation of the Gauls.

Mackintoshe his being come from the bastard of a son of the Thane of Fife, I don't well understand; for M'duff, Thane of Fife upon his services to Malcolm Kenmore against M'Beath, was (as our Historians, I think, tell us) created Earle of Fife; King Malcolm being the first who followed the English (among whom he was bred up in his exile) in creating of Peers, under the titles of Earles, so that M'duffs forfiture was many ages after that, and was under the title of the Earle of Fife, if I remember, and surnames coming in at the same time with the title of Lord, the Earle of Fife naturally must have taken that of M'duff. If M'Intoshe came of the family before M'duff was created Earle, then his blood must have been restored by the creation, for his services tendered to King Malcolm, if after, then he should be M'duff, and not M'Intoshe.

The tradition I hade of the dispute 'twixt M'Lean, and M'Intoshe, in their march to Harlaw, was, that M'donell going to take possession of the Earledome of Ross by right of the heiress Euphan Lesslie, which Buchannan himself owns, was a just title; raised his friends whom M'Lean commanded under him. But when M'Intoshe joined him, he pretended the command upon a former agreement made 'twixt M'Lean<sup>1</sup> and the

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<sup>1</sup> Eachunn Ruadh, Red Hector M'Lean of Duart is intended, who is said to have led the right at Harlaw, and to have killed Sir Alexander Irvine of Drum, by whom he was himself killed. He was called *nan cath* because of his many battles. In Latin he is *Hector Ruffus belicosus*. In a Brief Genealogical Account of the Family of Maclean (*Macfarlane's Genealogical Collections*, Scottish History Society, vol. xxxiii. p. 126), which Sir John certainly had a hand in compiling, the M'Leans and Irvines are said to have had a custom

Captain of Clanchattan,<sup>1</sup> that M'Lean should have the chief command under M'donell by South Laggan, and the Captain of Clanchattan by north, so that the army marching then northward, the command belonged to him, which M'Lean denied, saying, it was true that the compact was made 'twixt M'Lean and the Chief of Clanchattan, but that he did not look on him as Chief of the Clanchattan, not having the name, and by consequence would have the command in the north, als well as the South, and west. Upon which M'donell fearing the consequences of the decision, and loth to lose either, and trusting to M'Leans experience in warlike matters, being ane old experienced officer, who hade the Epithet of *Echin-roy nika*, by the many battles he hade fought, proposed the Lands of Glenroy in Lochaber to him who would yield, which M'Lean not accepting, M'Intoshe did, and by virtue of that donation got a right to the said Lands, and M'Lean hade the command at Harlaw, where he was killed by Drum Irvin, whom he killed, and by it began a friendship 'twixt the families of sending their horses to one ane other for many ages at their death, as they mutuallie did their swords with the family of Grant, and his body after the battle was carried home to Icolmkill.

I imagine M'donells possessing the Earledom of Ross by force is justifiable, considering the time and circumstances. All authors agree that he hade a just claim to the Earledom,<sup>2</sup> and

of exchanging swords—there is no mention of horses. Such an agreement is also referred to as existing between the Grants and M'Leans. Hector was carried from Harlaw and buried in Iona. Some traditions give M'Lean of Lochbuy as the successful, yet slain, hero of Harlaw. The reading *Echin-roy nika* above should be *Eachunn Ruadh nan Cath*.

<sup>1</sup> Malcolm, tenth laird of Mackintosh and captain of Clan Chattan, joined Donald of the Isles and was a chief leader at Harlaw. For his service there he got from Donald the hereditary right of the lands of Glen Roy and Glenspean, and of the office of steward and bailie of the whole lordship of Lochaber, and was made hereditary steward.—*Macfarlane's Genealogical Collections*, Scottish History Society, vol. xxxiii. p. 184.

<sup>2</sup> There is no question as to the justice of the claim of the Lord of the Isles to the earldom of Ross. Euphemia, Countess of Ross, as heiress of her father William, succeeded in 1370. She had married Sir Walter Lesley in 1367, who is afterwards styled Earl of Ross. They had two children, Alexander, afterwards ninth Earl of Ross, and Margaret, married to Donald, Lord of the Isles. Alexander married Lady Isobel Stewart, daughter of the Duke of Albany, the Regent. By her he had Euphemia, who became a nun. As a nun she was regarded as dead, and the earldom reverted to Margaret her father's sister. Donald of the Isles claimed

that he was denyed common justice by the governor Robert, who looking upon King James then prisoner in England, as no King, looked upon whatever fell to the Crown as falling to himself, so that he would elude M'donells right by having the Earledom devolve to the Crown as *ultimus heres*, and by virtue of it gave it to himself. M'donell hade the same right to it that Euphan Leslie's predecessor hade, who married the heiress of Ross, Earle of Ross, and M'donell's right was afterwards approven of by the King at his return, and by his successors. How farr a subject's defending his just right in the absence of his Prince, is to be justified I dare not take upon me to determine, only it is certain M'Donell hade the right, and the Governour Robert refused him justice, designing the Earledom to himself etc.

For M'Donells giving Glenroy to M'Intoshe on the said occasion, all our countrey traditions assure it,<sup>1</sup> and furdur, they are demonstrations of M'Donells (who was Lord of the Isles) being a Palatine Prince, by his giving Charters. All which were in King James the fifts time, brought in, and new ones given by the King in their place, which I know by particular instances etc.

This needs not raise the vanity of the present M'donells, for their is not one of them has a just pretension to the Cheeftanrie, and as Sir Donald calls himself *ma-i-konell*,<sup>2</sup> I remarked tho' I am not a good judge of the language, that what his family alleadges for their being Cheefs even down shows them but a Cadet, for *Ma-i-konell* is *Mac-vic-konell*, which demonstrates his predecessors to have been only the sone of a sone of *Mac-Konells*, as the near Cadets of my family are called *Mac-vic-Gilean* whereas the head is *Macgillean*, as that of the M'Donells was *Maconell*, so that the Cadets are *Mac-vic-konell* and *mac-vic-Gilean*. And if M'Intoshe is come of

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the earldom in his wife's name. The Regent Albany, grandfather of the nun Euphemia, held the earldom as having reverted to the Crown.

The danger to Scotland of such a power as that of the Isles, augmented by Ross, and supported by English alliance, was very serious and justified opposition to Donald's claim. His son Alexander succeeded peacefully to the earldom after the danger had been met at Harlaw and by the subsequent vigorous action of James I.

<sup>1</sup> See note on Malcolm Mackintosh, p. 101.

<sup>2</sup> Modern, Mac'ic Dhomhnuill, the son of the son of Donald.

the family of M'Duff Earle of Fife, since their forfeiture, he should be *Mac-vic-duffie* and I have seen of the Irish some *Mac-duffie* etc.

M'Intoshes pretensions as Chief of the M'phersons, is ridiculous. A Chief is the stock, or root of a tree, from which the branches spring. Did the M'phersons ever spring from M'Intoshe; if they had, he is a Chief, if not, it is impossible; an heiress may indeed give him an Estate, belonging formerly to her predecessors, but the following he cannot pretend to by her, since it is impossible a man can be Chief of a family, never descended from his. If there be any ingrafting of a branch on the root, it is M'Intoshe who is ingrafted on the M'phersons, since the last are the stock.

M'Intoshe is no more Chief of the M'phersons than the Duke of Athole is Chief of the Stewarts in Athole of which he married the heiress and did not take the name, tho. as he is their superior (had it been only as his friends) they have on severall occasions risen with him, yet it gives him no pretension, nor does he pretend any, to their Chiftanrie.

It may be answered, that tho. he had taken the name of Stewart, he had not been Chief of the Stewarts, yet he had certainly been Chief of that branch of them in Athole, descended of the heiresses' predecessors, which is all one upon the head.

I do not remember M'Duff Earle of Fife<sup>1</sup> after his appeal against Baliol to King Edward of England; but you are in a place where you can inform yourself with the time of his forfeiture, and compare it with M'Intoshe's genealogie.

I don't find how Gillicattan being a clerk came to be father of Doule daule, since Clerach signifies a churchman. That of Muriach is plain enough, for when the family fails, and a churchman only left to Represent it, it is reasonable and

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<sup>1</sup> There was a notable appeal from Baliol by Macduff, uncle of the Earl of Fife, to King Edward. Macduff had been interfering with the lands of his nephew and grand-nephew, and Baliol had decided against him. He appealed to Edward, who compelled Baliol to appear before him, and gave judgment for Macduff. He was never Earl of Fife. He fell at the battle of Falkirk fighting on the side of Wallace. See Douglas's *Peerage*, 'Fife.' The only earls who could have been forfeited in Baliol's time were the eleventh and twelfth: they are supposed to have been identical.

ordinar for popes to dispense with their vows, and obleidge them to return into the world, as is practised every day. I remember that some few years agoe, there was a nun at Paris, the only left of the family of La-Valette,<sup>1</sup> whom the Pope commanded to return into the world, that she might marry and keep up the family. She in obedience came out of the Convent, but next day went and renewed her vows in another, preferring her retreat to all the possessions Henry the 3<sup>rd</sup> of France had conferred on her Grandfather, his favorite.

It seems to me that the heiress was not for so many ages after Muriach as Wardes says in his relation, for, by the *Beanacha-Baird*, Doul her father was only grandchild to Muirach, so that to the great-grandchild, would not take up many years.

Gillicattans eldest brother must certainly have dyed without ishue, and *he* brought from the gown to represent the family, as Muriach was. There are some who might be called Clerke, even without vows as the secular Abbots in France, and others, who have simple benefices even as Priors, who can marry when they will, upon quitting their benefices, which are only provisions for the second sones of great families. I know severall of these Abbots in France, who when their elder brothers have dyed, have quit the Ecclesiastick habit and benefice, as I have know others who have quit them to serve in the army, finding their genious leads them that way.

This clears the M<sup>4</sup>phersons from being Mac-Intaggard,<sup>2</sup> these Abbots and even those Priors having only the Ecclesiatick habite, without any vows, and being the ordinar provision for one of the sones of the great families, even from the

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<sup>1</sup> The reference is to Jehan Louis, son of Monsieur de la Valette, created Duke of Espernon, 1582. His name is prominent in the history of France. See Davila's *History of the Civil Wars of France*, pp. 477-494, English Translation: London, 1647.

<sup>2</sup> Mac-in-Taggart, more properly Mac an t-sagairt, 'Son of the Priest.' Sir John would imply that legitimacy was possible in the son of the clerk or of the parson, but not in the son of the priest. The Earls of Ross, who rose to importance during the decay of the Celtic earls or maormors of Moray, were Mac-in-Taggarts, as descending from Ferchard, known by that name. He rose to importance about 1221, and succeeded an older race of Earls of Ross. It is curious that the two northern earldoms, Moray and Ross, should be thus ecclesiastically descended and related, Sons of Parson, Sons of Priest.

very Princes of the blood, downward, which are all at the King of France his disposall, and is one of the Cheef handles he has to make the great man depend on him for provision for the second brothers, as the army and fleet are two more, since traffick, physick etc. derogate in France.

It comes into my head how odd it is in our language to call Caithness, Gaillon,<sup>1</sup> and Sutherland, Cattone.

I fancy that at their first landing the inhabitants called them Gaules, not only as strangers, but as Gaules as they were, for I'me convinced that the Gaules were the first inhabitants of England, and of them descended the ancient Brittons, and of the very same people are the Scots and Irish descended. That is, if the Celties, from whom the Gaules are descended likewise, who were spread through Spain, Germany, and France, as is proved learnedlie by a Cistertian Monk, one of the greatest antiquaries in the world, in a treatise latelie writt of the origine and language of the Gaules and Celties. Which (just as it was printed) I brought with me, and gave it the Earle of Cromartie.<sup>2</sup> This author, the famous Pere-Pezeron,<sup>3</sup>

<sup>1</sup> There can be little doubt that Sir John is here straining the pronunciation of Gall, a stranger. Caithness became a home for the Norwegian pirates, called the 'strangers.' The Gaelic population under these strangers, or in union with them, bore the name of Gallgaidhel. The term was first applied to the people of Galloway, when the Gaelic population fell under the sway of the then strangers, the Angles. By and by the term Gall became exclusively applied to the Norwegians.—Skene, *Celtic Scotland*, vol. i. p. 311. Sutherland was the southern part of Caithness, not so overrun by the strangers as the level lands and sea coast of modern Caithness. Is not 'Caithness' the battle promontory? It was for ages the battle-ground of the Norse and Celtic peoples.

<sup>2</sup> This is Sir George Mackenzie of Tarbat, born 1630, prominent in attempts to bring about the restoration of Charles II., and afterwards distinguished in his service; created Viscount Tarbat by James II.; refused employment by William, though at last restored to his office as Lord Clerk Register. Queen Anne created him Earl of Cromarty in 1703. He was learned, and was said to be 'one of the most entertaining companions in the world.' He was one of the original Fellows of the Royal Society, and reckoned among its ablest members. His publications embrace themes from the 'Mistaken Advantage of Raising of Money' to an 'Explication of St. John's Revelation.'—Douglas's *Peerage*, 'Cromarty'; Mackay's *Memoirs*, etc.

<sup>3</sup> Père Pezeron (Paul), a chronologist and philologist of France, born 1639 in Brittany, died 10th October 1706. Entering the Cistercian order in 1661 at Prières; in 1677 he became sub-prior in the college of his order in Paris, and was admitted doctor in 1682. He held a chair of theology up to 1697. Louis XIV.

traces them up to Gomer the sone of Japhet, in all their progress from the East, to all their plantations, only he does not know that the Irish and Scots are descended of them, tho' it is evident to any that understand our language.

He says the old language of the Gaules is only retained in Little Brittain and Wales, and he shows what the Greek and Latins have borrowed from the Celtick language. There is not one word of twenty of the originall words, that I have not remarked to be perfect Irish, and my remark is confirmed, that (if I do not mistake) Buchannan says, *Prisci Scoti utuntur antiqua Lingua Gallica*. Before I left France I sett some of the most learned of the Irish upon a Conference with Pere Pezeron who in his Tractate does not mention the Irish, and really knows nothing of them as descended of the Celties, tho' he speaks fully of the Celtiberians in Spain.

I cannot pass by his derivation of Albion, which puzzled our Brittish Historians so much, which he brings from Alb, and Alp, which in the old Gallick language signifies white as it is most naturall, that ane Island should have been first inhabited from the nearest Continent, so Britton should be from Gallia Armorica, and from Bologne and Calais. I have myself remarked that Dover Cliffs, which are the most conspicuous and first in view, seem white as chalk. This little Treatise of Pezeron's I put into my Lord Cromarties hands, who (if he had a little time from his more weighty affairs) is the most capable of any of our nation to make just remarks upon it.

He says too, that Britt or Bricht in that language signifies party coloured, and from it derives Brittons, which seems confirmed by their painting their bodies as Cæsar found them.

Now to return, as at their landing, the inhabitants first called them Gauls before they knew their particular denomina-

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appointed him to the Abbey of La Charamoye, which he resigned in 1703, giving himself to books until his death. He wrote various works on ancient chronology, scriptural and secular, and gave, in anticipation of modern light, a vast antiquity to the world. The work to which Sir John refers is *Antiquité de la nation, et de la langue, des Celtes, autrement appelés Gaulois*, Paris, 1703, in-8vo. See *Nouvelle Biographie Générale*, edited by Dr. Hoffer, published by Didot Frères. Paris, 1862. Père Pezeron and Sir John are supported by more recent research as to the wide-spread extensions of the Gaelic language and its affinities with Latin. Professor Rhys in his Rhind Lectures maintained a wide region of philological relationship.

tion; so they called the place of their landing Gaullic, but when they spread themselves into the countrey, and were known under the name of Chattie, Sutherland being then the place of their habitation, was called Cattie from them; and in process of time, the Historians afterwards called the place of their landing *Nissa Chattorum* too, as the Countrey Caithness, they being generallie know under the denomination of Chatti, and their being Gauls forgot, which only remains in our ancient language. And even Gaullon might have been given as a name to the place of their landing, by themselves, in memory of their origine, since it still retains the name in our language, which was the same with theirs.

And it was certainly as descended from the Celties that the Irish look't on Muirach Albanach as of the same stock with them.

Pezeron shows how the Celties under the severall denominations had severall collonies over a great part of Greece, Italy, Spain, Germany, France, etc. as he is very learned as to the Greeks, and shows that the Titans, of whom Saturn, Jupiter, Mercury, etc. are descended, were of the Celties, as the Curetae, Jupiters, Coilts or foster fathers; and that both the Greeks and Latines have borrowed from the Celtick language. He says that Gaule in their language signified, valorous, strong, and I remember our armour bearers who generallie were chose for their strength because of the weight of the armour they were to carry, are in our language called *Gaul-oglich*, which is in English, strong man or servant.

I cannot ommitt one instance which confirms me in my opinion of our being desended als well as the Gauls from the Celties, which is, that Pezeron says (if I remember the words) *cette ancien peuple appellat leur langue Gallic*, that is, That ancient people called their language Gallec.

Pere-Pezeron when he tells that they called their language Gallec, knows nothing of the Irish, nor says nothing of them, and yet they called their language as we doe ours to this day, Gallec, and indeed (as I have said already) in fiftie of the originall Gaullick words sett down, I have found (at least) fourtie that are our Gallic as naturallie as we now pronounce them.

I cannot omit the derivation Pezeron gives amongst other Greek words from the Celtick, of *Titanos* the sun, which is from *Ti*, which in the old Gallick is house or habitation, and *tain* or *tan*, fire, as it being the habitation or house of fire. Is not this perfect Gallic?

He is very learned too on the Romans; he shows many words in their language which they knew not whence to derive as being ignorant from whence they had them, and which he shows were from the language of the Celties, who were amongst the Aborigines, from whom the Latines had them, who conveyed them to the Romans, and the Sali, who were their bairds, and danced before them, as they went to battle, singing the praise of their Ancestors, retained a great deal of the Celtick language in their rhimes. They being descended from the Curatæ in the Isle of Crett now Candie, who were descended of the Titans, the *filia terræ*, who were Celties.

You that are so fond of every thing that is Cattanick, you may find some branches of them that are spread in Italy among the other Gaules, and who were there even in the time of the Romans, as in Cicily, where there is a town called Cattana, which from the time of the Romans to this day, retains the name of Cattana. But this would make you as vain as the M'donalds, who would have all the families descended of theirs, in which there is ane (M.) or any other letter of their name.

This foolish scrool committ to the flammes when you have read it, for I give you my thoughts as irregularlie as they flow, not having one Scotch Historian by me, nay, nor any other, for I have had neither money, nor time to get any books since my aryvall here, so that I give you scraps only, as they come into my head, little worth your notice, so I give over. Fare well.

FINIS

A SUPPLEMENT

TO

The former Dissuasive

B way of Answer

To

some Ingenious remarks, made upon it, by a  
person of Quality of great Sence, and Learning.

Wherein

Some of its passages are made more  
plain and set in their true Light,

By

SIR ÆNEAS M'PHERSON of Invereshie Knight  
Author of the Dissuasive.

As Iron Whetteth Iron,  
So doth one witt ane other.

EDINBURGH, SEPT. 12.

1704

Your Remarks Considered.

SIR,—I agree with you that Clanchattan not Clanchatton, is indeed more proper, Buchannan and other authors calling them Cattana Gens, Cattana tribus. And if 'tis otherways written? It is rather a slip of the penn, then ane error of the judgement.

That the Cheefs of Clanns were the magnates, the *Proceres Regni*, as the heads of the severall tribes among the Jews were the Princes of Israell, is self-evident, our constant tradition agreeing in that, with our very Histories, whose Authors being (for the most) of the Lowland Nation, would hardly have honoured us with the complement, if dint of truth hade not forced 'em to it.

As the Peers of France, who consisted originally of 12. were (as you say) princes Pallatine and absolute, tho. some of them held in fie of the King of France (as other Princes doe now of the Empire) so were the Cheefs of Clanns no less absolute then these, with this advantage on their side, that till Fergus the first was called by 'em, and elected King, they were independent and held in fie of none. And therefor tho. they resigned their sovereignty in favour of the King they retained their Peerage, which (as you have well observed) was to be Councillours and companions to the King, and according to the Monke of Pasely<sup>1</sup> (the best and most

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<sup>1</sup> The Black Book of Paisley, though spoken of as an original history by a monk or monks of Paisley, is really a fine copy of Fordun's *Scoticronicon* with Bower's additions. It has also some matter peculiar to Paisley. It reposes in the Royal Library of the British Museum, 13.E.x. being the reference. The parchment folios number 276, five being unwritten upon. The columns are double. The binding is no longer black, but in handsome red morocco, or such leather, with gold ciphers and crowns. The monogram repeated over the binding is two C's interlaced. In a different current hand there is written at the beginning :

' Ex Scota nata Pharonis Regis Egypti  
Ut veteres tradunt Scotia nomen habet,'

and some other lines. There are various notes scattered throughout the volume. One note is as follows: 'Scoticronicon inceptum per Johnen de Fordun Aberdon caplanum et completum per Walterum Bower S. Columi Abbatum 1447.

'Quinque Libros Fordun undenos Bower curabat.'

President Spottiswoode recovered it from abroad; Lambert carried it to England. Buchanan quotes it as the book by monks of Paisley, and Keith does the same. See Fordun, *Historians of Scotland*, Preface, pp. xvi-xvii; Keith, *Catalogue of Scottish Bishops*, p. 412; *Deeds of Montrose*, Preface, p. xi.

authentick of our Lowland authors), and generallie the tradition of all our Bairds and Shenachies, they received severall other priviledges amounting to a Prince Pallatine, such as, that the King at no time thereafter might create any title of honour in prejudice of their peerage. 2<sup>nd</sup> That in all publick appearances for the King, they might be allowed a generall of their own nomination, and not put under the command of a court minion. 3<sup>d</sup> That they might have power to make warr among themselves, or against any other that invaded their just right, without danger of being rebels etc. all which were religiouslie observed to the cheefs till Malcolm Kenmore's time, that he (in imitation of France and England) created a new sort of peerage, by patent, or daubing,<sup>1</sup> (which was befor patent) never till then known in Scotland, so that these cannot so properly be said to have succeeded the old peers, as to have been added to them, for to succeed necessarily imports the anihilation or making void of the thing succeeded to, which cannot be pretended in the present case, for as the ancient Nobility of France, who were born such, and of God's making, (before the Kings of France were in use to create any) were still Noble and to this day mentain their Rank ag<sup>st</sup> the modern Nobility who are not Peers of France, so ought our Cheefs of Clanns, and *de practica*, they doe mentain theirs, if not against the late Peers, at least against all sorts of gentry, not excepting Bennerets, Barronets or any other that does not pretend to Peerage.

The Epithet of ancient (as you have observed) given by the French to their Nobles (that is to say, to their gentry) makes it very evident, that they were in being long before the 12. Peers were created; and your inference from that is very naturall and concluding, that if the modern Peers had only assumed the title of Noblemen, as ours hes done in Scotland, the gentry being called the ancient Nobility, could still retain their priviledge as being the more ancient of the two. But in case of a competition how this could stand with your last paragraph on the same subject, I don't so well comprehend, for if the ancient families (as you have it there) are only to be

<sup>1</sup> Daubing and dubbing, brought together by our author's spelling, have derivative connection, though the former sounds odd in the creating of a peer.

known by production of their Charters, they must necessarily be of a later date than the 12. Peers, who were the first in France to whom such Rights were granted; consequently, either there must have been no gentry or Nobles in France before their time, or if there was, (as no man of sense can question) they must prove their quality by a better medium, for even with us in Scotland till the feudall law prevailed, which begun in Malcolm Kenmore's time, securitie in writing, or the name of Barron, were utterly unknown; which that Prince borrowed from the French, as they did from the Lumbarbs. For about this time Henri Capit having *vi et modis* possess himself of the Crown and Sovereignty of France, furthwith created twelve Peers, to whom he gave large territories, with great and ample priviledges, for supporting of his dignity; which were then committed to writing. But for severall ages after, the ancient Nobility of France, (as with us in Scotland) were so far from demanding, or accepting any writing for their lands; that such as took them, were despised by the rest, and looked upon as persons had no power, or interest to mentain their Right without them. But who would see more of this, may consult (not to mention others) our learned countrey man, Sir Thomas Craig<sup>1</sup> in his *Tractat de hominio*, or *homagio*, from which 'tis plainly inferrable, that seeing neither the French or Scots had any securities in writing (nor in effect could not) till the feudall law came in, our ancient families must have recourse to Records and Histories (and not to charters) for proving of their Quality; else some of the lowest of the gentry, and amongst these, it may be Luchk in Uriple,<sup>2</sup> shall have the weather gadge of the best and noblest of our families; for who knows not that there are severall petty Barrons in the Kingdome, never yet exceeded fourty pounds a year, (and some not so much) was not able (when their Prince or Countrey had occasion for

<sup>1</sup> Sir Thomas Craig of Riccarton. His works were commended to the king by Parliament in 1612. His writings *de feudis* were, after petition of the College of Justice, directed to be examined by certain lawyers, and the copy-right was granted to his son for twenty-one years.—*Acts Parl. Scot.*, vol. iv. p. 523, etc.

<sup>2</sup> Luchk in Uriple, should read 'Luchd an earbail,' *i.e.* those constituting the tail, or following of superior persons—they would have the weather gage.

their services) to bring ten men to the field ; are notwithstanding capable to produce older Charters then M'donell, M'lean, or any other Mack or family in the Highlands, who hade no better way to imploy their time, then (it may be) to whistle at a pleugh side, when the Charterless gentlemen were their Countreys Guardians, and gaining much glory to themselves and it, by their power and valour.

The reason given in my manuscript for the Chatties leaving Battavia, so soon, because it seemed to them fitter for Mechanicks, still holds good notwithstanding your objection ; for, tho it may be true (as you say) the inhabitants in former times were very warlike and gave so much trouble to Cæsar, because of the fast of their Countrey, It may be also true, that by reason of its soil and situation, it was fitter for tradesmen, then for any such, and that the Chatti who loved to show their valour, not in bogues and fastnesses, but in open countreys, left it to its inhabitants, and imbarqued for a land more agreeable to their genious.

That M'duff Thane of Fife was created Earle for his services to Malcolm Kenmore, is agreed to by all that have written on the head, without any regard to his Thaneships, else all his brethren Thaners (if according to the vulgar error, they hade been our peers, and in place of Earles before) hade been likeways honoured with the same dignity. But whither the first, or some other succeeding Earle of that name and family, turned rebell, and was forfaulted, I don't find so clear. One thing is generally acknowledged, that M'duff was forfaulted, and his lands and priviledges (whereof he hade a store) devided amongst others ; which presupposes a rebellion ; and that it must have been the third or fourth Earle<sup>1</sup> rather

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<sup>1</sup> See Douglas's *Peerage*, 'Fife.' The death of Duncan, twelfth earl, terminated the direct male line of Macduff, Earl of Fife. His daughter, Isabella, succeeded him. Duncan had been condemned to death after the battle of Durham, but obtained mercy. He returned in 1350 to Scotland to raise his ransom, and died in full possession of his property in 1353. There was much confusion after the marriage of Isabella. She had four husbands who predeceased her without issue, and Albany got possession. On the attainder of Murdach, Duke of Albany, in 1425, the earldom was annexed to the Crown, and the title lapsed. There is no appearance of forfeiture in the earlier history of the family.

then the first, seems more probable, because the forfeaulted persons grandchild was married to our heiress, in William the Lyons time, who (you know) was ane age or two (at least) after Malcolm Kenmore. And if the Title of Earle of Fife was conferred on any other, some ages after that, it does not appear to me that it was to any of his descendants that was forfeaulted, but to some collaterall come of the family before the Rebellion was comensed, else it hade been restored in Weem'ses<sup>1</sup> predicesor, or M'Intoshes who (as they give out themselves, and is commonly beleived) were the forfeaulted persons eldest lawful sones. Or if the family was restored in the person of some other of his descendants who was forfeaulted, such an act of grace looked forward, and only restored his own blood and his posterities, but could bring no honour or advantage to M'Intoshe or any other come of the family in the intervall betwixt the forfeaulture and the succeeding restoration; so that whither the first or last be supposed, (and a third can not) M'Intoshe having no interest in either, being cut off from the first stock by his fay<sup>s</sup> forfeaulture; and not springing or descending from the second, which was become a sort of a new *Stipes*, he must rest satisfied to be (as indeed he is) the successor of a forfeaulted traitor, and without rehabilitation, not pretend to be a gentleman, but as come of the heiress of the Clanchattan, which he seems also to have lost for not taking of the name.

Upon the forfeaulture of M'duffs Earle and Thane of Fife,<sup>2</sup> his children fled, some one way, some ane other. The eldest, Weem's predicesor, stayed in Fife, but lurked in a cave till the heat and search was over, and when he appeared abroad (not dareing to take his true name) called himself Weem, from the Wie, or cave to which he owed his safety. M'Intoshe the second (or as he pretends himself the eldest) made what

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<sup>1</sup> Hugo, second son of Gillimichael, fourth Earl of Fife, founded the house of Weems. See Douglas's *Peerage*, 'Weems.'

<sup>2</sup> Duncan, fifth Earl of Fife, is said to have been the father of several younger sons, who were ancestors of Mackintoshes, Duffs, and Fifes. He was succeeded by his eldest son Duncan, sixth earl. There is no appearance of forfeiture in this connection. The fifth earl died 1154—the sixth earl in 1203.—Douglas's *Peerage*, 'Fife.'

heast he could to M'donells<sup>1</sup> court for protection, where he mett with a favourable reception, but had the misfortune (against all the rules of gratitude and good manners) to debauch his Patrone's sister, who, (upon the first information of her being impregnated) fled to Ireland to save his life, (then visibly in hazard, for the indignity he put upon that great and illustrious family) and (according to our tradition) was never thereafter heard of. And when the lady was asked (at the time of her delivery) to whom the child belonged, she answered *Kimi le Machkin-dosich é*,<sup>2</sup> for it proved a boy, which makes it no great riddle or mistery, that M'Intoshe his predecessor may have been a bastard sone of a sone of the Thane of Fifes. And as to these M'duffies, of whom (you say) you have seen some in Ireland, It is not improbable that these were his spaun and ofspring who on this occasion fled to that Countrey.

Against your tradition about the dispute of precedency, betwixt the Cheef of the Clanchattan and M'lean as you represent it, I have to object: 1<sup>o</sup> That when it was first started some ages or M'Intoshe married our heiress, it was decided by a Decreet of the Great M'donells, to whom it was then submitted, and not (as you insinuat) by compact or agreement. It not being very probable that the Cheef of the Clanchattan (who without controversie was the first and oldest, for standing and antiquity, in the whole Highlands) would ever have pairted, or (in plainer English) devided his right, by any act of his own, without the force of a Decree pronounced by one who had power als well as authority to back it. 2<sup>o</sup> That, according to our constant tradition, when that difference was submitted to M'donell, he decreed that the Cheef of the Clanchattan might have the precedency in time of peace, and the

<sup>1</sup> If the saying referred to by Douglas, that Duncan, fifth Earl of Fife, was father of the predecessor of Mackintosh, the young Macduff who fled to Macdonald of the Isles must have started very late in life, or have been a later descendant of the son of Duncan. Duncan died 1154, Somerled II. died, say, 1229, and Alexander II. ruled in Argyll. The Isles and Lorn fell to Dugald, the eldest son of Somerlad II., and there was no Macdonald of the Isles. Ewen M'Dougal was chief in 1249. The lords or chiefs of the Isles do not appear under the name Macdonald till 1284. I know of no support for this story.

<sup>2</sup> *Gun bu le Mac an Toisich é*, =that he belonged to Mackintosh.

vaun or command in time of warr, be south Liachk-vraddain<sup>1</sup> in Ross (not Lagganachdrom<sup>2</sup>) and M'lean be north it, which left the advantage (as in right it should) on the Clanchattans side, and seems confirmed by the situation of Harlaw, being farr south of the Liachk-vraddain, and to the south-east of Laggan-ackdrom, else M'Intoshe's plea in that second competition (even supposing him Cheef of the Clanchattan, as he called himself) hade been altogether impertinent, and favoured his adversarie more then himself. 3<sup>rd</sup> What M'lean then urged against M'Intoshes having or pleading the benefits of that Decreet from his not takeing of the name, upon his marrying of the heiress, was indeed unanswerable, but to inferr from that, that M'lean should have the command both south and north (as you so press it) seems very inconcluding, except it could be said that the family at that time hade no Cheef, which were absurd, or if they hade, that he was not there to plead it, which (you know) Echine Roy<sup>3</sup> himself expressly and metledlie<sup>4</sup> enough inferred in the termes of the manuscript. 4<sup>to</sup> In your tradition, the Cheef of the Clanchattan is called Captain of the Clanchattan, whereas it is manifest that till M'Intoshe married the heiress, there never was such a designation in the family, for when M'donells nephew (by his uncle's influence) took to wife the Cheef of the Clanchattans daughter (by whom he got the Estate of Lochaber) the whole family exclaimed against the match, and openly declaired that they would never own him for their Cheef, but consider him as a stranger. After this M'donell using all his interest to persuade them to a compliyance, the Clanchattan were so farr incensed against M'donell, for his injustice and partiality, that (as all of them denied M'Intoshe his Chiftanrie) most of 'em renounced their dependence on his own family, and the handfull of the Clanchattan that adhered to M'donell (as there happened any occasion for their service) were put under M'Intoshe his command, whom they were content to submitt

<sup>1</sup> Probably for Leac a' bhradain.

<sup>2</sup> Lagan acha droma, *i.e.* the watershed in the great glen lying between Loch Oich and Loch Lochy.

<sup>3</sup> Hector Ruffus bellicosus. See note above on Maclean of Duart, p. 100.

<sup>4</sup> With mettle = with spirit.

to, as their Captain. But for severall ages after, they did not own him for their Cheef, nor did M'Intoshe himself so much as plead it, till use, and the ignorance of the times confounded the termes, and made Cheef and Captain pass for words of the same signification, tho. there be scarce anything less so, for a family can have but one Cheef, but may have als many Captains under that Cheef as there are companies to be commanded in it, so that to call the Cheef of the Clanchattan, Captain, with referrence to that compact or decreit, is in effect to say, that they hade no Cheef, in flat contradiction to the former controversie, and its subsequent submission (for with whom did M'Lean debate at first, but with the Cheef of the Clanchattan, sure not with any kinsman or cadet of the family, that were to derogat from M'Lean), or if it is said that the Compact or Decreit were not before, but after M'Intoshe married the heiress, both are equally injurious and dishonourable to the Clanchattan, neither of which can stand with the received tradition of all the Highland families of any note or quality.

I shan't take upon me to dispute M'donells right to the Earledome of Ross, but may venture to affirm, that (whether it was good or bad) if in that age wherein our ancient priviledges were lost and turned obsolete no subject could *vi et armis* mentain his right against the King *Jure and Impune*; he could als little (and may be less) doe it in the absence of a King, against a Governour or Regent, and that because tho. there can be no appeall against a King that is truely such, which sometimes, when it comes to the last extremity, and no manner of hope is left, may (according to some casuists) extenuate self defence; There lyes a constant priviledge in the subject to make seasonable appeals against the injustice and *male-administration* of a governour, for remeid of law, which still is accompanied with hope to be redressed, and leaves them (and others stated as they were) without all excuse for their offering to mentain their right by violence and force of armes; and to admitt the contrary were inconsistent with societie, and to open a door to the worst of traitors, and it may be (as of late) under the best of Kings, to justifie their wicked and rebellious practises.

All know how M'Intoshe obtained a right to the Lands of Brae-Lochaber, but passing that as uncontraverted, M'donell of the Isles was not only a Prince Pallatine, but an absolute sovereign; having had for many an age (till he was conquered by our Kings) also good a right to the Isles, as they had to the mainland; and I am not like to forget that the late King James<sup>1</sup> (who understood those things better than any that ever sat upon a throne) one day at his Levie (as I tried this in behalf of the M'donells to excuse them from being rebels till they were reduced) owned no less himself. But whither there be any now among them may prove a Lineall and legall descent from that illustrious stock, is not my business to determine, tho. at the same time, if I were to give my judgement or opinion, of all the three competitors for the Chiftanrie, Glen-gerrie<sup>1</sup> seems to me to have the best pretensions, for his predecessor having married the heiress of Ross (supposing him a bastard, which you know is objected against the other two also well as him) became legitimated by that match, a benefite the other competitors never yet pleaded. Your distinction of Mavic konell, Makonell, or M'donald, *per eminentiam*, seems very ingenious; but I don't find that Sir Donald of Slait or any of his ancestors have that objected to them as an argument to lessen their pretensions, so that it would appear that he is not called Mavikonell, or if he be that his competitors were strangers to your distinction, and have not understood it.

A Cheef of a clann (as you have well observed) is the Stock or root from which the severall branches springs; and in respect that M'Intoshe could never yet alleadge that the Clanchattan or the M'phersons (as they are now called) are come of his stock or family, his pretence of Chiftanrie is absurd and ridiculous. You know that a crab apple may be grafted on a pear or plumb tree (as M'Intoshe may have been on ours by marriage), but if that crab so grafted carries only its own fruits, and has not so much as the leaf of a pear or plumb tree, he might be justlie reckoned a mad man, that (against his own

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<sup>1</sup> See on this subject Skene's *Celtic Scotland*, Index, and his *Highlanders of Scotland*; also *Macdonells of Glengarry*, by Alexander Mackenzie.

sense, and the common sense of other beholders) would call it by any other name than a crab, for tho. a crab thus grafted on the first and cheefest branch of the stock commonly draws the best part of the juice and nourishment to itself (as M<sup>c</sup>Intoshe hes done our fortune and Estates) yet tis the next ungrafted branch that (always after) bears the name and nature of the stock; Consequently has the best (if not the only) plea to its peculiar priviledges. This is partly confirmed by our instance of the Duke of Atholes marrieing the heiress of the Stewarts of Athole, but seeing these were only a single and remote branch of that family, the examples insisted on in that manuscript seem more patt.

Douill daule his father Gillicattan albeit called Clerach was himself no Clerk or Churchman, tho his father Muriach was. But in that (as all Muriachs posterity have done to this day) took the additionall sirname of Clerach or M<sup>c</sup>pherson, in commemoration of his fathers being a Churchman. It was Muriachs elder brother (then Cheef of the Clanchattan) that dyed without ishue, either male or female, at a time when he himself was Parson of Kinguissie in Badenoch, which in those days was no small dignity in the Church, and made commonly the provision of the second sone of some noble family; for they were above Priors and equall to Abbots, having (as some of these hade, and have) Episcopall Jurisdiction, and as Mr. Ogilvie<sup>1</sup> (a gentleman very ingenious and well versed in antiquitie) can more at length inform you, they hade (given to them by the Bishops) the care and superintendency of severall other Priests and curates whom they represented in the chapter, and for that were called Persona, because in their single person, they represented many, and to this day (he says) there are severall such in the Catholick Church in Germany, some of whom (he says) take vowes, and some not, but that he knew none so called in any other countrey except England, which makes it probable that the Saxons who were themselves Germans hade that dignity from thence, when they turned Christian by the means of some of our countrey men, who (as venerable Beda hes it) were not only the Appostles of the

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<sup>1</sup> Probably John Ogilvie, King's Cosmographer, and author of 'the pagents at the Coronation of Charles II.'—Jeremy Collier's *Dictionary*.

Saxons but of the better pairt of Germany, and *ijsdem medijs*, we at last from them.

This famous Muriach, who (with much adoe) laid aside his gown to inherite the Estate and honours of his ancestors, was so unwilling to return into the world that his friends and family finding their repeated endeavours uneffectually, applied themselves at last to the Pope's nuncio, or rather *Legate a Latere*, then at Court, who in all remote Countreys (such as ours) had *plenariam et papalem potestatem*, and in virtue of that power at their earnest and unwearied solicitations he emitted a Solemne Bull,<sup>1</sup> by which Muriach was ordered to shift his station, and comply with the call and invitation of his friends; but whither his vows were dispensed with by that bull, or in case he had taken none, that he was ordered and commanded, *In re tam remota*, 'tis hard to make a judgement, but *sive sit, sive sit*, 'tis still als broad als long, there is no necessitie on the M'phersons to excuse themselves from Deinndaggard, seeing in either of these cases, it can be no reproach to them, or it must be equally so to some of the greatest families in Christendome (some crowned heads not excepted) whose prediccors laid aside their canonicall habites and returned to the world on such like occasions.

If I rightly remember, I was the first that told you how odd it look't that Caithness is called Gaullowe in our language, and Sutherland called Catton, with which, at that time you seemed much surprised (not haveing reflected on't before), but to confirm you now in your conjecture, that it received that name upon the landing of the Chatti, before their name or nation was known, I shall here insert the words of Mr. Blawe<sup>2</sup> (ane accurate geographer) as cited by the ingenious Mr. Brand<sup>3</sup> in his Description of Caithness, which take as follows:

'This cuntry (says the author, speaking then of Caithness) owes its name to the Chatti, a strong Collonie of Germans came over in Tiberius Cæsar's time, and it is remarkable

<sup>1</sup> I fear search for this Bull might be without result.

<sup>2</sup> Mr. Blaeu. The reference is to Blaeu's great work, *Theatrum Orbis Terrarum*, 1654, which embodied Timothy Pont's survey of all the countries and isles of the kingdom. His maps appeared in Blaeu's Great Atlas.

<sup>3</sup> Mr. Brand's book is not known to the editor.

(says he) that after their first aryvall, before their countrey or their name was known, the inhabitants called the place where they landed Gaullows, that is, the countrey of strangers, which it retains (in their language) to this day, but thereafter when they came to be better known, not only was Caithness called by their name, but Sutherland also, where they were obliged to disperse and leave a collonie of their people (Caithness being too narrow for 'em) called the South Chatti, to distinguish them from their friends in Caithness, but in process of time, the South Chatti called themselves Sutherlands and their countrey by the same name, tho' it retains the ancient name of Catton in Irish to our time.' Thus he.

I doe own that I was fond of this discovery, for besides that the illustrious family of the Keiths were always beleived come of the Clanchattan or Chatti, both by themselves and others, we see plainly likewayes, that the Sutherlands are a branch of the same stock, and there giving for their crest in their coat armoriall, a catt sejand or saliant proper (which is the same with the Clanchattans) abundantly confirms it.

Your remarks or (may I not rather say) your compendious history of the origine and language of the Gaules is excellent, for by the affinity you have observed betwixt their language and the Welsh and Irish (as you have instanced in severall words), it manifestly appears that both these nations are come of the ancient Celties, who (as you say) spread over Spain and Germany. But I don't find that the Cistercian Monk (whom you commend so much) hes told you from whence those Celties came, or where they lived before their transmigration, which would be very edifying from so sure a hand, and give no small light to our other histories. I have frequently mentained against our Gaul-vodachs in defence of the Irish language, that the Latine borrowed from the Irish (not the Irish from it), for which at that time I hade little or no authority, but my own conjecture, but now am better fitted, by what you tell me from soe great ane antiquarie, that severall words in the Roman language were borrowed from the Celtick, that the Celties conveyed them to the Latines, and they again to the Romans after the building of Rome. This seems abundantly

confirmed by the rhymes sung by their Saliſj who were the Roman bairds, in praise of their ancestors, as they danced before their armies which, your author ſayes, were for the moſt pairt made up of the Celtick language, and (as you have yourſelf obſerved, much to my likeing) that the words he inſtances are all perfect Iriſh.

I was not ignorant that Catalonia in Spain als well as your Cattanæ in Cicily, owe their ſeverall names to the ancient Chatti, who when they were forced to leave Germany in Tiberius Cæſars time to whom they were become formidable (as Tacitus expreſſly tells us) for their power and greatneſs, after ſeverall conſults what courſe was beſt to take, Judging that ſo vaſt a body of people was too large to move one way, devyded themſelves in ſeverall collonies, whereof one was ſent to that pairt of Spain, (then and ſince) called Catalonia, a ſecond went to Cicily, where they built a city and called it by their name, and the third (and largeſt of all) to Battavia, which (as is ſaid above) ſhortly after came to Scotland. All this and more I could have inſerted in my manuſcript, if I had deſigned a full hiſtory of our family. But the litle I have enſiſted on, answers my end ſufficiently without raiſeing of our family, and may be a check to yours, if you will conſider that tho' our ancestors (as yours) were conſtant dependents of the M'donells, we were always too conſiderable to be their cooks or ſtewarts.

I can at preſent (till I have a copy of my manuſcript which I expect every day) ſay nothing to your remark on the Laird of Wardes his pairt on't, not knowing diſtinctlie what time he takes to make up the intervall betwixt the heiress and Muriach Clerach, her great-grandfather, for your remark does nôt mention it. But how ſoon my manuſcript comes and that I have Leſly,<sup>1</sup> Buchannan, and ane abstract of the book of Paſely<sup>2</sup> (which is alſo promiſed me, you ſhall have my thoughts of

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<sup>1</sup> The learned John Leſlie, Biſhop of Roſs and friend of Queen Mary. He wrote a Latin hiſtory of Scotland, rendered into Scots in 1596 by Father John Dalrymple of Ratiſbon, edited for Scottish Text Society in 1884-91 by Father Cody. See Keith's *Catalogue of Scottish Biſhops*; *Chambers's Encyclopædia*, etc.

<sup>2</sup> Doubtleſs he means an abstract of ſome paſſage in the Book of Paisley. An abstract of the great manuſcript would indeed have been an undertaking beyond the purſe of a poor Jacobite.

that, and of M'duffs appeal from the Baliol, if there was any such, for I doe own that I never heard on't, till I read it in your paper.

Thus farr Sir (notwithstanding of my hurrie and afflictions) have I considered your most ingenious remarks on the historicall part of my litle manuscript, *en passant*, for as I read I wrote. But there still remains some more work for you. The controversall part, the directions and Appendix, it seems have escaped you, but if youle be at the trouble to examine these, as you approve or disapprove of them, I shall be the better fitted, once more to cause transcribe my book, and by your good help lick it into better forme. Farewell.

FINIS



THE  
PATRON TURNED PERSECUT<sup>R</sup>

OR

A short Narrative off S<sup>r</sup> Æneas M'Pherson his services to his Gr. the D. off G. and of the said Duke his kind and oblidgeing Returns — Wherein also; some of His Gr's proceedings against the Lairde off Cluny, and his whole Clann and Family are breefly Related and proved to be unjust.

In

A letter to a person of quality

By

S<sup>r</sup> ÆNEAS M'PHERSON, Knight.

Flatterie is deceatfull; but a frinds Eye a True Glass—  
S<sup>r</sup> F. B.  
L<sup>d</sup> VERULAM.

EDINBORROWE, Decemb<sup>r</sup> the 10<sup>th</sup>.

1703

## PREFATORY NOTE

The name of 'Her Ladyship' does not appear, but she may be Anne, Countess of Galloway, 'justly esteemed for her wit and beauty, and all the qualities worthy of her noble birth.' She was the daughter of William, ninth Earl Marischal. The Duke of Gordon is George, first duke; created 1684. The 'piece' on the whole is not untrue to his character, though there is much gall in the ink. He was a Roman Catholic, but disliked James's measures in favour of Rome. The priests called him 'a libertine and a fop,' and Mackay thought him 'a fine gentleman, but finiky and French.' He held out Edinburgh Castle for three months while Claverhouse was rousing the Highlands. He took service with William, but was not trusted. He died at Leith, 1716.

A. D. M.

MAY IT PLEASE YOUR LADYSHIP,

Seeing it would appeare that in this our age, wherein Ingratitude is become the universall Genius of our country, his Gr<sup>r</sup> the Duke of G. has quite forgott my services, or which seems more probable has no mind to own them, least as I am stated ane acknowledgmen<sup>t</sup> of that kind, may in common justice Inferr some Sorte of return, I hope it may not offend his Gr<sup>r</sup> if by your Lad's good help, without any prospect of advantage on my part, but barely in defence of my honour and veracity, I refresh his Gr's memory with some few instances of my Indeavour<sup>s</sup> to serve him, and of that respect I owe to his Gr.'s most Illustriouse ffamilie, which no Injustice or provocation on his side shall ever be able to efface.

And to beginn—

I<sup>o</sup> Att my first appearance upon the stage of the world, when I had studied the laws with some proficiencie, and begun to act in the quality of ane Agent, I thought my first fruits next to my lawfull sovraigne, was justly due to his Gr. and accordingly having at that tyme the disposall of the Barrony of Kincardin upon Spey,<sup>1</sup> notwithstanding I was offered two thousand merks in ready money to advise my Client the Laird of Conadge\*<sup>2</sup> to preferr ane other to the Bargain, I waited of his Gr: then Marquess of Huntly, and of myself, without any authority from my Client, further then the generall one I had to make all of that Estate to the best advantage, made a frank offer of it to his Gr: which his Gr: at that tyme peremptorily

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\* This part of my service If his Gr<sup>r</sup> has forgott it, I can prove by severall yet alive.

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<sup>1</sup> Kincardine on Spey between Rothiemurchus and Abernethy forests. Sir Æneas was at this time an agent or writer in Edinburgh. He became an advocate later.

<sup>2</sup> Conadge, or Connage, a property in Petty much involved in the feuds of earlier times. The laird referred to is Alexander Mackintosh. He did not always act with his chief. See *Macfarlane's Genealogical Collections*, Scottish History Society, vol. xxxiii., Index.

rejected for this reason, that it was his Cusine Grant<sup>1</sup> his Bargain, and he would not Interfeer or medle in his bussiness.

To this my answer was, that his Lōp would do well to consider better on't; the Laird of Grant I told his Lōp was a gentleman of good quality, for whom I had a particular esteem, but tho' he was his Lōp's Cusine he was already become too considerable upon Spey side; that a little more tyme and accession to his greatness might make him at once umbrage his Lōp's family, and forget his interest in it. That notwithstanding his Lōp's quality and great and opulent fortune, he had got no wood upon his Estate, which left him under a necessity when he had occasion to build, to buy deals, jests<sup>2</sup> and other timber at the dearest Raits, or to be beholden to his inferiours; that the Barrony of Kincardin, small as it was, was well accomodated for (said I) beside that it has a fforest for Lodging of his Deare in the winter tyme, who were commonly knocked in the head when possessed by Strangers, it has also a Saw Miln, and on of the best fir woods in the wholl Kingdom at all tymes sufficient to serve his Lōp, and his best freinds as they had occasion. That by the situation of Kincardin if his Lōp bought it, he therby extended Badenoch;<sup>3</sup> and might plant it either with Gordons or M'Phersons: but if Grant had it, he extended Strathspey to the Lessening of Badenoch; ane Inconvenience I humbly supposed was much his interest to prevent.

These few reasons on second thoughts were so prevalent with his Lōp that upon the morrow or nixt day, he was pleased to send for me, and after some discourse, thanked me for my kind offer, and was so forward to have the bargain, that he seemed to dread nothing so much as a disapointment. Upon this I wrote Immediatly for my Client, who made no delay to come, and notwithstanding that he was upon the point of finishing

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<sup>1</sup> Ludovick, Laird of Grant, was cousin to the Marquis of Huntly. His aunt Isabel Grant was mother of the Marquis, afterwards first Duke of Gordon. The family genealogist exhausts himself in praise of the laird.

<sup>2</sup> Joists.

<sup>3</sup> It lay between the Grant and the Macpherson countries. Great forests touched it.

a very advantageous agreement with ane other person of quality; yet I had the interest to perswade him to break of with him and enter into terms with his Lōp. And in fine, Madame, not to trouble your La./ with all its circumstances, my Client not being in Condition at that tyme to extend a full security he entered into Minut with his Lōp, wherby his Lōp oblidged himself to advance him a thousand pound Scots for every hundred merk rent on the first term of Martinmas or Whitsunday after Conadge gave him possession of the Barrony, and a Compleat Right by advise of men of Law and Judgment. Which Conadge proposed to have exped within Less as a twelvemonth, for all he wanted to Compleat his Right was but ane Adjudication upon a Charge to enter heir, which might have been finished in far less tyme, if some of his Lawiers had not been supine and negligent.

At the twelvemonths end Conadge having pressing occasion for his money applyed his Lop/ and beseeched he might either pay him his money, or repon him and return him the Minut; To this his Lop/ answered that he would not pairt with the Minut, nor was he bound he said to pay the money till he gave him a sufficient security; but in respect he was satisfied that he was in condition to make a Right, and that it was none of his fault it was not done already, he was content out of friendship to Conadge, and in some measure to answer and releive his present straits, to advance him eight or nine Thusand merks as a pairt of the price of the said Lands, Conadge alwayes in the mean tyme giving bond and sufficient Caution for the money till he was possessed of the Estaite by a good and valid security.

This expedient being agreed to: Cluny, Kellochy, Borlum<sup>1</sup> and some others become Cautioners to his Lop/ and amongst these his Lop/ proposed me, and must needs have me engaged, for this reason that I was cheef Agent in the affair, and for my own releef would make it my study to dispatch it, which was

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<sup>1</sup> Mackintosh of Borlum, Kylachy, and others were at this time out of harmony with the proceedings of their chief, and working rather with Cluny and with Huntly.—*Macfarlane's Genealogical Collections*, Scottish History Society, vol. xxxiii., Index. The laird of Borlum here referred to was William Mackintosh, third in possession. The Kylachie referred to is Donald Mackintosh.

accordingly and very shortly done after; but befor papers were exchanged and the remainder of the money payed, Conadge unluckly fell ill, and in my absence (for I was at that tyme gone to London) old Borlum, who always knew how to fish in mudden waters, waits of Conadge, over perswads him to trust him with the papers, that he might as he pretended finish the bargane with his Lop/ to his best advantage, and for his own releef, and the releef of the other Cautioners, Recover the bonds were given his Lo/, in prospect of that bargaine.

Conadge who never minded any thing but honour and honesty, complied with the proposall, gave him up the papers, with a factorie to deale in his name with his Lop/. Borlum having gained this point and understanding Conadge his phisitions that his desease was past recoverie, put off seeing of his Lop/, at least satleing with him, till after Conadge's death. Then he was pleased to tell his Lop/ that he had not to deale in that mater with Conadg's airs but with him, that the deceast Conadge owed him considerable summs of money, and had no other way to pay him, but by giving him the Rights and securities of the Barrony of Kincardin, that they were left blank for his Lop/ name, and if he did not deale with him he would either fill up his own name in them or find out ane other merchant. But, to do his Lop/ Right, I was told that he shewed at first ane abhorrence to the motion as Immoral, tho it was hard for the soberest virtue to hold it out long against the arts of such a cunning ghamster. He knew well that to prevail with his Lop/ to make bold with his honour was to let him see his interest in it, which I confess he did with a witsness.

For sayes he, if your Lop/ deals with Conadge his airs,<sup>1</sup> you must in the tearms of the minut, besides what you have advanced already pay as much more, but if your Lop/ deal with me, said he, all I shall ask is but four thousand merks and my own bond of Cautionry, which is but seven thusand merks at most, and but the third part of what you must have

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<sup>1</sup> In support of this story as to the disposal of deeds, there is record of an Act of Parliament in favour of Connage's daughters for sequestration of writs in the hands of the sheriff or bailie of Inverness, 1699.—*Acts Parl. Scot.*, vol. ix. p. 62.

given to Conadge or now to his airs if your Lop/ deals with y<sup>m</sup>.

But sayes my Lord, I have advanced a part of the price already, and if I give you four thusand merks more I Save little by the bargain. Your Lop Savs all you have advanced, says Borlum, for being sufficiently secured for it, your Lop/ may oblidge the Cautioners to make payment when you please.

This immorall advise was ill given, and considering his Graces character and quality worse taken, but taken it was. Borlum had his demand, and his Lop/ the Barrony. And which was the hardest pairt of all; after his Lop/ was in peaceable possession of this fortune, Cluny and the other Gentlemen who had engaged for Conadge were charged with Horning and forced to repay the moneys. 'Tis true Borlum was not charged for he had recovered his bond, and his Lop/ for reasons best known to himself did not think fitt to trouble me so soon, tho as may appeare by the sequele of this discourse, instead of two thusand merks offered by ane other, he had a mind to make me pay three for bringing the Bargain his way.

II<sup>do</sup> Aradule,<sup>1</sup> who was then Baylie of our Country and a Gentleman of as much honour as was of his race and family, falling dangerously sick about this tyme, that his Lop's affairs might not suffer by his indisposition I was Employed to officiat as his Lop's Baylie till he might Recover. In which having acquitted myself very much to his Lop's good liking and the satisfaction of the Countrey, Aradule dying of that distemper, the office was continued to me by a new commission from his Lop/ which tho my relations were very much for, I had not freedom to accept; forseing that this seeming peece of friendship was nothing but a wish to serve a turne. Aradule in his time had imployed all his influence and interest to perswade the Countrymen to undergo the payment of his Lop's

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<sup>1</sup> Alexander Gordon of Aradoul, Huntly's bailie in Badenoch. See his action in that capacity, *Macfarlane's Genealogical Collections*, Scottish History Society, vol. xxxiii. p. 386.

Cess in Conjunction with their own, which having failed in his hand, I told my friends that in hopes to be continued his Lop beleived I might attempt it with more Success, and when the affair was over he would be sure to turn me of.

But this seemed only a buggbeare to my friends, and a groundless Jealositie; they were sure they said, that when the Marquess saw I was capable to do him better and more effectual service than any other, he would for his own sake continue me in the office. But in this they found themselves mistaken at last, for after I had by the joint consent both of the Heretors and tacksmen satled his Lop/ Cess upon the wholl country, after his Lop/ had sent me his solemn thanks for that eminent peece of service for which he assured me my Commission should be continued to me, and have as much for my service as any ever satt befor me (in a letter your La/ who knows his hand as well as his face did me the honour to peruse) his Lop/ was pleased without my knowledge or consent or the payment of my Salary to send a Tyrissoule<sup>1</sup> over my nose from the Scale wisp to the seat of Justice, who proved thereafter, as he said by instructions from his master, a mortall enemy to our whole Clan and Race.\*

III<sup>th</sup>o Maters being come to this unluckily pass, I began to cast about how to counter these designs, and being asked by a particular freind to go along with him to Athole to second a sute of Law he had depending before that Court, to which also Tirissoule was called, I went, tho we did not herd together.

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\* This may lykwise be cleerly proved by his Gr<sup>s</sup> letters and the Court books extant to this day, besids which most of the country gentlemen are still alive to witness it.

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<sup>1</sup> Tirissoule, the property, is the Torrisoul of which Alex. Duff appears *Dominus* in the Gordon Papers. Adam was apparent heir in 1601 as shown in *Records of Aboyne*, and the Tower is mentioned as the place of the temporary imprisonment of Huntly in 1636. The name appears in the Burgess Roll of Aberdeen in 1615, but I have no later knowledge of the particular member of the family here referred to. From the peculiar expression, 'sent from the Scale wisp to the seat of Justice,' we may gather that this Duff was of a mercantile occupation before he took his place at Ruthven Castle as Bailie of Badenoch. See vol. i. *Spalding Club Miscellany*, New Spalding Club 'Records of Aboyne' and 'Poll-Book of Aberdeenshire.'

The Marquess of Atholle,<sup>1</sup> after the affair was over, did me the honour to Invite me and some of the freinds I had attending me to dinner, as he had done Tyrisoule and some of his; the Marquess speaking of the Duke's expedition to Lochaber took from thence ane occassion to talk so well and honourably of our name and family that I Reckon'd my self oblidge in point of Gratitude and maners to thank his Lop/ in privat for his good oppinion, with a positive assurance that if his Lop had occasion for our service we would endeavour to make good his Lop/ character. And taking that favourable opportunity to discourse his Lop/ fully upon the oppressions we lay under, to which his Lop seemed to be no stranger, I told his Lop that tho' I pretended to come ther of ane other erand, yet my cheef bussiness was to represent our Greivances to his Lo/ and plead for his protection; that I had authority from the Laird of Cluny and the principall Gentlemen of the name and familie to make a free and frank offer of their service to his Lo/, that if his Lo/ agreed to the mater and thought them worthie to be added to the number of his dependents, the maner whether by manrent or otherwise was left Intearly to his Lop.

To this my Lord answered that the Laird of Cluny and his freinds had done him a great deale of honour, ther offer was great and such as he was very proud of, and could not but accept with thankfulness. A manrent he said was condemned by our laws, and too mean besides for a person of Clunie's qualitie, adding that he had the Barronie of Glenlyon<sup>2</sup> at his disposall and with that the Barronie of Combry, on which ther was one of the best houses in the Shire of Perth fitt for Cluny to live in. And, notwithstanding that he had seven thousand pounds offered him for both, yet sayes his Lo/, to have the honour and satisfaction to have Cluny my Vassall, and a knot of the M'Phersons under me (for so his Lop/ expressed himself) Cluny shall have both the Barronies for three thousand pounds. The one half of the Lands only to be holden of me, and the

<sup>1</sup> John, second earl and first Marquess of Atholl; patent dated 17th February 1676. He died in 1703. See note above.

<sup>2</sup> I have not been able to verify our author's statement as to the condition of these baronies at this time.

other of the King, ffor sayes he I would be content that all the Kings barrons were my Vassalls, and all my Vassalls the King's barrons.

Having returned his Lo/ my humble and heartie thanks for his generous proposall, and the good opinion his Lo/ was pleased to have of our name and familie, I took the liberty humbly to sugest to his Lo/ that tho the thing was very prestable If gone about with secrecie, yet if it once took air the family of Huntly would be sure to knock it in the head. You are in the right on't, sayes my Lord, and for that caise, said he If Cluny and his freinds relishes the motione, be you at the trouble to let me know so much, and as a blind for Clunie's coming, I shall, said my Lo/, call a head Court of my Vassals and dependents for Dunkell, wher Cluny may come under pretext of a Law sute he has depending at my Court, and that I may have some ground to put a just respect upon him and not postpone him to persons farr inferior to him in quality as this Marquess of Huntly uses to do.\* Be carefull says my Lo/ that Clunie's apearance at that Court, being his first, may be like himself, with a train of two or three hundred of the Cliverest of his kinsmen at his heels, and I'le give you my word for't, says my Lo/, now that he is declared by decret of Council\* to be Cheef of the Clanchatton, ther is not on Gentleman in the shire of Perth should, or shall preceed him If I can. Our comoning by this tyme being at ane end I took leave of his Lop/, and upon my arrivall in Badanach having imparted the wholl that passed to Cluny, furthwith ther was a meeting called of the best and choisest of his freinds who being sworn to secrecie, and the scheam laid down befor them as above related, after I had convinced e'm by unanswerable arguments that ther was never any thing yet thought of, more for the honour and interest of ther family, without a contradicting voice they all agreed to it unanimously. Cluny himself had a Thusand pounds in ready Cash at this tyme Lying in Calder's<sup>1</sup> hands, and for the other two it was so proportioned

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\* All this may be proved by the Laird of Cluny and the cheef gentlemen of the family, and besids by Mr. John Ffleaming advocat then Secretarie to the Marquess of Athole.

<sup>1</sup> Doubtless Sir Hugh Campbell of Calder. For his account keeping, and business transactions, see *Thane of Cawdor, passim*.

upon the Gentlemen every one according to his capacity that the Marquess of Athole was to have his money within two tearms after finishing of the Bargain. This being intimated to the Marquess of Athole by ane express from Cluny, a head Court was without delay summoned to Dunkell, to which without the least suspicione Clunie and his friends might come, and that Clunies apearance might be as my Lord had ordered, ther was twentie Gentlemen appointed to go a horseback, and two hundred more of the choisest of the name a foot, with two weeks provisions.

The affair being brought to this happy issue, we were in end unhappy to have a false brother among us, who forgetting his oath of secrecie, and the honour and interest of his familie sent ane accompt of all to the Marquess of Huntly, who upon the allarum sent his positive orders to Cluny and the other Gentlemen at their heighest perril to proceed no furdur in that mater, and with the same breath wrote likeways to the Marquess of Athole Intimating that it was not kind, nor neighbourly in his Lop/ to offer to divert the dependence of his vassals without his knowledge and consent.

But his Lop/ reckoning all this for nothing till once he secured me, not beleiving I would answer his own call, Employed S<sup>r</sup> James Strachan<sup>1</sup> of Thornton and Captan Adam Tyrie,<sup>2</sup> gentlemen of great sense and my particular good

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<sup>1</sup> Sir James Strachan, Bart., of Thornton, was the Episcopalian clergyman at Keith and a notable man in the north. He was deprived by the Privy Council for refusing to read the proclamation of William and Mary. Instead he prayed publicly for the restoration of King James. A portion of his library still remains at Keith. The following rhyme gives his titles :

‘The beltit Knight o’ Thornton  
And Laird o’ Pittendreich,  
And Maister James Strachan,  
Minister o’ Keith.’

It took eleven years to get a Presbyterian minister placed at Keith, Sir James was so popular.—Archibald’s *History of Episcopal Church at Keith*: Edinburgh, 1890; *Macfarlane’s Genealogical Collections*, Scottish History Society, vol. xxxiii. p. 273.

<sup>2</sup> Captain Adam Tyrie, probably son of David Tyrie of Drumduy in Strath-bogie, a follower of Huntly.—*Acts Parl. Scot.* Tyrie of Cowlithie, or Collithie, appears as witness to a charter of Huntly’s at this time. • See *Laing Charters*, Index. For James Tyrie, the Jesuit, and his kin, see *Scottish Notes and Queries*, December 1901; also, *Papal Negotiations*, Scottish History Society, Index.

freinds to desire a meeting of me at Carron<sup>1</sup> within ten miles of Gordon Castel,<sup>2</sup> wher having come by their apointment after severall other discourses they brought in that by a side wind, told me they were extreemly surpris'd to find any mistakes twixt the Marquess of Huntly and me, and were sure that my Jealousie of his Lop/ in reference to my family or my self was altogether groundless, they were readdy to undertake, they said, in behalf of his Lo/ If I went but along with them to the Bogg he would himself convince me to my own satisfaction that he designed nothing more then the welfare of the M'phersons in generall and in a more speciall maner to be the instrument of my rise and fortune.

I did not stick in my turne to give my just and reasonable exceptions against this plausible discourse, but to shew them what a deference I had for their judgment, and the power they had over me, I was ready once more at their desire to wait upon the Marquess, tho' with this remonstrance at the same tyme, that if I made a Judgment of what was to come by what passed, I had reason to suspect it might be to my loss.

Then taking horse we sett of from Carron and aryved at the Bogg about four of the Cloak, wher I cannot deny my Reception in Appearance was such as I could wish, and his intertainment that afternoon both to them and me, without touching of particulars, full of all Imaginable marks of civility and respect.

Supper at last being over, his Lop/ called me to the Closet wher after we were Left, he was pleased to tell me that to his great amasement, I had endeavoured to do him the worst peece of service the most malicious enemy could think of, the un-hinging of Cluny and the M'phersons, and fixing their dependance on another family, and he would gladly know what he had done to meritt this diskindness; my Lord said I, The congress is unequall. I am but a privat Gentleman, and have to deale with on of the greatest subjects of the Kingdom, but if your Lo/ said I, now that we are alone, lay aside your

<sup>1</sup> Well known in the history of the Speyside clans. It lies between Ballindalach and Aberlour. It now has its railway station.

<sup>2</sup> Formerly called the 'Bog,' but by this time not unfrequently Gordon Castle.

quality and allow me to be on the square with you for a few minuts, I make no maner of question by your Lops own Judgment to Justifie all I have yet done and more if I were able.

Ffor my Lord said I, what is it, that concerns either the honour or interest of our family that your Lo/ has not shewed yourself ane enemy to? You have heighten the Rent of that you call your propertie, tho the tacksmen are quite Impoverished by what they payed formerly; you have endeavoured all was possible for your Lo/ to ruine the heritors, and for that end, besides the Acts made by your Baylies in the Courts of Ruthven in ane arbitrarie way, your Lo/ has been upon the constant catch, instead of protecting em against the violence of others, as in right you should, to take rights and assignations from others against them. Your Lo/ and your Bailies have espoused the interest of the M'Intoshes who are not only our vouched enemies, but hereditary enemies to your Lo/ and your family, against the M'Phersons who have been your constant freinds; These things considered It may seem the less strange to your Lo/ that we have attempted to prevent our own ruine by applying ane other of your Lops quality who had a truere value for us, and would be sure to treat us better.

My Lord having heard me out with patience, answered that he could not deny, he had been ill advised, and had done severall things were not friendly to the M'Phersons, but says he it shall be so no more, adding that if he knew how to secure my friendship he would buy it with a great deale of gold. My Lord, said I in ansvere to this, deale but Justly by our Family, and don't be imposed upon by the arte and sophistrie of your flatterers to oppress and squise them, and for myself I covett none of your gold, said I; Assure me but of your countenance and protection and your Lo/ shall find no man alive according to my ability more firm and faithfull to your Interest, or that on all occassions shall be readier to serve you. Invereshie, said my Lo/ (for so I was then called) we have said enough for this bout, and again to morrow morning I may have something more to add may please you better, so he wished me a good repose, and leaving his Lo/ to his, I waited of my freinds to whom I told all that passed very much to their contentment.

Next day we separately convened at his Lo/ Levy, and after breakfast he shewed me the Copsy of a bond he designed I should sign and grant him, wherby I was to be obliged under the penalty of five thusand pounds not to depend upon, or offer to be raised by, any but himself. Here, said I, my Lord am I bound neck and heele with a witness, but wher is my security, If I disingage myself from others to be raised by your Lop/ or protected by you? That, said my Lord, is what you are not at all to question; adding that he was not ignorant that at the finishing the Bargain entered into by the Marquess of Athole and Clunie I was to go to Court with Athole's Recomendations, and he would lett me see that he had no less interest to raise me then the Marquess of Atholle, or any other subject. If I but signed that bond he would furthwith he said wreat to the Earle of Aberdeen<sup>1</sup> who was then Chancelor and to the Duke of York in my behalf.

Upon these positive assurances my friends perswaded me to sign and deliver the bonds, upon which my Recommendations were ordered to be made ready.

After dinner his secretarie was called for, and two letters writin it seems by his Lops/ order, on for Sr Robert Gordon,<sup>2</sup> ane other for the Earle of Aberdeen; in both which, with ane aire of much sincerity as seemed to me and my freinds, he told them what had passed, and his own resolutions to raise me, therfor Intreated the Earle of Aberdeen might Recommend me seriously to his royall highness, which he beleived, without his wreiting, might serve my bussiness; but if his Lo/ thought his recommendation necessary in conjunction with his Lops/, upon the first intimation of his Lops/ oppinione and advice If

<sup>1</sup> Sir George Gordon of Haddo, created Earl of Aberdeen, November 1682. He was Chancellor of Scotland till 1684, when he resigned and was succeeded by Lord Perth. Mackay calls him the 'solideist statesman of Scotland.' He was a special favourite of the Duke of York, and had much influence with him till he opposed his measures as to the Test. See *Letters to the Earl of Aberdeen*, Spalding Club.

<sup>2</sup> I take this gentleman to be Sir Robert Gordon, third of Gordonston. While he was younger of Gordonston he was much engaged in public business, and was placed on several important commissions, such as that on Tithes and Planting of Kirks.—*Letters to Lord Aberdeen*, Spalding Club; *The Brodies' Diaries*, Spalding Club. He travelled much, and from his scientific knowledge was by some regarded as a necromancer. See *The Book of the Setons*.

it was but by a footman, he would be sure to send it. I do own that it was not without difficulty my freinds persuaded me to accept of thess without the other according to our commoning, but I had a person of quality to deale with for whose honour they said they would pledge their own. Therefore they advised me to accept of his Lops Letters, and if the Chancellor thought the Marquess his recommendation necessary, all I had to do was but to prevail with the Earle of Aberdeen to signifie so much by a letter to the Marquess and I might depend upon it very shortly after, his recommendation should be sent to me.

Thess repeated importunities from two freinds I had reason to value as much as any alive prevailed upon me to accept of the Letters, and that I might lose no more tyme I took my leave of his Lop/ and made what heast I could for Edb<sup>r</sup> in order to my Journey for Court. At my aryvall I delivered his Lops/ letter inclosing another for the Earle of Aberdeen, and a Copy of my bond to S<sup>r</sup> Robert Gordon. He again being my particular good freind made no delay to wait of my Lord Chancellor who after perusall of the bond and his Lops/ letter was pleased to say to S<sup>r</sup> Robert, that he was glad to find that the Marquess began to understand his business.\* It was his opinion he had made a considerable purchass in gaining Mr M<sup>c</sup>Pherson so entearly to his interest, and that he was concerned in point of honour to be the instrument of my rise, seing to his Knowledge I was in a fair way to be raised by ane other who wanted neither power nor will to do it. That for his part he was very ready to second the Marquess his Recommendations in my behalf, but that it would not look decent in him to recommend any of his Lops/ vassalls but in conjunction with his owne, he would wreat he said to that purpose to his Lop/. It was but the sending a footman along with it, and he was very sure within ten dayes at most my Recommendation would be sent to me. Accordingly his Lop/ wreat a letter to the Marquess to the purpose above wreitten, which was Immediatly dispatched with a footman of my own, the best of

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\* And this to S<sup>r</sup> Robert Gordon and the Earle of Aberdeen.

his trade in the whole Kingdom, for he could have Runn Sixty miles a day without intermission for a week together.<sup>1</sup>

Mean while I was a fitting myself the best I could for my Court expedition, and that I might save some money, a favourable opportunity offering to go by Sea, I waited of my Lo/ Chancellor and told him that I was in a straight between two and came to be determined by his Lo/. Ther was a Ship I said ready to saile tomorrow from Leith road to London by which, if I went, it would save me twentie pounds, but I was unwilling to leave the Country and go of ane Appryle earand without my Recommendation. That needs not at all trouble you, Replied my Lord, nor stay your going for one minut. The Marquess, sayes he, is a person of honour, who for his own sake will not miss to send me the Recommendation, and it were to no purpose for you to wait for it, and miss so favourable ane occasion, for depend upon it, It will certainly come, and I shall, said his Lo/, send it as certainly by the black box to London which, for ought you know, may be ther as soon as yourself.

Here was enough said to perswad me half resolved already ; so returning my humble thanks to his Lop/ for his free advice and the assurance he was pleased to give of his freindship, I took my leave of his Lop/ and my other freinds that night. To-morrow after, I got aboard the Ship, and it pleased God tho' the season was a little stormy that we arrived safe at London within less as a week after.

My first bussiness then was to look out for letters but none being come I waited of the Earle of Midleton,<sup>2</sup> who did me

<sup>1</sup> Let modern athletes note this.

<sup>2</sup> This is Charles, second Earl of Middleton, one of the principal Secretaries of State for Scotland from 1682 till 1684, when he accepted the same position for England. He followed King James to France, and after having opposed popery much against his own interests, on King James's death he became a Romanist, and had 'entire management of the Court of St. Germain's.' Mackay says: 'He is one of the politest gentlemen in Europe, hath a great deal of wit, mixed with sound judgment, of a very clear understanding, of an easy indifferent access, but a careless way of living. He had so mean an opinion of converts that he used to say, "a new light never came into the house but by a crack in the tiling." He is a black man, of middle stature, with a sanguine complexion, and one of the pleasantest companions in the world.' His kindly treatment of our author is quite in accord with the disposition thus sketched. See Mackay's *Memoirs*; Douglas's *Peerage*, 'Middleton.'

the honour to Introduce me to his Royall Highness the Duke, to whom I had been five years befor that Recommended by some of the first Rank and quality in the Kingdom, which his highness called to mind at first sight and desired the Earle of Midleton might consider me as one of his freinds, and be carefull that if any thing offered in the road of my Employ worthy of me, It might not be dispossed of without his knowledge. A few dayes after this his Royall Highness introduced me to the King, who was pleased to put severall queries to me in reference to the Clanns, were answered, as I understood by others, to his Majesties satisfaction.

Having thus farr paved the way to his Lo/ recommendation, or to speak more truly to my own fortune without it, If I had taken that method and imployed my advantages, I was every day expecting it, and passing my tyme without attempting to do any thing for myself or others, the Earle of Midleton who had not forgot his Royall Highness's orders sent for me to speak to him in all heast, and as I attended his Lo/ he was pleased to tell me that Just then a place had vaiked the fittest for me or one of my Education of any thing could be thought of. S<sup>r</sup> Patrick Lyon<sup>1</sup> he said was Judge Admirall but being advanced to the bench was making what interest he could to save both, but the Duke was resolved not to bestow upon on what might oblige two, therefore desired that I might be that night at the Duke's Couchee where he said he would Likeways be on my accompt, and I would be sure to have it.\*

I thanked his Lop/ for his care and kind offer, but withall told his Lop/ that every minutt I expected the Marquess of Huntly's recommendation, and for severall reasons would be content to owe my rise to him. Tis generously resolved, said my Lord, but Mr M'Pherson, sayes he, I wish that may not faill you, and with that I left his Lop/, I have reason to beleive since, not altogether satisfied.

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\* As to the truth of this I appeale to the Earle off Midleton.

<sup>1</sup> Sir Patrick Lyon of Carse, second cousin of the Earl of Strathmore. He took his seat as an Ordinary Lord of Session, with the title of Lord Carse, on 10th November 1683. He was appointed one of the Lords of Justiciary, 20th February 1684, but was deprived at the Revolution. See *Glamis Book of Record*, p. 123, Scottish History Society. Sometime in 1683 must have been the date of our author's visit to London.

This made me still the more impatient for my letters, nor had I reach enough to find out what could possibly hinder them. At last after three moneths gapeing and dependance I had a letter sent by S<sup>r</sup> Robert Gordon \* inclosing one from the Marquess, in which he told me that as to what he promised, he had considered better on't since, and desired to be excused ; he had not freedom to recommend me.

Being thus used after the security I gave him, after he had sent me to Court upon the assurance of his recommendation, after I had in meer compliment to his Lo/ disingaged my self of ane other of the same Rank and quality, and declined a post of Honour and profite when it was in my offer, that I might owe my rise to his Lop/ and him only, I shall leave to your La/, who is a better Judge, to make your Remarks upon the honour and morality of the actione, and proceed to tell your La/ that having in some measure recovered of the consternation I lay under by this unexpected disapointment, I went straight to the Earle of Midleton, and told him what had happened. He could not be perswaded that such a thing was possible, but when I shew the Marquess his letter with S<sup>r</sup> Roberts', which I were unjust not to own was full of shame and horror for his Lo/ cariage, my Lord Midleton could not refrain from Laughing because of the newness of the thing, and that he had himself modestly insinuated it might come to that at last. But ther was no help for it, he forbid me to be discouraged and would try he said what might be done, called immediatly for his Coach, and had me along with him to the Duke, told his Royall Highness, that in obedience to his commands he came to tell his Highness that ther was a Post just than vaiked very fitt for Mr. M'Pherson, to witt Judge of the Admirality in Scotland. My Lord why did not you tell me sooner, said the Duke, adding that if he had thought that post worthie of Mr. M'Pherson he had saved it for him, but the Marquess of Athole who was Lord high Admirall of Scotland, having asked his leave to dispose of that mean imploy as he called it, he had sent him his leave but two posts agon ; he

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\* And as to this I appeale to S<sup>r</sup> Robt Gordon who I am sure is a man of honour, and will not deny plain mater of fact in compliment to his G<sup>r</sup>.

beleived he said the Marquess would not be over heasty to dispose of it, and if Mr M'Pherson had a mind to it, he desired I might make what heast I could for Scotland, and he would recommend me to the Marquess.\* Accordingly Sir John Warden, then his highness secretarie, being ordered to writ the letter to the Marquess of Athole, and thretty pounds English appointed for my viaticke, I took post for Scotland, and arrived at Edinburgh in less as three dayes space; but for all the heast I made, the post was disposed of to Sir David Thors<sup>1</sup> ere I came, much to the regratt of the Marquess, but more to mine.

This greivous disappointment after all the charge I had been at, and the heat and fatigue of such a long journey, flung me into a violent fever wherof my phisitians and my other acquaintance thought I should have dyed, but youth and resolution having mastered my distemper, it pleased God that I recovered a pace, and then from that day furth resolved to ply my bussiness at the barr, and trouble the Court no more; which having done with success, and for two or three years space, The Marquess of Huntly whose main studie was to divert me from the barr, that I might not be ther to oppose his arbitrary proceedings against my freinds, imployed Sir John Gordon<sup>2</sup> the phisitian, and one of the best freinds and comerads ever I had on earth, to tell me that his Lop/ was sorry ther should be any misunderstanding twixt him and me; that what he had done before, he found since, was by the advice and insinuatione of a certaine person was a mortall enimy of mine, and no freind of his. That if I pleased to go along with him at that tyme to Court (for he was going then to be installed Duke<sup>3</sup>) he would make amends for all former failings. Your Lad/ may beleive that I had no great reason to Listen to this motiō, but Sir John who adored his cheef,

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\* This also in all its circumstances is known to the Earle of Midleton.

<sup>1</sup> Sir David Thoirs of Inverkeithing. He was appointed with other advocates to defend Nevil Payne charged with treason, and without trial tortured. — *Acts Parl. Scot.*, vol. ix. p. 302.

<sup>2</sup> John Gordon, a physician. I have not been able to gain light about him. A Sir John is spoken of as Huntly's agent in Edinburgh.

<sup>3</sup> The date of the patent is 1st November 1684.

and had likewise a freindly regard of me, wrought so farr upon my credulity,—that at last I yeilded to the proposall, raised some money, bought a gelding with his other accoutrements, and added to the number of his Lops traine, all along from this to London at my own charge.

When we were aryved I observed his Lop/ began to falter and repent him of his promise; all his other attendants were introduced to the King under the characters of good and loyall subjects and his Lop/ particular freinds for whom he would be answerable, but notwithstanding that I was still among the crowde expecting the same honour done me; his Lo/ looked over me and would not so much as see me, but I had ere that tyme served ane apprenticesage to the Court and made a shift to be introduced without him.

Sir John Gordon was extreamly troubled at his Lop/ cariage, as was likewayes Mr. Robert Gordon younger of Cluny, a Gentleman of as much sense and honour as any of the family. They told his Lop/ very plainly that Mr M'Pherson was not to be so served, the King and his Royall brother knew my capacity and pretensions, and that I would make a shift to do my business without him.

These reasons being urged with equall zeal and vehemencie by a brace of Gentlemen whose Judgment or ffreindship, he had no maner of reason to question, put him seemingly on other measures, but it was but seemingly, for his main bussiness was to tempt me to leave the barr, that he might execut his arbitrarie designs against my freinds and family with the more ease, and thinking that the Shireffship of Aberdeen, then in the possession of Frazer of Kinmundy, might take up all my tyme and keep me from Edinburgh, proposed by my freind Sir John that I might have that if I pleased. My answer was that the Shireffship was ane other mans right, that I thought it Immorall to covet his possession, but injust to take it if I could, and besides I have something else in view, on of the Clerkships of the Session, a post of greater profite and fitter for my circumstances.

But these Remonstrances did not serve turn, I must not he told me Refuse my Lords favour, or if I did, he would turn my enimy, and had interest enough to stop all my other

designs, wheras says S<sup>r</sup> John if you accept of this, you may have the Clerkship when you please. S<sup>r</sup> Jo, said I, you know that I value you too much to decline your Judgment; be pleased to tell my Lord that I accept his favour with thanks, and that I will be sure to Employ that, or any other station I may happen to be in, so farr as I can, for his Lop/ service.

This report being made my commission was ordered, but after it had passed the Kings hand, I found it was defective, it bearing no power for me to appoint a substitute, which was industriously left out by order of his Lop/, that I might be obliged to leave Edb<sup>r</sup>, and leive at Aberdeen; but this did not take. I told S<sup>r</sup> John that I would not pairt with my Gown for that commission, and if I could not keep both I knew how to make my choice.\* Upon this the commission with much adoe was ordered to be renewed as I would have it, and after it had passed the King's hand delivered me by his Royall brother, with this complement, that he hoped to see me serve the King in a better station.

Within a week after I rode post for Scotland, and made what heast I could to have it passed the great Seall. Then I waited of the Earle of Aberdeen, who was Shireff principall, and signed ane order to install me, which being done and some Courts fenced, I left a deputation with Andrew Thomson<sup>1</sup> and returned my self to Edinburgh.

But this mighty favour was not long lived; the Marquess fretted that the commission was altered, which in sted of lessening my interest, made me more capable to assist my freinds, and for that very reason I was told his Lop/ designed to give it a new turn if he could; which obliged me to a new circumspection that nothing might escape me could furnish him a handle to misrepresent my actions.

But all my precaution came to nothing. King Charles his death which happened next Ffebruarie<sup>2</sup> made ane end of my

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\* The Earle of Melfort can witnes this.

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<sup>1</sup> See notes of life of author, *supra*, p. 6.

<sup>2</sup> 6th February 1684-1685. Had our author been properly appointed, or appointed in the usual way, his commission would not have lapsed by the king's death.

commission and the Marquess<sup>1</sup> therby left at his full liberty to act ane other ghome did not think convenient to appeare directly against my interest, because ther was good reason to suspect that the King to whom I was so well known would support me in my Just pretensions, but his Lop/ had the arte to go ane other way to work. He seconded the Earle of Errole to obtain a Commission of the King as Shereff principall of Aberdeen, tho to the prejudice of his own kinsman the Earle of Aberdeen, in which instedd of Excepting of my Commission ther was a clause added, wherby he had a full power to appoint a Deputy, but had given his promise to the Marquess as I understood thereafter, not to apoint any without his Lop/ knowledge and consent.<sup>2</sup>

Mean while tho I was quite a stranger to the proceedings I was not unmindfull of my bussiness, but how soon I could be fitted I went streight to London, and being under ane ague at the tyme, and not in condition to go to Court, understanding that S<sup>r</sup> Alex<sup>r</sup> Ffrazers daughters<sup>3</sup> were working all they could for their kinsman Ffrazier of Kinmundy, I made bold to wreit a lyne to the loyall and generous Earle of Airly,<sup>4</sup> who as soon as he knew of my comeing and my circumstances, it not being in my power to go to him, his Lo/ did me the honour without delay to take a chaire and come to me to my Lodgings, wher having told his Lop my unhappy circumstances, particularly that the Ffrazers who had a strong interest then at Court had petitioned for my Commission, I beseeched his Lop/ might give himself the trouble to wait of his Majestie and mention my

<sup>1</sup> He was now duke.

<sup>2</sup> These statements are worthy of the attention of legal historians. They are certainly not untrue to the place-hunting intrigues of the time. The Earl of Errol here mentioned is John, eleventh earl.

<sup>3</sup> The daughters of Sir Alexander Fraser were in a position eminently favourable for promoting the interests of their kinsfolk. They were ladies of the bed-chamber, one to Queen Catherine, another to Mary of Modena. Apparently there was a third daughter, who was also at court. Sir Alexander had been the faithful friend and physician to Charles I. and Charles II. in prosperity and adversity. He was made a baronet, and bought back the old family property of Durris or Dores in Kincardineshire. See *Macfarlane's Genealogical Collections*, Scottish History Society, vol. xxxiv. pp. 324-331.

<sup>4</sup> James, second Earl of Airlie, the loyal Lord Ogilvy, the friend of Montrose. See note above.

name to him, which I was sure would secure me against all their interest and attempts.

This was no sooner said than done. His Lop/ generously, like himself, went streight to Court, and craving an audience of the King told him in his closet that he was to see Mr. M'Pherson a faithfull freind and servant of his Majesties, who was but just then aryved, and being under a plagy ague, till he was gott cured of his distemper, did not dare to see his Majestie; but that his Lo/ might signifie to his Mat<sup>ie</sup> that he was told the Ffrazers did tease his Majestie with petitions for his commission, and that as a good and loyall subject he was bound to tell his Majestie that Mr. M'Phersons father, the deceased William M'Pherson of Invereshie, was the first man in the highlands espoused the Royall interest in behalf of his Majesties Royall father; that the Marquis of Montrose having called him to Glenclova<sup>1</sup> within three myles of his house of Airly, ere Montrose could come, he bravely fought and defeat Collonels Hurries Regiment of horse who were sent against him by order of the States; that immediatly therafter he took in Blare Castell in Athole possessed by a Garison of Rebels at that tyme commanded by Collonel Dougall M'Pherson,<sup>2</sup>—the only Rebell of a Gentleman ever was of the family—that he carried on the war therafter in conjunction with his cheef the Laird of Cluny, who by this tyme joined him, to the uter Ruine of his fortune, till he received his death wounds at the Batle of Oldern; and this and more said my Lord was done by

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<sup>1</sup> The difficulty of accepting this history as it stands in the author's life, *supra*, is insurmountable. Hurry was not in Scotland at the time given there. But at the end of March or very beginning of April 1645 Hurry's cavalry was driven in headlong flight during the manœuvring between Baillie and Montrose on the Isla. Glenclova is not far from the scene of the skirmish.—Gardiner, *History of Civil War*, Index, Hurry; also *Deeds of Montrose*, p. 88.

<sup>2</sup> Colonel Dougall Macpherson of the Ballachroan family, described as of Powrie. Mackenzie of Pluscardine petitions for restitution of goods illegally taken from him by Macpherson.—*Acts Parl. Scot.* vol. vii. p. 42. Blair Castle was held for Baillie, and its capture must have been by a detachment of Highlanders left by Montrose at Dunkeld when he made his rapid march on Dundee, 4th Aprill, 1645. None of the men of Badenoch, as far as I see, confessed to having been at Dundee. They may have been at Blair, and afterwards at Brechin, guarding the communications. Invereshie was seriously wounded at Blair. See Sir Æneas' Life, *supra*.

Invereshie, Mr. M'Phersons father, when all the Ffrazers in Scotland were in actuall rebellion against the King. My Lord, said his Maj., tell Mr. M'Pherson that I am sorry for his illness, but for his commission I have saved it for him, and he shall have it when he pleases, adding that his Lo/ had told him no more than he knew already concerning the M'Phersons, and he would be sure to take care of Mr. M'Pherson and his interests.

The Earle of Airly returning with this good news cured me perfectly of my ague, so as I was in Condition to go to Court within two dayes after; wher appearing without any Introduction, the King at first sight was pleased to single me out, and Reach his hand to me, and after some queries about my health and journey, ordered the Earle of Melfort,<sup>1</sup> who was then by, to give me my Commission with a letter to the Earle of Perth<sup>2</sup> peremptorly ordering his Lop/, at that tyme Chancellor of Scotland, to possess me of my office, and with all to look out for some fyne or fforfaulture might in some measure Reward the services, and make up the Losses our family, for so many ages, had suffered for the Crown.

With thess honourable credentialls after the Royall leave, I took post for Scotland, and upon the morrow or next day presented my Letters to the Chancellour, who after perusall told me that the King seemed to be very forward to raise me, and support my interest. His Maj. he said had recommended two things to him, ffirst to repossess me of the Shireffship of Aberdeen, next to find out a fforfaulture for me, might make up the losses of my ffamily. ffor the first the Earle of Erroll as Shireff principall had allready given a Commission to Ffrazier of Kinmundy by Consent of his Grace the Duke of Gordon, and as having authority to do it by the tenor of his Comission; so that, sayes my Lo/, if you have any thoughts to recover that office, now that ane other is possessed, he cannot be ejected but by decret of Counsell, so that your bussiness is to

<sup>1</sup> John, first created Viscount of Melfort, and later Earl of Melfort in 1686; a principal Secretary of State in 1684. He was a leading man in the councils of King James, who, at St. Germain's, made him Duke of Melfort and K.G. He died at St. Germain's, January 1714.

<sup>2</sup> James, fourth Earl of Perth, became Lord Chancellor of Scotland, 23rd June 1684. He was afterwards created Duke of Perth and K.G. at St. Germain's, and died there 11th March 1716.

table your suite before the Counsell, and when it comes to a debate you shall find me no Enimie.

Than for a fyn or fforfaulture, sayes my Lo/ I know none at present that is not already disposed of, but if you'le be at the charge and trouble to go to the West, and make a new discovery,<sup>1</sup> what ever it be, you shall have the benefit of't. Upon this new assurance I made a Journey to the West and at the expence of no small tyme and charge made two or three discoveries by consent of the Rebells themselves,\* who on the credit of my character, were content to fall into my hands, not doubting they might make a favourable composition with me. Being beyond my expectation thus farr successful, for I beleived ther was nothing to be got after the besome, I returned to my Lo/ Chancellor with ane accompt of my diligence and told his Lo/ that for the matter of my Commission seing it was not with a Mr Ffrazier I had to deale, but the Earle of Erroll and consequently with his Lo/,<sup>2</sup> out of pure respect for his Lo/, I was content to lay my comission at his Lo/ feet, not doubting but that his Lo/ might think of some other way to answer his Majesties end, and make up my Loss. Mr. M'Pherson, sayes my Lord, you do very generously, and I must say wisely, and you may rest assured that it shall turn to your accompt.

That Comission he said was but meane and unworthy of me, and he would think very speedily of a better, and for that end desired I might prepare to go to Court, and he would give me his recommendations in full, both to the King, and to his brother.<sup>3</sup> Mean tyme, said my Lo/, that you may not be altogether at a loss, but have at least something to help to

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\* This is known to Skeen of Halyards in Lothian who went along with me to the west.<sup>4</sup>

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<sup>1</sup> This atrocious proceeding seems to have been perfectly understood on both sides of politics.

<sup>2</sup> The Earl of Errol married Lady Ann Drummond, sister of the Earl of Perth.

<sup>3</sup> Meaning his own brother, Melfort. The naïve candour of these statements is significant.

<sup>4</sup> John Skene of Halyards was Commissioner of Supply 1689-1690; received protection from execution for debt as cautioner for his brother-in-law, Drummond of Carlowrie, in 1693.

bear your charge to London I'le order Kinmundy to satle with you else I'le be sure to turn him out.

Within a few dayes therafter Kinmundie was pleased to call for me, and after some discourse I had a spate of money of him, and away I went to Court. But after I had presented my letters to the Earle of Melfoord, to my no small greef I found his Lo/ my professed Enimy. ffor when he had read his brothers letter he would not so much as speak to me, but when I had thought better on't this did not all discourage me. Without more adoe I put myself in the King's way, who was graciously pleased to call me out aloud, and to reach his hand to me. This emboldened me after some queries to ask ane audience of his Maj. which being granted, and having waited at Chivins<sup>1</sup> his Closet Keeper from three to four according to his Maj. order, I gave his Maj. a full accompt of all my greivances, who pleased to say that I was Ill used, and himself ill served, but forbid me to be discouraged. He would be sure to take caire of me, and to convince me that he was in earnest his Maj. gave me a short note on the Earle of Melfoord for fiftie pounds, which his Maj. told me should be repeated quarterly till I was provided for.

My affair in spite of all my Enimies being brought to this tollerable issue I resolved even to stay there, and think of no return till something was done for me, and being frequently at Court, and my interest and ready access to his Maj. very much taken notice of, I was imployed by severalls, who had affairs depending befor the Court, to speak to his Maj. in their behalf, which I did more then once, and not without success.

Much about this tyme which, so farr as I can remember, was in the close of 87, or in the beginning of 88, his Gr. the D. of Gordon having some moneths befor turned Lochzeall<sup>2</sup> by forse of armes out of his wholle estate upon a gift of the Kings bairé

<sup>1</sup> No doubt William Chiffinch, Page of the Bedchamber and Keeper of the Closet.

<sup>2</sup> In 1686 the Duke of Gordon had a ratification of the lands of Loch Eil, on the forfeiture of the Earl of Argyle, and an assignation of all agreements and contracts between Argyle and Sir Ewen Cameron of Loch Eil concerning the lands of Glenleish and Loch Archaig.—*Acts Parl. Scot.* vol. viii. p. 613. Lochiel is the famous Sir Ewen Cameron. See *Memoirs of Lochiel*, and *Grameid*, Index, etc.

superiority, Lochzeal came up to Court, had his caice drawn up seconded with a petition, both which being presented to the King were ordered to be seen and answered by the Duke, his Graces answer producing a reply from Lochzeall, and that again a tryply, his Maj. having other affairs of greater weight and importance on his hand ordered four auditors, wherof the Marquiss of Powis<sup>1</sup> and the present Earle of Midletone were two, to hear both parties and make report to him of the merit of the cause.

The King before their sitting declared to them on the word of a Prince that he designed nothing for the Duke when he had that Gift but the superority of Lochialls Estaite, Therfor desired they might be more carefull to examine maters, that if ther was any wrong done or intended to be done to Lochiall he might take care to right him.

With this precaution the auditors having mett called both parties; Lochiall was bidd present his right to the propertie, which accordingly was done. Than his Gr. produced his Gift under the Great Seall of Scotland, and confirmed in parliament, In which with the superiority (all that the King intended for him) he likewise couched the property. The auditors told his Gr. that this was not only to comitt a Robbery on Lochiall, but to put a trick upon the King, and to force his Majestie in stead of rewarding Lochiall, who like a good man and Loyall Subject, was in arm's against Argyle, to fforfault him with and for Argyles Rebellion.\* Therfor it was their humble advise to his Gr. that without troubling the King any more with that affair, he might doe Justice to Lochiall, and repone him to his right, wherby continued my Lo/ Powis we shall be easd the trouble of making a Report, and your Gr. have the satisfaction to preserve your Interest in his Ma.'s good opinion, already in no small danger to be lost. His Gr. answered that by the Laws and Constitutione of Scotland, Lochiall being Argyle's Vassal fforfaulted the propertie, as well as the Superiority of the Estate to which he had the Kings gift, passd the Great Seale and confirmed in parliament, and being a consumat right,

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\* All this is plain by what followed and needs no proof.

<sup>1</sup> William, Marquis of Powis, afterwards created duke at St. Germain's.

he would not willingly part with it. And he hoped his Maj. would not imploy his authority to force him.

This obstinancie or weakness, call it which you will, furnished ane easie handle to his Graces Enemies to Roare it out ag<sup>t</sup> him; some called him a man of no Justice or honour, some a mad man, others ane oppressor, and in fine a fourth sort Refining upon the mater did not stick to say that his Gr., in offering to put that trick upon the King, was guilty of greater treason than the Late Argyle, in his explanation of the Test.

Thess surmises were tossed about with a great deale of diligence, and whither true or false, favoured Lochiall extremely, and your La/ may beleive did no litle Injury to the Duke. The auditors made their report, which left such ane Impression on the King, that without more adoe he pronounced his sentence in favour of Lochiall, and for a considerable tyme therafter lost his opinion of the Duke so as he was not taken notice of by the King, and in Consequence to that, slighted and contemned by others.

Ffor when his Gr. came to the Levy, which but seldom happened, none had the maners to make way for him, which obliged his Gr. who is naturally modest and well natured, to stand out of the Circle, at mens backs who might be proud to serve him. This I do own was no small mortification to me, ffor notwithstanding the Capitall and repeated injuries he had done me, and that I was sure by what had passed I needed not expect his freindship for the future, yet out of pure Respect to his Gr.'s family, and the honour of our Country also, which seemed to me in some measure to suffer by his treatment (not by the injustice of the King, for he had done him none, but as I thought by his own supineness and neglect, who did not make his Court, and push it on with more Courage and resolution) I did my self the honour to wait of his Gr. at his Lodgings, who was the more surprized at my coming that his Gr. did not Expect my visit, considering the wrongs had been done me by his meine; but his Gr. at that tyme shewing a new aire and countenance, after that in course we had Inlarged upon the news, I took the libertie to tell his Gr. that the common subject in conversation at that tyme was his Gr.'s cariage with the figure, to the Amazment of all mankind, his

Gr. made at Court. No man they said could talk to better purpose than his Gr. at all privat caballs, and meetings, and yet to the scandall of his quality, which was second to no subjects, and the lessening of himself, no man talked less or made a meaner apearance in publick. This my Lord, said I, is the voice of the people, and among these some that honour your Gr.'s familie, and bear no hatred to your person. And for this said I, you have an easie Remedie If you please. His Gr. stopped me here to ask if I did not know how he was stated? his enimies he said had gott such ane ascendent over the King that if he spoke and acted like ane angell all would prove to little purpose.

I am not Ignorant, said I, that your Gr. has powerfull Enemies who take the Liberty to misrepresent your Gr. They have the Kings eare at present and may represent his Subjects under what forme or shape they please, but they are not the only men that have it; there may be others who perchance have more interest, and for ought your Gr. knows if vigorously applied may imploy it for your service.

His Gr. answered after some pause that he knew no subject in the three Kingdoms came near their interest but Pen<sup>1</sup> the Quaker, to whom he was ane absolute stranger, besids which says his Gr. I doubt he is too much in the Interest of my Enimies to be ingaged for me. Fear not that my Lo/, said I, he is too great a man to be in any interest but the Kings, and if he is once perswaded that in serving your Gr. he does good service to the King, he will be sure to undertake it, and no less sure to execut it.

If such a thing could be handsomly brought about says his Grace, it would be ane obligation never to be forgotten. My

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<sup>1</sup> William Penn, the founder of the colony of Pennsylvania, was the son of Admiral Sir William Penn, who commanded under the Duke of York and was high in his favour. He transferred this favour to the son, though he had early become a Quaker, and was staunch to the society through much persecution. He was deeply engaged in furthering the policy of James, especially as to toleration, and was a man to be reckoned with in the diplomacies and intrigues of the time, and the court. Our author gives a picture of him, evidently from personal knowledge, but the origin of their acquaintancè does not appear. William Penn was a man of great influence whether in or out of jail, and knew all sorts of people. He died 30th July 1718.

Lo/ said I, let the mater Rest ther, I am very well known to Sr. William Pen, see him frequently and tho' I was with him yesterday, yet to serve your Gr. I'le waite of him tomorrow, and after I have pulsed him, If he has not freedom to Ingadge, your Gr. shan't be seen in it. Well sayes his Gr. I leave it wholly to your Conduct, and if the thing succeeds you shall find that in serving of me you do no disservice to your self and family. So parting with his Gr. I was a little uneasie till I was at the bottom of my Expectations.

Tomorrow about twelve of the clock I waited of Sir William at his Lodgings. Dinner being over he called me to ane other Roome, wher after a great deale of discourse of other things, I brought in the Dukes name, and Inlarged upon the honour and antiquity of his familie. I am no stranger to the familie sayes Sir William; ther has been great men of it, but it seems this Duke comes short of the mettle of his ancestors, else he would make a better figure, and not suffer himself to be runn doune by some, who in respect of him are but of yesterday.\* Right S<sup>r</sup>, said I, but besides his standing and antiquity he has something els to recommend him to his princes favour few of his country or quality can pretend to, which is that ther are six or seven Cheifs of Clanns, men of as good quality as in the Highlands, hold their severall countries of his Gr., and depend upon him, each of them capable to bring a Regiment of their own blood to the feild when their Prince or Country has occasion for their service. And if thess advantages are Joyntly considered with his own quality, and accomplishments, It must bespeak the Corruption of our Court, that for the Kings sake, who visibly suffers by his loss, any should dare to treat him as they doe.

I know S<sup>r</sup> William, said I, that no man Loves the King more- or can advise him better then yourself; you have many a tyme openly and vouchedly shewed yourself a patron to men that were oppressed, taking pleasure to do Just and Righteouse things barely for Justice sake,† but Sir, said I, besids that inducement, if you have freedom to serve his Grace and sett

\* This is known to S<sup>r</sup> William Pen a gentleman of as great veracitie as is in the 3 Kingdoms.

† And this lykwise to the same sr. W.

him right in his princes favour, It will be a family obligation may be of use to your posterity, and, which I know will weigh much more with you, you can hardly serve the King to better purpose Than to restore him to the use of a Limb, in danger to be lost throw the malice or unskillfullness of some of our state phisitians.

S<sup>r</sup>, said he, I have a great veneration for antient Noble families, and his as much as any. If thou thinks the Duke a man of sense and fitt to serve the King, I'le serve him very freely. I'le vouch for his Gr.'s sense, said I, but for his capacity to serve, till you have discoursed him I wont forstall your Judgment. Than said he I'le wait of his Grace at his Lodgings. No S<sup>r</sup>, said I, his Gr. has spies upon him, and you are too Remarkable not to be discovered.\* If you 'le appoint your tyme I'le undertake he'le wait of you at yours. Tonight said he won't be so proper because of my preingadments to others, but tomorrow sayes he at or before four of the clock after noone he shall be very welcome, and I shall order the mater so as none els may be admitted till he is gone.

Having brought my negotiation to this Luckily pass, I left S<sup>r</sup> William to severall others who crowded in upon him, and went streight to the Duke his Lodgins, wher his Gr. waited my Returne with no small impatience, but companie coming in, all I would tell his Gr. at that tyme was, that I had an answer to his Gr.'s satisfaction, that his freind expected to see him by four of the clock to morrow, that I would wait of his Gr. by three, and tell him all that passed.

Next day after dinner I waited of his Gr. according to my promise, and after Recitall of particulars with which his Gr. was wonderfully pleased; he ordered his Coach to be made Ready; but I told his Gr. that it seemed not convenient to take his own Coach or any of his footmen along with him for fear of being discovered. His success depended on a prudent manadgment, and if his affaire was not once tabled ere his enemies was allarmed, all endeavours for him, like the Rolling of Sicyphus stone, might prove to little purpose. Sir William I told him lived in a fyne house at the end of St. James's park

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\* And this also.

not farr from Arlinton house,<sup>1</sup> to which ther was a privat entry from the park, wher of S<sup>r</sup> William allowed me the favour of a key. If his Gr. would call for a Hackney chaire I should go befor and open the door again his Gr. came. His Grace aproving the proposall I sett on at a tollerable good Race, and had the door open some few minuts ere his Gr. came. Than crossing the streets to Sir Williams Lodgings, I acted the part of ane usher to his Grace, whom Sir William received at the uter door with all the marks of maners and respect imaginable.

After a whiles sitting, when they had talked freely enough on some generall heads, I thought it discretion to leave them to themselves, and desired they might excuse me to go to the park, wher I was to meet a freind on some earnest bussiness. Which being done accordingly, I waited three compleat hours ere his Gr. came out; then I asked his Gr. how he liked S<sup>r</sup> William and what he thought of his conversation. S<sup>r</sup> William, Replied his Gr., is one of the greatest men in the world, a Gentleman of universall knowledge and his conversation edifieng; and I would be content to know added his Gr. how S<sup>r</sup> William Relished mine. My Lo/, said I, *that* your Gr. may know to-morrow, for I shall, as your Gr. takes your Chaire, Return to Sir William; who after I had entered, repeated the substance of what passed, and told with a great deal of openness that the Duke was very much injured, and to the highest pitch of malice belyed in his character. He was represented he said to be a fooll, and which was worse a mad man, unfitt for any bussiness, but so farr as he could learn or judge upon so small acquaintance, he beleived the contrarie, and he would make it his bussiness to waite of the King next morning in favour of the Duke, and dessired I might call towards Noone and I should know further.

About three of the Clock next day, for sooner I would not come, I waited of Sir William who told me that he had been with the King in the Closat, and the King having told him that he had not yet determined how to dispose of Edinburgh

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<sup>1</sup> No doubt Arlington House, formerly Goring House, the property of Henry Bennet, Earl of Arlington, member of Cabal Ministry. Evelyn and Pepys have much to say about it.

Castell; 'tis a post of trust and importance, said Sir William, the key of one of thy Kingdoms; and I think, s<sup>d</sup> he, the King can hardly bestow it better than on the Duke of Gordon, adding withall that the Duke was a person of great quality, whose loyallty or fidity was not to be suspected.\*

Do you know the Duke, said the King; he is given out to be a madman, nothing fitt for bussiness; The King should consider, Replied Sir William, that Duke Gordon has his Enimies, whose interest it is to keep him out If they can. He dared assure his Majestie that he was a man of sense for he had discoursed him, and if he did not come up to other mens reach, his quality and great interest in his native country should in right supply it.† Within ane hour after, the Earle of Perth came in, and asked the King how his majestie inclined to dispose of Edb<sup>r</sup> Castell. Let the Duke of Gordon have it said the King. Perth who is one of the best men alive made no answer, but ane other Minister, who was more forward stept up and told the King that ane appartment in Bedlam was fitter for him than the Castell. No more of that said the King with an angry countenance, I find the Duke has Enimies, and am told by a very good Judge, that he has sense, therefore I say once more let him have the Castell and make ready his comision for him.

This unexpected Rebuke allarmed both the brothers,<sup>1</sup> and occasioned severall consults, In which it was resolved at last that no man had the interest to raise that storme against them but Sir William Pen the Quaker, nor none to engadge him for the Duke but Sir Æneas M'Pherson;<sup>2</sup> Therefore Sir Æneas must be ruined. This nevertheless was not so closely carried on, but I had it told me by on of Melfoords own domestics, who was a sort of pensioned to me, and a spy upon the family. Notwithstanding which I payed my Court to both as formerlie, found no change in the Earle of Perth, but might easily

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\* This Sir William himself told me, and will be sure to own.

† And this lykwise.

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Perth and Melfort.

<sup>2</sup> According to his own statement, p. 9, he was knighted on his appointment to the governorship of Nevis. At the time of this narrative he was only Mr. Æneas, but such slips are very pardonable in such a story.

discover by the Earle of Melfort's cariage that he designed my Ruine. When I waited of him he would not so much as see me, nor stand to speak to me when I talked to him of my pension.

Finding my self thus stated, I waited of the King and told his Maj. that I was slighted by his ministers, and the pension his Maj. had ordered for me downright refused me. Upon which his Majestie gave peremptory orders for the payment of my pension. Accordinglye upon the morrow or next day, Mr. Lindsay<sup>1</sup> called at my Lodging, told me he had my money to give me, but was ashamed, he said, to propose what he was to ask of me by order of his masters; ffor upon deliverance of the money, said he, you are to give a Receipt on't In which you must oblidge yourself to ask no more of the King's money, nor of his favour, but leave his dominions.\* That S<sup>r</sup> said I if you are in earnest, is a formall act of banishment, by our Law equivalent to a sentence of death, which being pronounced against me, continued I, in an arbitrary way without any cryme or previous triyall, I must be excused to take a few hours to think on't, befor I undergo it. And to save you from a Reprimand tho' it be now almost eleven, If you'le be at Pallats<sup>2</sup> in the hay merkat about six at night, and call or wait for number three you shall have my answer.

After Mr. Lindsay had agreed to this proposall, I went streight to the Earle of Midletons but missing of his Lop/ I waited of Sir William to whom I told all to his great amazment. Twas what he could hardly be perswaded of, ffor no man of common sense or prudence said he, be his malice ever so elevated, would venture upon that without the Kings order that had a value for his head. In short S<sup>r</sup> Æneas said he, either the King has ordered this, or he has not; If he has, then thou art subligated, and obedience is thy bussiness. If he has not (as I am morally

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\* This Mr. Lindsay owned Latly to the Earle of Midletone.

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<sup>1</sup> This David Lindsay, secretary to Lord Melfort, is in the list of rebels abroad to be prosecuted.—*Acts Parl. Scot.*, vol. ix. App. 115. How he out-witted Burnet may be read in the Bishop's *History of his own Time*, p. 535.

<sup>2</sup> Pallat's in the Haymarket, evidently an inn, coffee-house, or club, but not known to me.

assured of) Thou art well known to the King, tell him thy own story, and it will be a mean to make thy fortune.

This advice coming from on of the wisest men of his age, whose freindship I had as little reason to question as his Judgment; without more thinking on't I kept my appointment with Mr. Lindsay, told him that I was determined to give what he asked; I had reason I said to beleive the King had ordered it, and it did not become me to dispute his Majesties commands.

Then Mr. Lindsay advanced me fifty Pounds upon the receipt of which I signed the oblidgment in the terms above exprest, and taking a Copie on't of Mr. Lindsay, I went to Court nixt morning, and as the King was dressed and ready to leave the Bedchamber, I staped up and thanked his Majestie for the favour I had received by his order, I mean my pension S<sup>r</sup> said I, but with all I may not omitt to tell your Majestie that ther was a deed required and taken of me upon payment of the money, wherby I am oblidge to ask no more of your Majesties money or your favour, but to leave your dominions.

There can be no such mater sayes the King. Sir, said I, your Maj. may beleive that I would hardly come to your Maj. with a lye in my mouth; here is, said I, a true Copie of the deed which is sufficient to prove the wholle when your Maj. has leasure to peruse it. The King stopt immediatly, and after reading of the paper said out aloud, this is very insolent, without any warrant or authority. I find you have Enimies, S<sup>r</sup> Æneas, said his Maj. but be not at all discouraged It shall not be in their power to do you any harm.\*

The Court stood all astonished, and not knowing what the mater might be, thought I had said something to offend the King, but Melford coming in Just then, whilst the kings blood was in a ferment, his Maj. took him so roundly to task that they were all quickly undeceived and found out wher the fault lay.

This adventure of my life made a great noise at Court and was variously interpreted according to the difference of mens

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\* This is known to all the Court, and I beleave his Gr. the present D. of G. may not have forgott it.

humours and affections. The Earle of Melfort and his party complained that I had pushed the mater too farr; others again said I could do no Less, and were pleased to commend both my courage and my conduct. Ther it rested for some tyme. I made myself as easie as I could, and had reason to beleive that Melford would hardly attack me a second tyme, but in that I found myself mistaken.

Ffor shortly after this the King being asked how he would dispose of the Lord P——ns<sup>1</sup> place (on of the Lords of Session) answered that he designed it for Sir Æneas M'Pherson; he was bred a Lawier said his Maj. and a Gentleman of a good and loyall family. The Earle of Melford replied that Sir Æneas he could not well deny was bred a Lawier and a man of sense enough, but S<sup>r</sup>, said he, he is hote and quarrelsome, and not fitt to be brought to the Bench: quarrelsome sayes the King that is impossible for I observed for some years past no man at Court more modest.\*

The mater is so farr otherwayes answered Melfoord that he was latly at a duell in hyd park with Comisar M'Clean,<sup>2</sup> and has since also cartelled two of your Majesties officers Sir A. B.<sup>3</sup> and Collonel Maxwell.<sup>4</sup> The King who mortally hated Duelists said no more at that tyme, but as I was attending his Maj. in his walk in the Mell upon the morrow after, the King called me, and whispered me softly in the ear, that he had latly proposed a post of honour and profite for me, but he was told I was quarrelsome, and had actually cartelled some of the officers of his armie. Sir, said I, thoss that told your Majestie

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\* This Melford himself does not now deny.

<sup>1</sup> P——n without doubt is Lord Pitmedden. Sir Alexander Seton of Pitmedden became an Advocate in 1661, Lord of Session as Lord Pitmedden in 1677. He opposed King James's measures as to the repeal of the Test Act. His independence cost him his office. He retired about 1686 to Pitmedden, rebuilt his house, and laid out a beautiful garden. He died in 1719. See Haig and Brunton's 'Senators of College of Justice,' quoted in *Thanage of Fermartyn*, New Spalding Club.

<sup>2</sup> I suppose this is Sir Alexander M'Lean of Otter, Commissary of Argyll, a prominent Jacobite. See description of him and Sir John M'Lean as Castor and Pollux, *Grameid*, p. 138.

<sup>3</sup> Not identified. Sir Allan Broderick, a fighting man, died in 1680.

<sup>4</sup> Probably Lieut.-Col. Maxwell, who was asked to intercede for Sir John Maxwell in 1686.—*Memoirs of Maxwells of Pollok*, vol. i. p. 84.

so, have it seems concealed my provocations. But Sir Æneas, said the King, you are a Lawier, and should not be provoked to do any thing against the Law, and give badd example to others. I own I am Sir, said I, bred a lawier but at the same tyme have the honour to be of a family has done your Maj. and ancestors many eminent services, and rather than be a reproach to these, said I, I'le renounce the gound.

But Sir, said I, what your Maj. was pleased to mention for me, tho it be a post of honour, It is not at all fitt for me, being a place of no profite. I want to make a fortune, and in Respect ther are but few places at your Maj. disposall in my native country may answer that end, and too many exspectants of greater quality and interest whom your Maj. have farr more reason to oblidge, If your Maj. would be graciously pleased to order some employ for me in America I shall like it better. Well said the King I shall talk to you more fully on that subject an other tyme. And after I had made my bowe and left his Maj. he called me back and ordered me to be at Mr. Chivens<sup>1</sup> twixt eight and nine to morrow morning and he would speak further.

I went to my ffreind S<sup>r</sup> William immediatly, and having told him all that passed beseeched he might be at the trouble to be with the King at that tyme, to second and support me in that my undertaking. He made no difficulty to agree to my Request, and being with the King a full hour befor my tyme, had disposed his Maj. so well to my proposall, that ther was nothing left for me to say. The King told me, to S<sup>r</sup> William's hearing, that he had on second thoughts approved of my motion, and ordered Mr. Blackwood<sup>2</sup> (who it seems had but Just then parted with his Maj.) to acquaint him when any place vaiked in his plantations in America fitt for Sir Æneas M'Pherson, and at his peril not to mention to any other till he was acquainted with it first. I thanked his Maj. for his

<sup>1</sup> William Chiffinch, see note *supra*; but it may be augmented by reference to *Pepys's Diary*, Index; Scott, in his *Peveril of the Peak*, calls Chiffinch 'Tom Smith' and 'Will Chiffinch.' Tom Chiffinch, King's Closet Keeper, died 8th April 1666. His brother Will succeeded to his office, and after Charles II.'s death held office under James II. There is a portrait of him at Gorhambury.

<sup>2</sup> Mr. Blackwood, evidently an under-secretary for the colonies.

graciously goodnes, and assured him that all the actions of my life in that or any other Post or Station should be employed for his Maj. service without putting of questions.

Within ane hour after S<sup>r</sup> William Pen called for me, and told me that thus farr I had governed myself very well, but Sir Æneas said he, ther is something yet wanting. Tis grease that makes the wheel goe; the King tis true has ordered Mr. Blackwood to give his Maj. the first accompt of any vacation happens, but in the hurry and multiplicity of other bussiness, If some effectuall course is not taken to make him charge his memorie with it, you may be forgotton. My advise therfor is that you call him to a pottle of wine, and make a present of 20 or 30 guinies with the promise of as much more when the commission is extended. S<sup>r</sup> said I, I thank you heartily for the sugestion, but the misfortune is that the moity of my pension receaved latly is already exhausted, and my nixt payment only falls dew two moneths after. Let not that trouble you answered S<sup>r</sup> William here are threttie guinies for you, of which twentie is sufficient for Mr. Blackwood, ffor I would not have you venture too much upon uncertainties, and save the other ten for thy other occasions; And as a further testimonie of his unparalelled ffreindship told me he would bring Blackwood and me together, but I should give him the money out of my own hand.

This course being taken, after we had mett, with ane unwilling sort of willingness Blackwood accepted of my present, and gave S<sup>r</sup> William and me his positive assurance that he would be mindfull of my bussiness, and I were unjust not to acknowledge that he made good his undertaking, ffor within a few weeks after, he told Sir William Pen, that S<sup>r</sup> James Robinson, Governor of Nevis,<sup>1</sup> was latly dead wherby that Government became vacant, and was very fitt for any Gentleman of the first rank and quality in the three kingdoms.\* Sir William thanked him kindly for his diligence, and bidd him without delay go tell the king it was so, seing the King had ordered. Mr. Blackwood instantly waited of the King, and

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\* This is known to Mr. Blackwood.

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<sup>1</sup> See note, *supra*, p. 9.

his Maj. having furthwith ordered my Comission, Sr William Pen Immediatly sent for me, told me that the Government of Nevis was a post of great trust and honour, and of no Less envy, that ther would be severall pretenders to it, and the only way to nick it, was without delay to kiss the King's hand upon't, which said he will secure it no less then the great seall.

Upon this the Earl of Melford whom I had applyed in the Earl of Dunbartons<sup>1</sup> tent of Huntloetheath, wher the King was at the tyme, shifting to introduce me, I returned with his Maj. to Whithall and addressing myself to the Earle of Middleton his Lord/ had me Immediatly to the King who was graciously pleased in a full court to step out of the crowd, and present his hand to me: which having kissed in forme, and thanked his Majestie for the honour he had done me, I gave his Maj. my positive assurance that according to my ability no man should exceed me in Loyalty and fidelity, and that I would make it my bussiness to comport myself in that station and post so as his Majestie, if I could, might have no reason to repent him of his choice. I doubt nothing of that said the King els I had disposed of it in favour of some other, and withall added a complement so much to my advantage that for modesties sake I shall rather leave it to your La/ conjecture then insert it in this place.

Within a few dayes after my comission being extended and made ready for the seals I waited of his Gr. the D. of Gordon to tell him that the King having honoured me with a comission of that importance, I hoped his Gr. would shew the goodness to pay me the Thusand merks he owed me, with its bygon interest, that I might make heast to have it pass'd the seals; for till it comes to that, considering the Interest and importunity of some English Peers, I am never safe. But his

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<sup>1</sup> First earl, brother of the Duke of Hamilton, loyal and faithful. He offered to King James to sustain the shock of the whole Dutch battalions with his own Scots regiment. The Scots song,

‘Dumbarton’s drums beat bonnie O’

refers to this regiment. The army was encamped on Hounslow Heath every summer, that the king might ‘improve their discipline, and by so unusual a spectacle overawe the mutinous people.’—Hume and Smollett, vol. viii. p. 272.

Gr. answered that he owed me nothing, and I might expect as little. My Lord, said I, you may not have forgott that your Gr. owes me a years salaerie for serving of your Gr. as your Baily of Badenoch, and Lochaber, and that I actually did your Gr. greater and farr better service than any that preceeded me in that post and station. Sr, said his Gr., I remember no such mater. My Lord, said I, that seems a little odd, but without offence I'le take the liberty to Refresh your Gr.'s memory with it; so shewed him my Commission, and two of his Gr.'s own letters thanking me once and again for satleing of his cess upon the country gentlemen; he was glad he said it was once over, concluding with his assurance that I should be suteably rewarded, and at least have as good a Salary as any went befor me.

After reading of the Commission and of his own letters, his Gr. was pleased to say, that he had indeed forgott it, but London was not a place fitt for him to pay debt in, and desired to be excused; till he was at home he would pay me nothing. My Lord said I, I'le, it may be, make a shift without it, but considering the services I have done your Gr. particularly of late, If you owed me nothing, 'tis not very generouse to serve me so at present. So I left his Gr. to his own humors, which I found to my cost none of the most comendable, and went streight to the city, and had two hundred pounds pressed upon me by a Nevis merchant, and not only then, but after the Prince of Orange his landing (for few or none beleived he would have drove maters to the extremity he did) I could have raised five Thusand pounds upon the credit of my Commission,\* If I had preferred my Interest to my honour and inclin'd to be immorall. So I was at that tyme under no necessity of being beholden to his Grace.

By this tyme after severall interviews Sr William began to lose his fancie of the Duke; he talked, he s<sup>d</sup>, prettie well of books, and poets, but nothing of men and goverments might furnish him a handle to represent him to the King as one that knew the world and was fitt for bussiness. Sir, said I, his Gr.

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\* This Mr. Hill on the Exchange and some other Nevis merchants will attest.

was happy to be pairtly known to you, and thought a man of sense, 'ere you spoke the King first in his behalf, and I hope now that you are better acquainted, his Gr. may have gained more upon your good opinion and esteem. The Duke, Replied Sir William, (for that he always called him) has sense, and some very good links in him, but 'tis impossible to make a chain of y<sup>m</sup>. This short sentence (which might have wel become a Soloman for all his famed wisdom) taking aire by Mr. Barclays<sup>1</sup> mean, who was then present, made ane end of their corespondence, and in consequence to that of his Gr.'s interests at Court. For after this nothing more was done for him, tho to my knowledge much more was intended; but to return to my former purpose.

By thess few instances of my Endeavours to serve his Gr. and his goodly returns to 'em, It may easily appear to on of your Lad/ Judgment, that his Gr. from first to last designed me no kindness, or if at any tyme he intended to raise me, It was with the same mind the Kite had done the Tortois, to crush me by my fall. And yet If his sting had been only pointed at me I should be the less concerned, but it was easie to forsee that he designed the Ruin of our whole Race, and family, and always since has done what he could to Exicute it.

For his Gr. had scars entered to the possession of his own Estaite upon a gift of K. Char. the seconds, in whose hands it fell by the Marquess of Argyles fforfaulture, to whom it belonged at that tyme and long befor, but his Gr. immediatly resolved to turn all our name out of their Estaits and ffortuns, as the King's Donator upon Argyles fforfaulture; notwithstanding ther be many yet alive to witness that during that unhappy Civill warr, our ffamily was constantly for the King against Argyle and the other Rebels.\*

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\* Thus I was mysellff eye wites toe, and may be proved allso by the heretors of the ffamily.

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<sup>1</sup> Doubtless Robert Barclay the Quaker, the friend of Penn. He was born at Gordonstone, 1648; became a Quaker in 1667; he was frequently imprisoned, but at last found a protector in the Duke of York. He was one of the twelve Quakers who acquired East New Jersey in 1682, and was its nominal governor. He died at Urie, 1690. See *Baron Court Book of Urie*, Scottish History Society, vol. xii. p. 192.

But this having failed him (for all our name except one or two of the meanest Heritors had the King's Confirmation) the next thing thought of was to make a narrow enquiry when they owed any money upon which they had followed any adjudications or apprisings; and understanding that Grant of Carron<sup>1</sup> had an expireit Aprising against the Estate of Invereshie his Gr. without delay called Carron and after a meeting or two bought that apprising;\* the dispositions were drawn and signed by Carron ready to be delivered to his Gr., but some papers being wanting that by the tearms of the aggreement his Gr. was to give to Carron, or he to him, I know not which, that day eight dayes was appointed to deliver and exchange the papers.

Some dayes befor, my Brother the deceased John M'Pherson<sup>2</sup> of Invereshie, by whose negligence things came to this pass, departed this Lyffe. After his interment which was precipitat all I could, I went streight to Carron, who severall years befor that had been married to my mother, and having expostulated with him the injustice he was like to do our familie, I plainly told him that if he gave the Marquess of Huntly, or any other that Bargane but me, It would not be in my power to save him; Ther are a sett of young desperat fellows, said I, in such a caice have sworn to take your lyfe. Your bussiness then, said I, is to consult your own safety. Let me have Huntlyes Bargain, said I, and I give you the money in ready cash to pay his Lo/ what you owe him.

This ruffe dealing, with the good help of my mothers tears and importunity, prevailed with the Laird of Carron to take his money (which was ready for him) to give me the Rights he was to give the Marquess blank, as they were left till the Marquess might consider in whose name to take them; ffor

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\* This is known to Priest Dunbar and if he should deny't as I think he wont, ther are severall others alive to witness it.

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<sup>1</sup> John Grant of Carron. He married the widow of William Macpherson of Invereshie. She was Margaret, daughter of Robert Farquharson of Invercauld.

<sup>2</sup> John Macpherson of Invereshie was elder brother of Sir Æneas. He left a son by his wife Marjory, daughter of Ewan Macpherson of Cluny, named Elias, who died without issue. Sir Æneas was tutor of Invereshie in the minority of his nephew.

being himself superior of the lands, he could not put his own name in the disposition for confounding of the Rights of propriety and superiority.

But there being no such difficulty on my side, I was no sooner made master of the papers than my name was filled up in the blanks, by which means I became proprietor of the Estate, and possessed it calmly till my brother's son, the righteous owner, was of age to claim it.\*

There was also another apprising led at the instance of Bailie Rankin in St Johnston, against the Estate of Cluny, about which Priest Dunbar<sup>1</sup> and some others were tampering in his Lops/ name, but that also failing him there was an order sent to Tirrisoul his Baylie of Badinloch; or I shall rather think he asked it himself, the contrivance being like the man, for there could be nothing more Immoral or unjust, which was to make a pretended examination of some witnesses who were corrupted, and taught what to say, about the Marches of the forest of Glenfeshy, lying contiguous to Invereshie his Estate.

Upon these mens depositions, some of whom were professed Enemies to our familie, others downright Idiots that could not count their own fingers, a solemn decret was pronounced by that goodly Bayly, notwithstanding my factors in my absence had appealed from him, as being but a Barron's Bailie, and by the Acts of Parliament Incompetent to Judge of mens heritage, whereby a third part of the Estate was decreed to be within the Limits of the forest, and I, and my factors ordered to remove the Tennants, and pull down the houses by a certain day, with certification If we failed, he would do it himself.

My factors having sent me an account of these proceedings, and an extract of the Sentence I offered to suspend it, but to

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\* This is known to the Duke himself and to our whole Race and family.

<sup>1</sup> Priest Dunbar, Prefect Apostolic of the Roman Mission to Scotland for nearly half a century. He arrived under the name Al. Winster, *alias* Dunbar, in 1653; was Prefect at the death of Mr. Bellenden from 1661. From 1668 to 1672 he was abroad, but from the latter date he seems to have remained in Scotland till his death, at Banff, 14th January 1708, in the fifty-ninth year of his priesthood and eighty-third of his age.—Gordon's *Scotichronicon*, App. iii. pp. 627-629.

no purpose. The Lord Saline<sup>1</sup> who in tyme of vacancie was then ordinary on the Bills had my Bill of suspension sent to Mr. Thomas Gordon to see and answer, who had the insolence to bid Saline pass it If he dared. Saline cowed with these threatnings refused to pass my Bill, tho. all my reasons were grounded on express acts of Parliament. My Bill being thus refused and the dayes of the charge near expired, I made heast home fully resolved to repell force by force, ffor I reckoned that sham decreet no other, and was skarse two nights at home when I was told by a heastie messenger was sent me for that end, That Terrisoul had marched that morning at the head of six or seven hundred men to execut his sentence; that is to pull down the houses of the third part of a parish.

Upon which I Immediatly horsed and coming to the place a little befor the Baily, I dispersed my ffreinds who had come from all the corners of the country to Joyn me, fearing not without ground that ther might be a designe to ffix a convocation on me. And having ordered them to strick in with the Baily, to which they had a colourable pretence as being his Graces vassalls, I singled out of the whole 12 or 15 cliver fellows, a number the Law allowed me, And as the Baily gave orders to his officers to Execut his sentence, I stepd betwixt him and the houses, with my small Retinue, with our Guns bent, and told the Baily that tho I was not at the head of ane armie as he was, or one sodd or divat of any house there should be touched, and pulled down, I and my twelve men should be ready to be buried under it, and it was ten to one but he and as many of his greater numbers might come to bear me company.

Ere this time I ordered the mater so that his officers were seased, which being observed by the Baily, he immediatly charged the heritors to execute his sentence. To this I

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<sup>1</sup> Sir Andrew Bernie of Saline, in Fifeshire, a parish in presbytery of Dunfermline. He was appointed in November 1679, and appears as a Lord of Session on 1st November 1681, when the oath was administered to Sir George Gordon of Haddo as Constant President.—*Letters to the Earl of Aberdeen*, Spalding Club, p. 171. Sir John Foulis of Ravelston says, under date 11th February 1693, 'Spent with L. Foster and L. Saline for 2 gills Carmel water 10.' Carmel water is cinnamon water.—*Account Book of Sir John Foulis of Ravelston*, Scottish History Society, vol. xvi.

answered that they owed hosting and hunting to their master, but no so much as personall attendance to his Baily ; ffarr less was it to be supposed that they were bound to be his officers. It was his bussiness, I told him, to furnish officers to my Lord, and if he had none twas his indispensable duty to act their part himself. All I desired was he might advance but on step furdur, and I swore a great oath, If I could he should never step more. By this tyme his army was coming over to me, ffor they were all M'Phersons, few M'Intoshes excepted, and like to leave him naked.

Then he satisfied himself with the Empty formality of taking Instruments that I had deforced him, and his officers ; to which I made answer by ane other instrument that I was invaded in my propertie by force of arms without and against all Law, and that the Law of nature and of nations allowed me to defend myself. So he returned to Ruthven, and upon the morrow after went for Gordon Castell, to give ane accompt of that baulk and dissapointment to his master.\*

His Gr. then had but one Kaird more to play for obtaining of his end, which was to make severe acts of Court, and under pretence of secureing of the peace to force his vassals in ane Arbitrary way to grant him bonds, conceived after such a maner as the contravention of them in a little tyme might exhaust their substance.

One of thess bonds being demanded of me I positively deny'd it but made a frank offer of ane other I had drawn in tearms of the Act of Parliament.† But that would not do, he would have the other or none. Excuse me my Lo/, said I for so farr as the Law has left me free, I were a fool to bind myself. Then it was that his Gr. called me aside and told me softly in my eare, that he wondered I could carrie so, considering it was his power to take me up. That my Lo/, said I, is what I am altogether a stranger to, I am guilty of no cryme, and I am sure your Lo/ can charge me with no debt, for I was alwayes cairfull to pay you what I owed in the tearms of my Reddendo.

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\* This may be proved by the whole country and my Instruments taken at that tym against his Gr.'s Baily.

† This the Laird of Grant, The Laird of Cluny, and most of all the country gentlemen were witnesses too.

What, Replied my Lo/, have you forgott that you owe me three thusand merks as Cautioner for Conadge? I have not at all forgott my Lo/ said I that your Lo/ advanced Conadge three thusand merks as a pairt of the price of the Barrony of Kincardin, for which I became Cautioner till your Lo/ was possessed of that Estaite upon a legall Right to the Contentment of your Lawiers; which being done severall years since, that debt is no more a debt but in course extinct, and I absolved of my Cautionrie. Then added my Lo/ is ther any thing of that in the bond? No my Lo/ said I but tis in your Lops/ breast, and ere I am six weeks older I shall have it out of it If I can; with which our comoning ended.

Shortly after my affairs calling me to Edb<sup>r</sup> furtwith I raised a Sumonds of Declarator against his Lop/ and caused charge his Lo/ to apear befor the Lords of Councill and Session to hear and see it found and declared, that I became Cautioner in that bond to his Lo/ only in the tearms above mentioned, which I was content to ferr to his Lo/ oath of verity, and the condition being fulfilled in maner above exprest, to hear and see likewise that bond declared void, and the cautionrie absolved by their Lop/ sentence.

The day of compearance being come his Lawiers in his Lops/ absence (for he had not freedom to give his oath) after some debate, were hissed from the Barr by the loud laughter of their brethren advocats and the very baggbearers. Upon which I had a solemn sentence and decret absolving me of my Cautionrie, and declareing that bond void and extinct for ever after, ane extract wherof I have still by me, so that in stedd of the two thusand merks, offered me by ane other, his Lop/ resolved to make me pay three for bringing the Bargane his way as is hinted above.\*

But the malice of his advisers did not sist here; ther was something yet wanting, and in his power to make our family uneasie; his Grace had got a Baily to his own mind ready to execut all his designs and purposes. Head Courts were frequently called, and the absents without exception or Excuse

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\* The Extract of the Lords decret I have now by me proves this beyond all contradiction.

fyned in ane Arbitrary way, some to the value of their substance.

And wher they owed debts to any neighbour family, their creditors were under hand encouraged to pursue, and his Bailies concurrence given to exact 'em. And which is yet worse, I was told but yesterday, that after his Gr. had turned my brother William<sup>1</sup> out of the fforestry of Glenfeshy, In favour of a M<sup>c</sup>Intosh, ane office till then alwayes in the possession of our ffamily, not content with that his Gr. himself (I am ashamed to tell it) took ane assignation from one Grant of Letiech to a pretended debt owing to him by William, upon which his little all, consisting of a small stock of cows, and other moveables, were furthwith poynded, and my poor brother therby turned out of doors and sent almost to begging.\*

I have heard it oft objected to some pettie Lawiers that they made their fortunes by such mean shifts, by borrowing for instance pleys and actions against the unskillfull and unfortunate! but can your La/ think that a fitt trade for a Duke, or peer of Scotland, that amongst all men of sense and honour is reckoned a Just reproach to a Hakney agent or attournay.

But this is not all; I understood also by the same hand that as if his Gr. designed to strick at the root of our family he has of late raised a reduction, and Improbation, against our Cheef the Laird of Cluny ffor his Rights to thess lands, and that decret of Certification is stolln out against him, wherby he is declared to have no right; Notwithstanding that his Gr. in his own tyme for a good and onerouse cause had Renewed his Rights, and by a necessarie consequence could be no stranger to them.†

But all this is nothing, Right or wrong he minds to have the fortune, and if his Gr. has but a baire pretence, some colorable title, It will be no difficult matter as his Gr.

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\* This is fresh and recent and needs the Less prooffe that his Gr. owned it latly to your La/.

† This I am told by the Laird of Clunies Lawiers nor doe I think his Gr. will deny it.

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<sup>1</sup> William Macpherson was the third son of William of Invereshie and younger brother of Sir Aeneas. The son of this William was Thomas, who became head of the family, though the property passed to the Macphersons of Dalraddy.

supposes for one of his power and quality to possess it after Clunies deceass, in the minority of his son. He is not like to have on of Lochialls mettle, or King James's Justice, to deale with. But I hope if it comes to that his Gr. may find himself mistaken. God bless and preserve our present soveraigne ;<sup>1</sup> he shews already a naturall disposition to all the Heroick virtues of his Royall father, Especially his Justice, and has the happiness to be putt into the hands and under the care of one of the best and Justest men on Earth who may not fail to let his Maj. see that it is not his Interest to suffer a family so Loyall and so considerable to fall sacrifice to the avarice or ambition of any sort of subject.

His Gr.'s predecessor found Clunie and the M'Phersons in the peaceable possession of Badenoch by as good a Right as the M'Donalds had to Ilay, the Camerons to Lochaber, or the other Clanns that did not border upon the Lowlands had to their severall countries : It was the price and purchass of their blood.\* The superiority on't cost his Gr.'s ffamily but one single battle against Earle Beardie,<sup>2</sup> but the propertie cost the M'Phersons many a one against the Cummings, who were a farr more formidable Enemy, so that tis very apparant that his Gr.'s proceedings and his ancestors' against our family, ffirst inforceing most of them to pay liberall compositions for the propertie to which he or his ancestors had no other Right but such as his Gr. pretended latly to the Estat and fortune of Lochiall, must have been Arbitrary, and unjust ; but to endeavour as his Gr. has after done, and does, to turn them quite out, either by immediat acts of his own, or by Rights and Assignations from others, must be looked upon as barbarouse, of the highest sort of Tirrany.

But ere I leave this point I shall only ask his Gr. how he would like to be served so by his own Superior. If the King

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\* This our historie maks plain.

<sup>1</sup> James VIII., born 10th June 1688. (His father died 16th September 1701.) He was proclaimed at St. Germain by the French King as James III. of England and VIII. of Scotland on his father's death. The guardian referred to in the text is probably the Earl of Middleton. See note, *supra*, p. 140.

<sup>2</sup> The reference is to Huntly's victory over Alexander, third Earl of Crawford—called Beardy—at Brechin, 18th May 1452.

for instance should take assignations from my Lord Argile to his Right to the Estait of Huntly, and disposess him and his posterity for ever in vertue of such a Right ?

I doubt not, but that in such a caice, In spite of his Gr.'s alledgiance, he would take the libertie now as formerlie to Roare it out against him, and can that be oppression in a King that is not much more so in any other against his fellow-subject ? his Gr. tis like may answer that ther is some difference twixt him and a Laird of Cluny, or Lochiall, as to which If his Gr. means quality I am ready to assent, but at the same tyme his Gr. cannot but know that ther is not the thusand part of that odds and difference twixt his Gr. and them, or the meanest footman, as is betwixt him and the King ; his Maj. may make a footman a Duke or Marquess when he will, but it is not in his power to make a Gentleman, farr less a Cheef, that being only the work of the Almighty, and of tyme. And besids in the eye of the Law It is not quality, but right and wrong, that is to be considered.

Mean while his Gr. misregarding these and many other reasons, obvious enough to one of less sense, that he may cove our ffamily so as they may not have the heart to own and support their Cheef in caice of ane Extremity, he has given them a mortall Enemy for their Baily,<sup>1</sup> and ane other of the same kidney and complexion for a fforester, tho they be of a Race of people have been constantly disloyall, and hereditary enimies to himself, as if his Gr. had sett his rest, and taken up a principale to coxe and cagole his Enimies, and be at warr and Enmity with his freinds.\*

By this Rule it is that the other day to your Laps/ hearing Sir William Pen and Mr. ferguson two of the best freinds he has in England, were made the subject of his discourse and the

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\* Old Borlum M'Intosh for instance is his Gr.'s Bayly, and young Borlum his fforester.

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<sup>1</sup> William Mackintosh of Borlum. His son was also William. For the opinion of Borlum entertained by the Macphersons see their vindication of themselves against his 'serpentine lying' in 'Gordon Papers,' *Spalding Club Miscellany*, vol. i. Young Borlum is spoken of as a friend by Buchan and Cannon in letters in *Gleanings from Cluny Charter Chest* referred to above. See also Introduction.

objects of his satyr. Sir William Pen, on of the greatest men in the three kingdoms, was mustered by his Gr. amongst thoss little men that sent the King a travelling, tho it be notoriously known that Sr William connter'd all thess measures that were pretended to have a hand in the Kings misfortunes, so that if his advice had been taken the King in all apearance had not travelled, or if thess that pretend equaly to Loyalty w<sup>t</sup> Sir William had been as Tight and forward for the King in their severall sphears as Sir William was in his, his Maj. had been the better for his travells, and returned a conqueror.

I would only ask his Gr. what it is Sir William Pen wants to be as great as any subject? but some airie titles, which never yet added a half inch to any mans knowledge or capacity. For ffirst as a Gentleman, his predecessors were Pens of Penston, at the head of four thusand pounds a year, two hundred years befor the Conquest, which is as much, and it may be more, as any Duke in England can pretend to. And secondly for mater of Education; he has all and more than Europe could afford him, and for his sense and Learning If the Earle of Midletone, the Duke of Loids,<sup>1</sup> the Duke of Buckingham,<sup>2</sup> his Grace the D/ of Hamilton,<sup>3</sup> and a greater then all, our late dear Royall Master, and his Royall Consort, are or were competent Judges, Sir William must pass, as he Justly should, for one of the greatest Statsman in the three Nations. And if we add to thess that as heritable Lord and Governor of the Province of Pensilvania he has founded on of the greatest and most splendid ffamilies

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<sup>1</sup> I presume Leeds is meant. The dukedom was created 1694, in the person of Thomas Osborne, Marquis of Caermarthen. He was impeached by the House of Commons before the House of Lords for corruption in 1695, but through extraordinary efforts on the part of his friends and allies, the inquiry was dropped. The scandal, however, stuck to him.—Hume and Smollett, vols. ix. and x.

<sup>2</sup> The Buckingham here referred to is John Sheffield, Duke of Buckingham, Lord Privy Seal, and Lord Steward of the Household of Queen Anne. See Æneas's letter to him, *infra*. The older title came to an end in George Villiers, second duke, who died in 1688. King James is referred to as the late king. He died in 1701.

<sup>3</sup> The Duke of Hamilton is James, eldest son of William and Anne, Duke and Duchess of Hamilton. He was well known as Earl of Arran before he became duke. He and Lord Mohun killed each other in the great duel in Hyde Park in 1712.

under a crowned head in Christendom, we may reasonably conclude that his Gr.'s censurs of so great a man were without thought, or which is worse without that sense of Gratitude he owed him for his services.

By that Rule it is likewise that Mr. ferguson<sup>1</sup> sinceritie is doubted by his Gr. and the late Kings Judgment (at that tyme urged in behalf of ferguson) called in question for beleev- ing him ane honest man; not considering that there is skarse a subject of any sort of quality in the three Kingdoms whose honour and Loyalty is more suspected then his own. His Gr. may have some vouchars in England among the little folks, little for quality or understanding, but amongst those of the first size, of sense and knowledge, Mr. ferguson is his Gr.'s only Advocat, and stands up for his honour in all conversations.

And when the Late Argyle by the principles of the Revolution had as good a Right to the Estait of Huntly as he had to Lorn, and was like to carry it by a decret of Parliament, to my knowledge Mr. ferguson tugged like a Galley slave to make a partie for his Gr. to counter that of his adversaries, and not without success, ffor tho fergusson be too honest a man to have had any sway or Interest at that tyme with the P. of O. ther were not wanting some of the first rank<sup>2</sup> and quality about Orange his person who under hand pretended to Loyalty and were at all occassions ready to oblidge Mr. ferguson, that they mgt have a person of his sense and Interest to vouch for their Integrity when ther came a change.\*

Thess things put together, madam, prove to a demonstration that tho. his Gr. may have a great deal of naturall goodness, It has been his misfortune in his younger years to fall into badd hands who have molded him ill: and given his soul a wrong turne, hard to be righted or recovered after, without great diligence and attention.

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\* It was ferguson that procured a stope to Argyles process.

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<sup>1</sup> Robert Ferguson is, I suppose, here referred to. He took a leading part in nearly every treasonable scheme against the two last Stuart kings, and when William gained power, he entered with the like alacrity into Jacobite plots. He was a plotter by nature. He was born at Alford about 1637, and died 1714.

<sup>2</sup> Evidence of this is plentiful in Reresby's *Memoirs* in reference to Lord Halifax and several others.

No man forms a better Judgment of other mens actions when his Gr. frees himself of prejudice, and passion, and if his Gr. would but introvert, and make a just reflection on his own It might be yet hoped, that he would act another pairt, and not be imposed upon hereafter by any Immorall Sycophant, to persecut thess he should protect, or use such little airts and measures as ill becomes a Gentleman, and are absolutly inconsistent with his Gr.'s quality and most Illustrious Charecter.

Thus farr have I endeavoured to comply with your Lap's/ comands, wherin If I have exceeded the Just Limits of a Letter, it being intended cheiffly for his Gr.'s service, and your Laps/ satisfaction, I plead to be Excused. Your La/ has the opinion of the world for a vivacity of Judgment far above the common standard, and which is more remarkable, thoss charms and personall accomplishments which make you no less envyed by your own sex, than admired by ours, In spite of all your unparralled sufferings and Losses for your Rightfull sovereigne, keeps still ane equall pace with it. This shews your fortitude under all your tryalls. That again your La<sup>s</sup>/ great sense and vast capacity. And to whom could I address myself or enter my apeale both for myself, and in behalf of our Clann and family, more Justly then to a person so extraordinarily endowed? I know his Gr. is happie to be a favorite of your La/ but I am very sure, truth is much more so, and such is my opinion of your Lad/ judgment and decision. May Almighty God bless and preserve your La/ to be (as indeed you are) ane ornament to your sex and country. May you leve to see your ffreinds both great and small restored to their Just rights and yourself rewarded according to your merit.—So prayeth and sincerly wisheth, Dearest Madam, your Ladiships most humble and most obedient Servant.

# THE VINDICATION

OFF

SIR ÆNEAS MACPHERSON

Wherein

His fidelity to his friend is asserted and maintained,

And his Loyalty to the King Justified and proved

Against

The Cavvills of some evile and malicious accusers

In

A letter to a Freind

Unjust Calumnies are no less pernicious to a Comonwealth,  
than legall accusations are profitable and good.

MATCH<sup>L</sup>, p. 270.

Quis Innocens esse potest, si accusare sufficit?

TAC.

## PREFATORY NOTE

This piece maintains the author's truth towards his companion under arrest, Nevil Payne, who twice suffered torture by direction of King William and the Privy Council, and remained in prison—mostly in close prison—for ten years. Some of the matter of the document is, as far as I know, new to history, as, for instance, the letter put into the keyhole of Dalrymple's door.

His loyalty to the king—James—is also vouched. The letter to Melfort, considering the hostility of the earl towards Sir Æneas, as evinced in the last piece, would be fulsome were it not written in sarcasm. The Jacobites were full of distrust of each other at the time. Sir Æneas was the Williamson of the Montgomery and Annandale Plot. The paper was written originally, not for Melfort, but for some other person of quality—perhaps the Earl Marischal, or the Earl of Middleton. For further treatment of the charges against Æneas, see Introduction. A. D. M.

TO THE RIGHT HONORABLE, JOHN EARL OF MELFORT, LORD FORTH, etc., So be Secretary<sup>1</sup> of State for the Kingdome of Scotland, Knight of the most noble orders of the Thistle and Garter, and one of his Majesties most hon<sup>ble</sup> Privy Councill in both Kingdomes of Scotland and England, etc.

MY LORD,—It being my misfortune to be one of many that ly under the lash and tyrrany of the tongue, and to have some enemies, make it y<sup>r</sup> 2 business 'gainst y<sup>r</sup> own knowledge, to destroy my reputation, I have in this extremity taken occasion (by so sure a hand) to throw myself at your Lo<sup>ps</sup> feet and plead for the justice of your Lo<sup>ps</sup> patrocinie, against this groundless clamours of some barbarous and perfidious accusers.

This worthy Gentleman can acquaint your Lop/. with the particulars of my charge, and what I have to say in vindication of my innocencie. I refer<sup>r</sup> to his account, and the following coppie of a line written lately to a person of quality, upon the same head. It was only intended then for his particular use, as may easily appear to any hes leasure and patience to peruse it. But understanding since, both by him and oy<sup>rs</sup> that my enemies spare no pains to propagate y<sup>r</sup> slanders, it seems excusable if not necessarie in me to apply the antedote, with some proportion to y<sup>r</sup> diligence and poyson, and such is the force of truth that it hes satisfied all to whose hands it came here, and I have reason to believe that under the sunshine of your Lops/. Countenance, it may have equall success w<sup>r</sup> 3 it goes.

Were I the only man of the party suffered in this manner, since the late unluckie Revolution, I should have some reason

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<sup>1</sup> 'So be Secretary,' *i.e.* Quasi Secretary, Secretary of State but outside the State—*de jure* perhaps, but not *de facto*, Secretary in name.

<sup>2</sup> y<sup>r</sup>=their.

<sup>3</sup> w<sup>r</sup>=where or wherever.

to complain ; but living in ane age q<sup>r</sup>in<sup>1</sup> almost all that have rank or quality above the comon standard of the rable are some way or oy<sup>r</sup><sup>2</sup> scratch'd by such insects, nay when the greatest statesmen and Princes of the Universe are loaded with reproach, why should I repine? If anything that's good or great were capable to guard against the scourge of the tongue, who could be safer then your Lop/? What have you not done to serve your Prince, and obliedge your Country? or what is it we have in hope or hand, but what we owe to your Lop/s. care and singular conduct? I tremble to think of what must have been the consequences, if our Gracious Queen and her son the Prince of Wales had not been safe in France, before our Royall master fell into Dutch hands, for to that alone, under the Divine Providence, does his Majestie owe his life, the liberty of his escape, and who is it all honest men have to thank for this and y<sup>r</sup> present hopes, but your Lops. penetrating ears and seasonable and vigorous councill.

[See p. 482  
\* \* .]

The good aspect of affairs in Ireland, while managed by your care, and y<sup>r</sup> sad catastrophe shortly after your Lop/. left the place, speak loudly not only your Lops. unbyessed loyalty and firmness for your masters interest, but the extraordinare embellishments Heavens have blessed you with, wherby your Lop/ is fitted more then any this age hes produced for the greatest and most difficult undertaking.

Your Lops. expedition into Rome and surprizing success in a negotiation had so often baffled the experated attempts of some of the greatest ministers of Europe, whereby your Lop/. hes at once gained a new occasion of glory to our Britttish Empire, and frustrated the hidden plots, and well laid contryvances of their pollitick, and most powerfull enemies, is a theme requires a volumne, and which I doubt not, may imploy better pens, so not to be attempted by me without the highest insolence.

These and many more your Lops. eminent services (too tedious to relate) as they justly make your Lop/. the darling of your Prince, they no less declair you the ornament of your Countrey, and have forced some of your very enemies to

<sup>1</sup> q<sup>r</sup>in = wherein.

<sup>2</sup> oy<sup>r</sup> = other.

acknowledge, in their lucid intervalls, that if they had been succesfull in y<sup>r</sup> invidious and officious addresses against your Lop/. y<sup>r</sup> gain had been y<sup>r</sup> Countrey's loss, and I am sure what our learned patriot Sir Geo. M<sup>c</sup>Kenzie said of one of your predecessors,<sup>1</sup> and onlie rivall for fame and greatness this age hes to boast of, that it was safer for his enemies to put him from his place then fill it, may be affirmed with far more justice of your Lordship.

His task during his administration was nothing like a toyle, being assign'd the helm in a fair calm, where there was no danger or the least appearance of shipwrack. Your Lop/. on the contrary entered upon a storm, and by your steady steerage in one of the greatest convulsions and hurricanes ever Europe felt, braves it out and keeps from sinking.

He served a King called home by the invitation of a people wearied of y<sup>r</sup> fetters, and who were content to recover y<sup>r</sup> liberty at the expense of unconditional loyaltie, your Lop/. serves a far greater and a better, hated and banished by his unnaturall subjects for no other reason but the justice of his principles, and that y<sup>r</sup> own levey of temper, through ane excess of wealth and freedome, desposed them for change and to reassume y<sup>r</sup> shackles.

He had only in his publick capacity Shaftsbury and a few more of the English nation, with the Whiggish and contemptible pairt of Scotland, to deal with, but your Lop/. in the same station hes both Kingdomes rebellious, (a few honest men excepted) and the greatest part of Europe to grapple and encounter with, so that a paralell sinks and comes infinitely short on his side of these dangers and difficulties, and consequently the glorie hes full attended all your Lordships actions. These things, my Lord, well weighed, have ane safe charm in them to endear your Lop/. to all the Loyall and well affected, and obledge me under my jint hardships to think of no other patron or protector. My enemies, it is true, are powerfull, and some of them (perchance) of the first rank and quality, but truth is greater, and I am happy in this, that your Lop/. hes too large a soul to be dar'd by difficulties, or

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<sup>1</sup> Is Clarendon referred to by Sir George?

frighted from what is just and generous, be the supposed or real greatness of any sort of adversaries; and withall it is my comfort that in contradiction to their lying characters, severall of the best rank and quality of both nations, and of these some of your Lops. friends and most inward confidents, are ready to vouch my integrity, and attest my sufferings and services, as this Gentleman, my particular good friend, can more at length informe your Lop/.

I shall be uneasie untill I know the fate of this address, and if I am but assured of your Lops. favourable acceptance, and that I am still safe and tight in my master's good opinion, it shall not be in the power of misery to make me think my self unhappy. But if otherways my enemies characters have absolutly prevail'd against me, I doe with all submission, and humbly intreat your Lop/. may be pleased to let me know so much, that I may in due time withdraw my self and family to some unknown Countrey, where if I must be miserable, I may at least spend the resedue of my time free from the insults and saucy crowkings of my barbarous enemies.

This is the sum and substance of my humble petition and request to your Lop/. in which y<sup>r</sup> is nothing asked, I hope, misbecoming your Lops. quality and greatness, so whatever the ishue is, your Lop may firmly believe none more sincerely.—My dearest Lord, Your Lops. most humble most obedient and most obledged servant.

THE COPPIE OF THE LETTER AND VINDICATIONE  
SENT BY SIR ÆNEAS MACPHERSON TO A PERSON  
OF QUALITY.

SIR,—I have been always much obledged to your friendship since I was first happie in the honour of your acquaintance, but never more y<sup>n</sup> in the freedome of your last by the penny post,<sup>1</sup> wherein you are so kind to acquaint me that some persones (whose names you are not pleased to mention)

<sup>1</sup> The Penny Post was first established in London by Mr. Murray, upholsterer, in 1681. By 1690 it was annexed to the crown. Sir Æneas must have been in London or neighbourhood at this time, as the penny post did not extend beyond these limits. He is difficult to locate in place or time. See Introduction.

boldlie enough assert that I had a hand in Mr. Pains<sup>1</sup> torture, and employed my interest with the Clanns, to persuade them to a submission to the present Government.

This Sir is ane obligation of the first magnitudo, without which I had been in danger by a profound silence to have lost my interest in your good opinion, a thing I need not tell you how much I value; and seeing you are pleased to offer me so fair ane opportunitie to justifie my innocence, I franklie undertake it, with this express condition, that if it is not done, to your satisfaction, I lose my life, honour, and interest in all mankind, and not to keep you longer in suspense, I shall follow the method of my accuser, and with as much brevity as the subject can permitt, consider the grounds of this calumnious lybell, and

Firstlie, to that part of my charge concerning my friend Mr. Paine, I dare freely appeal to his own knowledge, if ere we left England two years ago,<sup>2</sup> I stood not for his honour with the hazard of my life in severall conversations, and upon his account actually challanged and wounded one of my own countrey men of very good sense and no less quality. But passing that and my oy<sup>r</sup> endeavours in England, I shall at this time only insist, first, upon some few instances and positive proofs of my stedfast friendship to Mr. Paine in my own country. 2<sup>nd</sup> Examine and answer my enemies presumptions, by which they have reased this dust ag<sup>t</sup> me. 3<sup>d</sup> In opposition to theirs, I shall offer some presumptions of my own, whereby I shall endeavour to demonstrate (so far as a negative is capable of it) that I had no hand in Mr. Paine's torture, nor am or have been in the interest of the present Government, and

<sup>1</sup> Nevil Payne. For the documents relating to the melancholy history of this heroic sufferer, see Napier's *Viscount Dundee*, vol. ii. pp. 115-126, and Appendix vii. It was a case most disgraceful to every one concerned, though among them were King William and some of the chief men of Scotland. See specially Crawford's letter to Melville after the torture.

<sup>2</sup> The first notice of the case of Nevil Payne in the *Register of Privy Council* is under 4th August 1690. His apprehension was in connection with the plot of Annandale, Ross, and Sir James Montgomery, towards the end of 1689. Æneas and he arrived in Edinburgh as prisoners at the very end of that year, or beginning of the following. This letter was therefore written at the very end of 1691, or beginning of 1692. Ferguson was in the plot, but kept himself safe. See Burnet's *History of his own Time*, p. 546.

y<sup>r</sup>after go on to the second article of my charge concerning my transaction with the Clanns. I begin with the instances of my zeal and forwardness to serve Mr. Paine in my own Countrey, where I thought all I was capable of and more was justlie due to a gentleman I valued so much, and was so kind to me in his.

First when he was unluckily made prisoner, and brought under guards, to a room at Mrs. Gibs in the Abbay,<sup>1</sup> I hade the interest withiu a few days after, to furnish him a friend, a gentleman of quality; who solely at my request, and upon the credit of my character, was content to baile him, and accordingly offered his bond to the Lord Melville,<sup>2</sup> at that time Commissioner for the Prince of Orange, for what sum he pleased, for his peaceable deortment, but no bail could be admitted till the Prince of Orange was first acquainted.

This having failed, and understanding by some friends I hade in Councill that y<sup>r</sup> were hard things moved and designed against him, I made it my business for some days after, and hade the success to influence one of the officers of the guard to set him free, when it came to be his turn to be on duty. Which Mr. Paine knows was timely and seasonably proposed, but at that time for some reasons modestlie declyned, whereas the Gentleman who made the kind offer risqued his all, if I hade been the man some of the unthinking of our side are pleased to represent me; so his being safe and nameless always since, is the plainest contradiction can be offered to such groundless and malicious insinuations. But then Mr. Paine being shortlie after carried to the Castle, there was ane vote passed in Councill<sup>3</sup> for his and two oy<sup>rs</sup> torture, which was intimated on Monday by one of the Councill Macers to be executed the

<sup>1</sup> He speaks of the house as one of the principal inns in the Canongate, where prisoners of rank were under guard, Lady Errol being one of such at the same time as our author.

<sup>2</sup> George, fourth Lord and first Earl of Melville, created 1690. He was Secretary of State and Commissioner to the Parliament which met in 1690, one of whose acts was to rescind his own forfeitures under James. He died in 1707. See Carstare's *State Papers*.

<sup>3</sup> Under date 4th August the High Commissioner and Lords of Privy Council ordain the torture to be put to Henry Nevil Payne, Kendall, *alias* Morgan, Colin, John, and Patrick Bells, in their own presence or a committee appointed for that effect. The order is subscribed by Melville, Crawford, Argyle, Sutherland, Eglinton, Leven, Forfar, Cardross, and Ruthven.

nixt Tuesday by three of the clock in the afternoon, and Mr. Paine upon that short advertizement did prepare himself to undergoe the tryall. The Councill at that time seem'd so forward and fix't to y<sup>r</sup> resolution, that they sent a party to bring the oy<sup>r</sup> gentlemen from Blackness prison, who were appointed to be tortured with him.<sup>1</sup> To all this I was ane absolute stranger till Mr. Paine's maid servant by his own order made it known to me after ten of the clock that night, and with all bid her tell me I was the only friend he hade in that place; and if I made no interest to divert that misfortune, he must reckon himself undone. I was at the time in the company of two or three men of quality of our own party, who seeing me return in such disorder (for the maid had called me out) were impatient to know the occasion on't; and when I told them the hard circumstances Mr. Paine was in, one of them said he knew a week agoe it must come to that at last, for said he, Sir John Dalrymple,<sup>2</sup> who hes a great ascendent over the rest, caries that matter on with all imaginable violence, much against the inclination of those of any temper or quality in the Councill. Wherupon (the night being far spent) we parted, and the nixt morning, the day appointed for the torture, I went to Sir John Dalrymple's lodgings very humbly and left a note in the lock-hole<sup>3</sup> of his door, the coppie whereof I have thought fitt to insert in this place, and is as follows, Directed on the back, for Sir John Dalrymple. 'Sir, It's generally believed there are a set of men make it y<sup>r</sup>

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<sup>1</sup> See their names in previous note.

<sup>2</sup> Sir John Dalrymple, afterwards second Viscount and first Earl of Stair. He was King's Advocate in 1690. There is evidence under his own hand of his urging torture in another case, and he expresses contempt for Parliament as being squeamish on the subject.—Napier's *Viscount Dundee*, vol. iii. p. 612. His letters ordering the Massacre of Glencoe gave him an ill name in Scotland and lost him his office for a time. He died suddenly 8th January 1707.

<sup>3</sup> I do not know whether there be other evidence of this transaction. True it is that Payne was not tortured till 10th December 1690, and only then after an order from William signed by Melville, dated 18th November. The order was entered in the Council register 10th December, and on that very day the torture was applied and repeated, to the extremity possible without destroying life, on the 11th. Three of those present on the first day of torture were absent on the second, viz. the Earls of Sutherland and Cassillis and Sir Colin Campbell of Aberuchil.—Napier's *Viscount Dundee*, vol. ii. p. 119.

business to drive matters to extremity, not so much in favours of the present Government as to excuse the supposed failures and extravagances of the last. If this be your designe in advysing the Comissioner, who is known to have nothing ill or barbarous in his nature, to bring men of quality to torture under a Government that justlie values itself upon reforming all abuses of that kind, assure yourself, that, as you can gain no reputation with those of any thought or temper of your own party by such horrid measures, so whatever comes of others, if you divert not this, as to Mr. Paine in the Castle, by God and all that 's sacred, you shall dye the death, and think not that your spurious titles, or any oyr circumstances yr. are in at present shall save you from this fate. Sir George Lockhart<sup>1</sup> was your superior in all things, except villany and ingratitude, and depend upon it, Mr. Paine, tho' a stranger, hes many \* dares to espouse his interest.' Then per postscript *Vita tuæ Dominus est quis quispiam contempsit.* SEN.

This letter was delivered to Sir John (as I understood afterwards) by the first that opened the door about eight of the clock, and presented to Melvill by nine: Upon which a Council being called in the Abbay and the question being put torture or no torture, it was after much heat, and publick reading of the letter, carried in the negative, for this reason that it was not improbable he that wrote the line, might have the heart to execute it, and in such a case (they said) the government was likely to lose more by Sir John's death, then could be gained by Mr. Paine's discoveries, so his torture which was fixed to a certain hour that afternoon was absolutly laid asyde and not so much as mentioned for severall moneths yr<sup>r</sup>after till Sir John Dalrymple was called to England out of harms way, and to a post likely to protect him,<sup>2</sup> but in the

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\* he that pistoled Sir George Lockhart.

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<sup>1</sup> Sir George Lockhart of Carnwath, the President, assassinated by John Chiesley of Dalry when walking home from church. He assailed him as he stepped into Old Bank Close to enter his house, 31st March 1689, being Easter Day.

<sup>2</sup> Is this supported? He was a principal Secretary of State and much in London.

intervall betwixt this unexpected deliverance and the succeeding torture, y<sup>r</sup> were not wanting some zealots in both nations, especially here and in England, who being strangers to the intrigue of the letter, falsly and most unjustly concluded Mr. Paine had betrayed the Interest, and that nothing but his discoveries could have redeem'd him from a thing determined with so much zeal and deliberation; and this groundless slander took so fast that besides the complaints he himself made of the injustice, y<sup>r</sup> were some of his acquaintances in England had that concern for his honour that they wrote of it to me to Scotland, and desyred with all earnestness I might acquaint them how that matter stood, and if possible furnish materials to excuse him. Upon receipt of y<sup>r</sup> letters it was my work for severall posts to offer all I could in his vindication, particularly sent to each correspondent, a copy of the letter with the circumstances as related, which hade the wished success as was plain by y<sup>r</sup> answer within a month afterwards. This I suppose Mr. Paine can not well denye, for I told his nephew<sup>1</sup> it at the time, and if he has forgot it, my next shall give you their names will own it. It were easie to enlarge and multiply instances, but these few, even separatly considered, being plain and positive proofs of my friendship to Mr. Paine, to trouble you with more to the same purpose were altogether superfluous. I come in the next place to examine their presumptions, for proof is not pretended, and to speak my mind freely, they are such as may move a man to laughter, and scarce deserve a serious thought, but least my enemies think they are rather shunn'd then flighted, I shall here insert them as they are commonly urged by the party.

First it is objected, that I hade more favour then Mr. Paine, else how came I to be set at liberty, he not? both of us being fellow prisoners. Now what in sense or reason can be inferred from this, or where the absurdity lyes, passes my naturall

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<sup>1</sup> Mr. Francis Payne. He petitioned that, 'seeing that his uncle having after torture been committed close prisoner, and that his own physicians and chirurgeons have not liberty to attend him, and that his life is in danger, he might have the freedom of the Castle, and the help of his own doctors.' This was granted by the Privy Council, but after a letter from Melville, dated 23rd December 1690, it was again withdrawn. He re-entered into close prison on 6th January 1691. — *Register of Privy Council*.

understanding. If they 'le say (as they must or say nothing) that I betrayed Mr. Paine to purchass my own liberty? all we have for this is their bold assertion; and if my accusers may be spoke to in terms of Law, a single denyall is more to be regarded, then a thousand of their assertions on no better grounds. But its further urged, what other reason can be assigned why I was set at liberty and not Mr. Paine?

The answer is plain and easie. I was a Scotsman, who besides my employ and stock of friendships, had several very plausible pretences to justifie my return to my own country, and it can be no great mistery that any such was set at liberty upon sufficient baile. He (*i.e.*) Mr. Paine was ane absolute stranger, had nothing to offer could stand the test of a severe tryall; and having at first pretended to be a sailor or merchant, when his name and quality was known, he was brought under the greater suspicion of the Government, and (to be sure) the more hardly dealt with.

Their next presumption is more empty and ridiculous then the former, if any thing can be, for, say they, Sir Æneas was hade severall times to Melville's lodgings by ten o'clock at night and sometimes later, and what if all this were true, was not Sir Æneas a prisoner, and Melville at least such a Commissioner as his master is a King? and if so? was it not in his power to send for Sir Æneas (as he did for other prisoners) when he pleas'd, and thought it most for his convenience; and I would gladly know, by what rule can Melville's measures of Government be charged upon me as a crime?

But again, it is objected, that my being sent for so late was all but trick and my own contrivances, that I might be the less taken notice of, and suspected by the King's friends. Now this is purely arbitrary and of the same kidney and complecion with the former. Indeed if I had lodged in some privat hole or corner, y<sup>r</sup> had been some seeming colour for the objection; but being (first and last) all the time I was a prisoner, in one of the most publick inns of the Abbay or Cannongate where the Countess of Erroll<sup>1</sup> was likeways prisoner, under guards, a

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<sup>1</sup> Anne, Countess of Errol, sister of the Chancellor, Perth, and of Melfort. She was an ardent politician, and is frequently mentioned by Claverhouse in his letters. She undertook to convey intelligence into Edinburgh Castle to the

lady of great sense; except they attaque my prudence with my honesty, is it to be imagined, I could promise myself a possibilitie of being carried with my guards from her lodgings at any time, far less at unseasonable hours, without her knowledge; and if, according to y<sup>r</sup> suspicion, I had advised that method as fittest for my safety, why did I not likeways contrive my being removed with my guards from that place to some other lodging, a thing anybody may think, would in such a case have cost me but one word? But these men are dreamers, and whatever they say or fancie, tho' without connexion or coherence they vainly imagine their authority should pass.

Thus it must be believed, because they have said it, that I was ane enemy to Mr. Paine, the very time I risked my life to serve him. That I was in the favour of the Government, when they did all they could to ruin and destroy me. And that I am at present a pensioner to K. William, tho' its known I am little less then starving for my duty to King James. I am sure it will be as easie for my enemies to bring east and west together, as to pass such trash upon any but byassed fools or absolute strangers. I was, it is true, twice before y<sup>r</sup> privy councill, and once or twice to Melville's lodgings, while a prisoner, but never before, or since at either; and it may be my temptations were such as few of my accusers could have well resisted in my circumstances, but that either in publick or private y<sup>r</sup> was ought gayn'd of me, in prejudice of my friend, or the duty I owe my lawfull Sovereign, is what the most daring and malicious enemy cannot justly say, far less prove. But least herein after y<sup>r</sup> example I may seem to impose by a bold assertion, and have nothing else to say, and seeing they themselves are so fond of presumptions that they think 'em such almighty proofs against me; I shall now according to

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Duke of Gordon. In a letter from Claverhouse to Melfort, dated Moy in Lochaber, 27th June 1689, he says: 'I sent some proclamations to my Lady Errol . . . which were intercepted and my Lady taken prisoner.' The date of her reception into Mrs. Gibs, in the Canongate is thus fairly fixed. The Privy Council offered to allow Lady Errol to go at large under her parole of honour anywhere within ten miles of Edinburgh, but the spirited lady rejected the offer.—Napier's *Viscount Dundee*, Index. Sir Æneas evidently much respects her powers as a watch upon disloyalty.

promise, in the third place, mention some few for myself, and leave you to judge which of the two (theirs or mine) are most concluding.

First, is it reasonable to believe, if I had obliet<sup>1</sup> the Government, by Mr. Paine's torture, that they would have made me prisoner and cag'd me up ever after the torture for 15 weeks,<sup>2</sup> without intermission, and at a time too, when I was scarce recovered of a tedious and dangerous disease q<sup>r</sup>of my physicians and the churchmen who attended me concluded I should have dyed, notwithstanding y<sup>r</sup>of, and that my physicians declared by y<sup>r</sup> certificate, on soul and conscience that it was their opinion, if I was kept a prisoner and not allowed to go to my own Country in the Highlands for my health, it might endanger my life; yet such was y<sup>r</sup> governments favour towards me that neither that, nor the repeated endeavours of my friends, could procure me my enlargement, till the starving condition I was in for so long a time, and the apparent danger of a relaps, forced me to petition the Councill for aliment, or to be set at liberty on my finding sufficient bail, and rather then give the first, they consented to the last.

If I had been in the interest of the Government, it is plain y<sup>r</sup> had been no occasion for Mr. Paine's torture, for being then in the inside of affairs, it was in my power to have made my court (as others did) by a full and totall discovery, in which case, his life and not his limbs were likeliest to be in hazard. But, is it not next to frenzie to imagine that any man having a grain weight of sense would refuse a Collonel's Comission, and take up a trade scarce becoming a footman or a porter, and that such a Comission was not onlie offered but pressed on me by Melvill and Mackay some 3 years ago, is known to severalls of the best rank and quality of both nations. I was indeed advised by some of our own party to accept of that Commission, adding that they were sure considering my sufferings and circumstances, my master would excuse it. To which I answered that I was not at my own disposall, and if I committed such a villany without my master's knowledge, one

<sup>1</sup> Obliet = obliged.

<sup>2</sup> Fifteen weeks after 11th December 1690. But not immediately after. See Prefatory Note, p. 200.

thing I was sure of, never to forgive myself; so, rejected the proposall at a time I was put to hard shifts to get a dinner for my family. But God was alsufficient and never failed to provyde for me in my extremity, and at y<sup>t</sup><sup>1</sup> time, more to my hearty content then ever, for within a week after, I had 50 lb. by order of my Royall Mistress the Queen's Majestie from a Gentleman I never saw before or since, q<sup>r</sup>of I was more proud then if I had had als many thousands from the present Government. But lastlie,

Can anything be imagined more absurd or ridiculous then that of so many hundreds of the King's friends I have still conversed with since the revolution, Mr. Paine alone should suffer by my mean. If I had been capable of such a nefarious villany, I could easily have made my fortune at the expense of his ruin; but I was so far from intertaining any such thought that I am free to say and imprecate, that if ever I answered any question put to me by the present powers to Mr. Paine's loss or disadvantage, may the God who created me for ever damm me, and whosoever of my acquaintance (strangers I excuse) says or believes the contrary be y<sup>r</sup> quality what will, in the Government or out of it, they are very ill men; fitter to be citizens of Hell than members of any society on earth. And I leave to you to judge if on this point I had not truth and sincerity on my side, if it were not a bad way to make or confirm my Court, to give those in the Government such a rude treatment, and to say or swear a falshood in a matter consistent to their knowledge.

But least some snarling adversary may suggest that I am in *this* safe, under the protection of your privacy: to take off all cavvills of that kind, I am content the preceeding paragraph be printed in my name, if you please, and I oblige myself on honour to own it. So much I think, may suffice touching Mr. Paine's case, the first branch and article of my libell.

I come now to the second (viz.) that I employed my interest with the Clanns to perswade 'em to submission to the present Government; a figment never believed by any but such as wish'd my ruin, and vented by my accusers, against y<sup>r</sup> own knowledge, only to load me and gain the greater credite to y<sup>r</sup>

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<sup>1</sup> yt = that.

former slanders. But that this juggle may the better appear, you must know that my enemies, not contented with the injustice done me in the south, had the malice and impudence after I was gone, to pursue me to the north with y<sup>r</sup> lying slanders, wrote to severalls not to trust me, and particularly to Major Gen<sup>l</sup> Buchan,<sup>1</sup> that I might be put under ane arrest upon my first appearance, for no end but to bring me in disgrace and disable me to doe my master any sort of service in contradiction to y<sup>r</sup> characters. Indeed if the trick had taken according to y<sup>r</sup> contryvances, and that these black lybells had come to the Highlands before my aryvall, they had been in a fair way (tho. in a foul manner) to have obtained y<sup>r</sup> end; but the great Protector of innocence order'd matters otherways and so far to my advantage, that full six weeks before these lybells were heard of in the Highlands, my business was over (*i.e.*) I had been with both the Major Gen<sup>l</sup>. and most of all the Clanns, and so far as I had power or influence 1<sup>o</sup>/ I encouraged and confirmed the loyall. 2<sup>o</sup>/ I brought in severall considerable persons to the service who till then were neuters, if not enemies. 3<sup>o</sup>/ In place of the detachment the M'phersons had till that time in the King's service, I formed a compleet regiment of the family under their Chief the Laird of Cluny as Collonell as full and (I am bold to say) as good as any in the Highlands. All which being manifestly known to the Major Generall, and severall of the Clanns, my enemies lybells coming too late, had no oy<sup>r</sup> effect but to expose y<sup>r</sup> authors to just contempt and laughter, and withall to furnish me a handle of asking declarations and certificates of my loyaltie and services from the best and most knowing of the King's friends, which were no sooner ask'd than granted; and (what deserves your particular notice) in a stile which plainly discovers y<sup>r</sup> conviction of my fidelity, and a designe to do me right in opposition to these slanders. And in regard the fate of the first article of my charge (as my enemies laid y<sup>r</sup> jest) was to depend for the most part upon the truth or falshood of the

<sup>1</sup> See note on General Buchan, *Grameid*, p. 239. Also Andrew Ross' *Old Scottish Regimental Colours*, p. 19. He did his best but could not carry on the work of Claverhouse. He and Cannon got a safe-conduct to St. Germain with many other officers.

second, that you may see and be satisfied how little such mens characters and accounts are to be taken notice of, I have inserted in this place an abstract of my credentialls for your present satisfaction, till you have leasure and convenience to peruse the originalls, and shall first begin with a certificate of Major Generall Buchan, both because of his quality, and that no other was so privy to my mind and measures the time I stayed in the Highlands.—Which is as follows.

‘By Major Generall Buchan, Commander in Chief of His Majesties forces in His ancient Kingdome of Scotland.

‘Whereas we are informed that Sir Æneas M’pherson is misrepresented by severalls to have come north on purpose and designe to withdraw from y<sup>r</sup> alledgeance such of the Clanns as he could influence, The contrair of which being known to us, by his endeavours having obtained some considerable persons to enter in and subscrivit our association, and therefore do hereby testify and certifie to all honest men, of whatever qualitie, our certain knowledge of his integrity and loyaltie and affection to His Majestie’s service, and good endeavours to that effect. Given under our hand at Glengarrie Castle the 12. of December 1691. *Subscribitur* THOM. BUCHAN.’

Thus he, than which nothing can be more plaine or full. My next is a letter from the Laird of Glengarrie, a gentleman of as great sense and honour, and perchance as much trusted by the King as any in the Highlands, to a friend of his at Court, directed for Captain Ranald M’donald, one of His Majesties bed-chamber, goes on thus:

‘MUCH HONORED,—I could not omitt my duty to salute you kindlie by the bearer, Sir Æneas M’pherson our particular good friend, who hes done His Majestie great service in coming among his name and friends, in taking away divisions among them, and making ’em unanimous to serve the King upon all occasions, and encourageing severall others to the same effect who were rather enemies then friends formerly, and I intreat you most earnestly to befriend him in his affairs, and

not to give credit or believe ane thing to his disadvantage, since there will never be wanting enemies to a deserving person, for he hes suffered misery enough by imprisonment and otherways for his affection to the King, besides 'tis very well known that he refused severall considerable advantages proposed him by the Government, which is all, etc., and *subscribitur*

ALEX. MACDONELL.<sup>1</sup>

These two, first, because of their importance and that they are a concurring positive probation of my loyaltie and services, and in consequence, a plain confutation of the whole lybell, I have taken the liberty to set down full as in the originalls; but my other credentialls, being too many and too tedious to be inserted within the compass of a letter, I shall at present only take notice of such particular passages as make mostly for my purpose, and so I go on to a line written jointly by Colonell Coline M'Kenzie,<sup>2</sup> Governor of Islandonede and Colonell Patrick Stewart of Baleachan<sup>3</sup> both gentlemen of known quality and integrity, dated at Islandonede<sup>4</sup> the 19. of Octor. 1691. And directed on the back

To the King.

The paragraph follows thus—

'We may be troublesome to your Majestie, but the bearer Sir Æneas M'pherson having assured us of his resolution to be at your feet, so soon as it is possible for him, and his sufferings for your interest having left us no reason to doubt of his loyalty and firmness to your service, we have been unwilling to let him go without a most passionate assurance of both our faith and duty to your Majestie.' Another passage of the same letter runs thus, 'As for your Majestie's concerns in this King-

<sup>1</sup> This is Alastair Dubh Macdonell, younger of Glengarry in 1695, his father, Ranald, being then alive, though a very old man. See vivid description of him and his clan in *Grameid*, Index.

<sup>2</sup> I take this to be Colin, uncle of Lord Seaforth, forfeited for rebellion in 1690. There was another Colin Mackenzie, in whom Claverhouse was much interested, the brother of Sir George of Rosehaugh.

<sup>3</sup> Patrick Stewart of Ballechan, a great chief in the army of Claverhouse. See *Grameid* for notes as to this gallant officer.

<sup>4</sup> Eileandonan Castle in the sheriffship of Ross.

dome, we do not presume to give any account of 'em, being sure your Majestie wants not better information than any we are able to send; and then, we look upon the bearer to have so good a notion of things, that what we could say would not be necessary; but 'tis generally thought etc.' And so they go on with their opinion and advice, and conclude with a recognition of y<sup>r</sup> services thus, 'And all we have now to beg of your Majestie is that your Majestie favour us to believe y<sup>r</sup> is nothing so dear to us, that we will not cheerfully sacrifice for your service, as Sir your Majesties most humble etc. And so subscribes thus MACKENZIE: PA. STEWART.' Thus theirs.

I was at this time resolved for France, and had gone accordingly in the March following, but there our expectation of a descent,<sup>1</sup> gave me and severall others new thoughts and measures.

My next shall be a passage of a line written to the late Earl of Dumbarton by Major Andrew Scot,<sup>2</sup> a gentleman of known honour, and of such interest in his Majesties favour that he was trusted with a message and a ship laden with provisions to the Major Generalls and the Clanns. The letter bears date at Glengarry the 24. of October 1691. The paragraph is as follows:

'My Lord I need not trouble your Lordship by giving your Lop/. ane account how matters stand here, since Sir Æneas M'pherson a Gentleman of true honour and worth, and who hes a very good notion of the King's affairs here, is able to give your Lordship a particular and full account how affairs stand. And notwithstanding that perhaps some malicious person hes endeavoured to staine him, mostly upon picke, yet I dare assure your Lop/. that his behaviour hes been so good and truly honorable that nothing but malice itself can challenge him on anie other head etc. so, concluding with a frank tender of his services to his Lop/. subscribes thus Andrew Scott.'

Now I would gladlie know, if these eulogies (which I should

<sup>1</sup> The French king resolved early in 1692 to invade England, and the Jacobites were all on the alert.—Hume and Smollett, vol. ix. p. 150.

<sup>2</sup> Among the gentlemen joining the French army, Colonel Andrew Scott was appointed a lieutenant in the Scottish Company. See *Grameid*, Index.

scarce have freedome in modestie to transcribe, if mere necessity did not enforce it,) are in any thing reconcilable with goodly characters given me by my enemies? I think, you'll say, they are not. But I go on and bring up the rear with a passage of a letter written by Major Generall Cannon<sup>1</sup> to the King dated at Ormadale in the Isle of Skie the 13. of October 1691, and being much to the same purpose with the former, goes on thus,

'SIR,—I shall not presume to trouble your Majestie with a long letter since Sir Æneas M'pherson a gentleman of undoubted loyaltie and who knows the condition of this Kingdome and hes suffered extreamlie for his loyaltie, and hes endeavoured to enduce all those of his Countrie to very great effect. Therefore I hope your Majesty will credite him, etc.' So concluding with his advyce and the humble tender of his duty and service, he subscribes thus, 'ALL. CANON.'—concluding ane postcrypt; 'SIR I were unjust to the duty I owe your Majesty and your friends, if I did not acquaint your Majestie that the Laird of Cluny<sup>2</sup> M'pherson and his family are as capable, and have been still as ready, to serve your Majestie as any family in the Highlands. Thus far Major Generall Cannon. And seeing it contains not only his opinion and sentiments of me, but a full and ample declaration of my Chief's loyaltie and capacity, in contradiction to some who have impudently been pleased to question both, designing no doubt in wounding him, to reach me, I shall in justice to my Chief more than for any kindness to myself, crave leave to add one letter more as written to Cluny by Major Generall Buchan, in answer to one of his q'in he acquainted the Major Generall that his regiment was full and readie to march when and where he thought it most for his Majesties interest. The letter is directed on the back, for the Laird of Cluny in Badenach, and contains as follows:

'Sir. I thank you very kindly for your last. I doe assure you I shall let my Master know with the first sure bearer, how

<sup>1</sup> General Cannon took command on death of Claverhouse, but proved unequal to the task. He was superseded by Buchan, and in 1692 they retired together to France, making as good terms as they could. See *Grameid*, p. 239 n.

<sup>2</sup> Duncan Macpherson of Cluny, to whom the *Loyall Dissuasive* is addressed.

zealous and forward you are for his service, when others are like to fall off, and what you have done, I should be very sorry it should do you any prejudice. So take all the quiet and calme measures you can, to preserve your self and friends, till we have our Master's further orders; so wishing you very well, I am Sir yours. *Sic subtur.* Tho. Buchan.'

Thus he; and what can be more full or great? here is not only loyaltie, but zeal and forwardness for the King's service, even at a time when others were falling from y<sup>r</sup> duty. And yet this Gentleman who had the Country he lives in thrice pilaged, and once burnt by the rebels, who had thirty six of his blood and family, and some of those too of good account, killed on the King's side at the surprize at Cromdell, who was himself made prisoner by Sir Thomas Livingstone<sup>1</sup> and carried away like a criminall for adhering to his duty, and who, you see, hes two of the most eminent of the King's friends to vouch his honour and integrity, hes notwithstanding some sneaking and malicious accusers; so hard it is to guard against the poyson of the tongue.

Were I disposed to justifie myself by aspersing others; it were easie in this place to recriminate one of my greatest enemies; I mean not Mr. Payne, but another,<sup>2</sup> the spring and fountain of all my miseries, whose agents and emisaries of both sexes have been constantlie employed since the first minute of Mr. Paynes aryvall at Edin. not only to divide him and me, but to raise what dust they could against the Laird of Cluny and his relations, for reasons plain and easie to any who knows his temper, and the unhappie interest we have in his family. But it being my business at present rather to excuse myself, then accuse others, I reserve that to a fitter oppor-

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<sup>1</sup> Sir Thomas Livingstone representing an old cadency from the family of Kilsyth, yet out of line with its politics. He was wedded to the Dutch service, and took over the command of the Scotch Dragoons—Scots Greys—from Claverhouse at the Revolution. He is the victor of Cromdale, and the commander of the Massacre of Glencoe (under royal signature however). See Hume and Smollett, vol. ix. p. 147; Napier's *Viscount Dundee*, Index. For Cluny's imprisonment, see letters from Sir John Hill in *Gleanings from Cluny Charter Chest*.

<sup>2</sup> This can be none other than the Duke of Gordon, the subject of 'Patron turned Persecutor.'

tunity: and hereafter to conclude this tedious and troublesome vindicatione, wherin I have according to promise, *first* given you some plaine and positive instances of my friendship to Mr. Payne. 2<sup>dly</sup>/. Examined my enemies presumptions and objections, who I am persuaded only borrow Mr. Payne's name to gain the more credit to y<sup>r</sup> own slanders, and 3<sup>ly</sup>. In answer and oppositions to theirs, given some presumptions of my own, whereby I hope I have clearly proved (as far as a negative is capable of it) that I had no hand in Mr. Payne's torture, nor am at all in the interest of the Government, and lastly I have likewise proved not only that I had no accession to the submission of the Clanns, but with evidence abundante, the quite contrary, a cloud of concurring positive witnesses as honorable and unexceptionable as Britain can afford; so that having done more then justified my innocence (which were at best but a negative sort of loyaltie) it can be no great presumption to inferr, that I have made good my undertaking (*i.e.*) discussed both the branches of my lybell to your content and satisfaction. I confess I have exceeded my designe, and (it may be) the due limits of a letter; but my honour and my interest in your friendship being at once at stake, I trust you may be the readier to excuse it; such as it is, it was written in haste, only for your use, and may (besides the blemishes borrowed from the author) contain some things not to be trusted promiscuously to all that profess to be of the party. And for that reason, if after perusall you will be so kind to yourself and me as to comitt it to the flames, or return it by a safe hand, you will much obliedge.—My dear friend, your most humble and most affectionate servant.

THE  
ADDRESS AND REMONSTRANCE

of SIR ÆNEAS M'PHERSON prisoner in Edinr.

tolbooth agt. the torture

To the Commission and Council of Scotland.

## PREFATORY NOTE

The date of this imprisonment is not given. Æneas was a free man in the Highlands at beginning of January 1691. Nevil Payne was tortured on 10th and 11th December 1690. Æneas was made prisoner after that, for the second time, and 'caged up in the Tolbooth for fifteen weeks' with prospect of torture. The '*ever after*' in the '*Vindication*,' p. 190, must be taken loosely, and mean a month, six weeks, or two months after the torture, and then the imprisonment was for fifteen weeks continuously. By October 1691 he was 'meditating going abroad in the March following to the feet of King James.' 'The caging' must have been that recorded in Hume and Smollett, vol. ix. p. 121, when Lord Home and Sir Peter Fraser were apprehended and imprisoned along with Sir Æneas. When the caging was over, he was again a free man, or out on bail, and may have gone to London. See note, p. 182.

A. D. M.

MY LORD COMMISSIONER,<sup>1</sup>—It being my misfortune to be a prisoner at present, and straitned with a principle whereby I find myself obliged both in honour and conscience, neither to be ane evidence, nor to answer questions; for which it seems your Gr. and the Lords of this honourable Boord are pleased to threaten me with the torture, I do with all deference and submission crave leave to represent to your Gr. and Lo<sup>ps</sup> that I humbly conceive, it is not in the power of any Government to force me to be ane evidence, or put me to the torture; tho' in this I desyre not to be mistaken, as if I spoke disrespectfullie, or in termes of diminution of Governments; for if without derogation to Omnipotence, I may justly say y<sup>r</sup> are some things God Almighty cannot doe, as for instance, he cannot lye, because it is against the perfection of His nature, I may no less warrantable affirm that y<sup>r</sup> are some things also Governments cannot doe, as for example they can do nothing against the Laws, because that were to act againt the end and nature of y<sup>r</sup> institution; for *Illud tantum possumus quod Jure possumus*. And that *Jure* I cannot be made ane evidence against my will, or forced to it by torture, I shall labour to make clear to your Gr./ and Lo<sup>ps</sup>/ by the following reasons.

If there be any law, besides that of custome, which obliges me to be ane evidence, it is meerlie penall, and consequentlie arbitrary; and in my choice either to fulfill the law, or embrace the penaltie, which in some sense also is a fulfilling of the law.

By no law whatever is a man bound to be ane evidence against his father, the mercie of the law excusing one from being ane instrument to take away that life which gave him his; and if that holds good with a naturall parent, I see not but *a pari*, if not, *a fortiori*, it should hold *quoad* a benefactor, for if I owe my being to the one, it is but once, I owe my wellbeing, it may be frequentlie repeated, to the other, which is by much the greater obligation.

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<sup>1</sup> The Lord Commissioner was, I presume, the Marquis of Tweeddale. Melville had declined in importance, and was made Lord Privy Seal, while Tweeddale became Chancellor, and the Earl of Lothian was appointed, late in 1691, to be Commissioner to the General Assembly.

All laws, operate by hopes and fears, rewards and punishments; and seeing we can neither hope nor fear beyond the conception of the law, I cannot at all be lyable to a torture, it being ane extra legall punishment, expressed in none of our laws.

The torture is in it self barbarous, and not used in any Christian Kingdome or Commonwealth that I have read or heard of, except Spain and France. In the first, onlie after sentence of condemnation, in cases of high treason, to extort confession from the criminall before his execution, that grave and judicious nation, not thinking the depositions of a few witnesses, who may be practised and corrupted, sufficient to destroy y<sup>r</sup> noble families, or tinge the blood of y<sup>r</sup> posterity. And *de practica* some of the greatest men of Spaine have after full tryall and condemnation saved themselves and families by undergoing the grand question, as they call their torture. But what comes nearer to our purpose is, it is used in France, from where it seems with the modell of our law and security, and a great many other good things, we have borrowed this one barbarous practise. It cannot be denied but that some time, upon extraordinarie occasions the torture is made use of here. But at no time was it ever known, that a gentleman<sup>1</sup> was tortured in that wise and warlike country; such, for the encouragement of vertue and warlike atchievement, being excused from all severities of that kind. A lesson it seems they have learned of the generous Romans. A slave or aliene with them might be bound or buffeted, but no denizons, no citizen of Rome. Nor was this great charter pleaded onlie by such as lived at Rome, but over the whole world wherever the Romans had a collonie or footing.

This seems plain and evident, not to speake of other authors, from the sacred storie it self, there we find St. Paul tho' but born at Tarsus the Metropolis of Cilicia, where the Romans had a large collonie, vested with ample privileges, pleads his being a Roman against his bonds and buffet-

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<sup>1</sup> But see Davila's *History of Civil Wars of France*, for several cases of the 'question' applied to gentlemen; e.g. John Poltrot, Sieur de Mereborn, of a noble family near Angoulême, the assassin of the Duke of Guise.—Davila, p. 175.

ing, which was immediatlie sustained to clear him of his fetters, so tender was that heroick nation of the honour and priviledges of y<sup>r</sup> Country. And I think, my Lord Commissioner with submission to your Gr./ and this honourable board, it is no less competent to me against racks and tortures, that I am a Scots Gentleman, first by birth, as is known to most of your Lops/. 2<sup>d</sup>/. by my imploy being of the hone<sup>ble</sup> faculty of Advocats, 3<sup>o</sup>/. by my commissions, as having hade severalls in both the last reigns, and some of these too, under the broad seals of both nations, 4/. the King, by a mark of his royall favour, hath distinguished and put me out of the Rank of ordinarie Gentlemen; and I humbly suppose it is without all precedent or example that ever any such was brought to a torture by order of this board, and to begin with me, as it would shew a malice not to be apprehended of your Gr/. and Lo<sup>ps</sup>, It may be also *mali exempli* to your selves, for tho. your Gr/. and Lo<sup>ps</sup>/. be deservedlie dignified with high and loftie titles, as your immediat successors may be, it is not to be imagined that all your posterity can be such, and what is my case now, may sometime come to be your own, *i.e.* some one or other of your posterities.

My fifth and last reason against the torture is that it was reckoned among those stretches and grivances for which King James was forfaulted, so not to be practised and repeated without a manifest contradiction under the present settlement.<sup>1</sup> I am persuaded your Gr./ and Lo<sup>ps</sup>/. are too tender of the King your master's honour, and the welfare of your posterity, to revive so barbarous a practice. And if any else be for it, and labour to influence you, with submission to your Gr./ and Lo<sup>ps</sup>/. they must only be ignorants that understand not the ends of Government; or if they are men of sense, they may look a squint to a new change, and be content to see his present Majestie follow the fate of his predecessor.

I shall shut up the whole with one thought more whereof I humbly desyre your Gr/ and your Lo<sup>ps</sup>/ may take notice, and

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<sup>1</sup> Chiesley of Dalry was tortured after the assassination of President Lockhart, and along with Nevil Payne several others were condemned to the torture, whether they endured it or not. These cases were all under the 'present settlement.'

that is, I was never in armes against the Government, but on the contrarie employed my interest to reduce those that were.<sup>1</sup> In respect of all which I humblie beseech your Gr./ and Lordships may be pleased to set me free, and admitt me to the protection of the Government, on such termes as may consist with ane honest man and a gentleman. We read of the prodigalls return, and of his honorable reception upon his submission and return, but nothing of his termes; No doubt to instruct parents, and States and Princes, the greatest of all parents, to lean to the yielding side when they have to deal with sons or subjects, in cases of this nature. It's true my Lord, that in this very parable we find one repineing brother, and if y<sup>r</sup> were not too too many of his kidney and complexion in this case, who can not bear to see any happie but themselves, I had not been brought to so much trouble.

There is but one word more I have to trouble your Gr./ and Lo<sup>ps</sup>/. with, and that is, seeing I have so favourable ane opportunity, that your Gr./ and Lops. may be pleas'd to give me leave to clear myself of a foul and slanderous aspersion was put upon my name by some designing persons, as if I had betrayed my friend Mr. Paine to the Earl of Melvil under his Government, and been the Chief instrument and occasion of his torture. This matter my Lords being so far otherways as I shall answer to God at the great day, I had no hand, neither in Mr. Paine's taking, nor his torture, directly or indirectly by word, wryte or signe. Its true my Lo/. that the Earl of Melvil who was then Lord High Commissioner took all the discreet measures that became a wise man and a statesman to bring me to his hand; as for instance first he offered to make my fortune if I would answer questions and make discoveries concerning Mr. Paine; and when that did not doe, he threatned me, and when neither did, his Lop/. set some friends of quality on me who he thought might better influence me. But after all I again declair to your Gr. and Lops. in presence of God, that I answered not a question to Mr. Paine's detriment, neither to the Earl of Melvil first, nor to any commissioned by him assert.<sup>2</sup> My Lord Melvil himself is present and being a

<sup>1</sup> This does not ring quite true to the note of the Vindication.

<sup>2</sup> *Sic.*

person of quality I may reasonable expect his Lop. may doe me the justice to own the truth of what I say, and for any other trusted by his Lop. to treat on that head, I challenge them to contradict me if they can. I have sinned 'tis true against God and my own family; but the searcher of hearts, whom I attest, knows I never so much as in thought sinned against my Countrie or my friend, nor God assisting me ever shall.



**MEMORIAL TO THE KING**

## PREFATORY NOTE

Sir Æneas was some years at St. Germain's, and according to the notes of his life given above, his family followed him there. This memorial must have had good effect for he was in a condition to have his wife and family at Court, and his daughter there married Sir John M'Lean of Duart. As to the conduct of Cluny and the Macphersons towards Claverhouse and Buchan, some evidence in support of the statements here given will be found in our Introduction. Mackay, in a letter to the Duchess of Gordon, speaks of Cluny as ready to join him, but his people without the duke's orders would not come out with their chief. This is evidently a subterfuge.—'Gordon Papers,' *Spalding Club Miscellany*, vol. i.

A. D. M.

## TO THE KING,

THE MEMORIAL OF SIR ÆNEAS M'PHERSON.

Humble Representeth,

That 'ere I came from Scotland two years agoe upon ane act of banishment,<sup>1</sup> notwithstanding that my wife and children were likeways contained in the same act, I was so unwilling to be chargeable to your Majestie, that I took the opportunity of a ship for London, and with all the heast I could, left my family to the mercie and discreation of the Government; some of my friends, who were also my debtors, for my incouragement at that time, having agreed to advance 50lb a year for 3. years space to help to mentain my familie. Within which time, I did indeed propose to have a better settlement for them upon your Majestie's happy restoration; but to the amazement of all mankind, a peace<sup>2</sup> being laitly published, including the Prince of Orange, our friends hopes, and consequently their charity, is so far sunk in those remote Countries, that as my wife wryts to me, the very men that were before so forward to supply her, have since, refused to pay the interest of some money, that is justly due to me; pretending that it is forfeited to the Prince of Orange. And seeing the active and well known zeal I have always shown for your Majestie's service and interest renders me so obnoxious to the present powers that I cannot go to my family with any sort of safetie, in such a hard case, if they endeavour to come at me (as I apprehend they may) I hope your Majestie will excuse them. They have been all along since the Revolution constant and willing sharers of my sufferings for your Majestie, and I were worse than ane infidell, and could not answer to the duty I owe to God and my conscience as a good Christian and Catholick,<sup>3</sup>

<sup>1</sup> The act of banishment was an act of the Privy Council of Scotland. He was again arrested in London on his way to Holland. See notes of his life, *supra*.

<sup>2</sup> The Peace of Ryswick.

<sup>3</sup> This is the first notice of Sir Æneas's religious connection. His relations with Jeremy Collier—nonjuring bishop—suggested an Episcopalian line, but that would hardly have moved the king. In Rome Æneas did as Rome did.

if I did not some way or other labour to take care of them, which at this distance and as I am now stated, your Majestie may consider is not to be thought of. 'Tis true your Majestie was graciously pleas'd to put me on ane Establishment in this place at my first appearance; for which at that time your Maj. had my thanks with als much gratitude as a loyall heart was capable of, but I have since found to my smart that the footing I am on is so mean and inconsiderable that it does not mentain myself, far less is it possible for me out of so small ane income to send any relief to my family. I envye no man's circumstances; may they still be better and better, and your Maj. in a condition to make 'em so; But I cannot conceal from your Maj. that it sinks me much to see men of no greater character nor capacity have eight, some 1200. livres a year, while your Maj. demurrs upon the pay<sup>t</sup> of a small debt for me that hes but four. But my enemies it seems are restless and labour all they can to do me ill offices with your Maj. They had the fatall interest four years agoe to stop my way at Dunkirk, which hes brought upon me all the mischief and misery I have suffered since, and at this time, I am told, they take the liberty not only to lessen and depreciate my own sufferings and services, but (which touches me nearer) the loyalty and capacity of our name and family. Give me leave therefore (great Sir) with that submission that becomes me, and in as few words as the matter will permitt, to give your Maj. a short account of the loyalty and service of my family and ancestors, these severall ages past, which I insist not on at present, out of any principal of avarice or vanity, so much as to confute the clandestine and malicious insinuations of a sort of men (pretend what they will) mind their own privat picks, more then your Maj<sup>s</sup> service or the publick well. And to proceed.

In Keneth the seconds time and                    years agoe when that great and warlike prince designed a just revenge against the Picts, for the murder of his father King Alpin, and all the Nobility of the Nation, after both armies had joyned battle, and that the victory visibly inclined to the Pictish side, the Clan Chattan (for so our families were and still are called) coming seasonable to the King's aid, did so animate their

countrymen, by y<sup>r</sup> presence and example, that y<sup>r</sup> was a great and glorious victory obtained over the Picts, and the Pictish name and race for ever after utterlie extinguished. *Author, the Monk of Paselie in his liber Pasleensis.*<sup>1</sup>

Some ages after this, the Cummines<sup>2</sup> (at that time the greatest family in the Kingdome) having raised a furious rebellion against the Crown, the Clanchattan were the only family thought worthy and capable to supress them, and accordingly by Commission under the Broad Seal, after many years war, in which they hade severall pitched battles, the Clanchattan at last made ane end of the rebellion and of y<sup>r</sup> powerfull name and family, for which eminent piece of service, they had the Country of Badenach added to y<sup>r</sup> possessions, and the bloody hand and dagger to y<sup>r</sup> bearing, both which our family give<sup>3</sup> and possess to this day. *Author, Sir Geo. M'Kenzie's Heral.*

In Robert the third his time, Donald of the Isles having stirred up a rebellion, in which most of the Clanns were more or less concerned, the Clanchattan was the only family of note in the Highlands espoused the Royall interest, and joined the Earl of Marr then the King's Generall, at the battle of Harlaw, not far from Aberdeen, for which the Earl of Marr bestowed on our family the donative of eight or ten miles of the forest of Marr,<sup>4</sup> still in our possession, and have been always since

<sup>1</sup> *i.e.* Fordun.

<sup>2</sup> Before 1230 Walter Comyn, Earl of Menteith, Guardian and Regent of Scotland, acquired the vast territory of Badenoch through the forfeiture of Gillespie of the royal (M'William) line of Moray. He gave, in 1258, Badenoch to John, 'the black' Comyn, who was one of the competitors for the crown, but retired in favour of Baliol, having married Baliol's sister. He left a son, John Comyn (the second, called the Red). He joined Wallace, but deserted him at the battle of Falkirk. He was stabbed by Bruce at Dumfries, 10th February 1305-6. Eventually the lordship of Badenoch was given, in 1370, to Alexander Stewart to be held in same manner as by Sir John Comyn. The province of Moray was given, in 1314, to Thomas Randolph, and from that time the Comyns declined in importance, though at one time they were as Earls of Menteith, Earls of Buchan, Lords of Badenoch the greatest family in Scotland. See *Family Records of the Bruces and Cumyns*, by M. E. Cumming Bruce; *Chartulary of Moray*, 1224-33-34.

<sup>3</sup> *i.e.* convey to cadent families.

<sup>4</sup> Is this a fact? The Farquharsons were part of Clan Chattan, but Sir Æneas gives another origin to their possessions.

our constant patrons and protectors. In the reigne of Queen Mary, of ever blessed memorie, our family by no art or industrie could ever be engaged against her, but on the contrary, when a certain great man on whom they had their immediat dependence had formed a designe against her Majestie in her journey to Inverness, instead of arming for him, as he not without ground expected, they imediatly armed against him and went in a full bodie to the Queen time enough to disapoint the undertaking. *Author, Buchannan's Chronicle.*

In the reigne of King Charles the first, William M'pherson of Invereshie, my father, was the first Gentleman in the Highlands that owned the King's interest, and joyned the Marquis of Montrose with a strong battalions of the name maintain'd likeways at his own charge to the ruine of his fortune, all along during the continuance of the war, till he received his death's wounds at y<sup>r</sup> head in his Maj<sup>s</sup> service.

This Sir, as your Maj. may remember was made known to your Maj. 16 years agoe when Duke of York by a full and ample Certificat still extant, under the hands and seals of two Archbishops, the late Marquis of Montrose the Marq. of Athol and the Earl of Airlie both yet living. In the begining of your Majestie's own reign, the late Argyle having invaded your ancient Kingdome of Scotland, our family was amongst the very first that took arms and formed a battalions of the name, maintained also at y<sup>r</sup> own charge till the Rebellion was suppress.

In anno 1689 the late Viscount of Dundee having declaired for your Majestie, our family joyned him with a detachment of 200 men,<sup>1</sup> as he went to Edinglassy, in pursute of Major Gen<sup>l</sup> M'Kay, and after Dundee's death, the like number was continued to Major Generall Buchan till the unhappy surprize at Cromdell, where William (Bane) M'pherson my father's brother with severall others of our name and family were killed in your Maj<sup>s</sup> service.

Thereafter your Maj. having honoured our Chief the Laird of Cluny with a Collonells Commission sent from Ireland, I formed a compleet Regiment of the name under his comand

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<sup>1</sup> I have not seen evidence of this, but it may be true. It is undoubted that they suffered at Cromdale later, and that William Bane Macpherson was killed there. See letters from Buchan in Introduction; also *Grameid*, pp. 169, 193.

als full and good as any in the Highlands; and by his order went to Invergarrie Castle where Major Generall Buchan was then in garrison, to intimate to him that Cluny had franklie signed his association, and was ready to appear at the head of his Regiment when and where he thought it most for your Majesties service. And how forward also this gentleman was to venture his own life, and the lives and fortunes of all those of his name and family, upon the unwelcome news of the defeat at Cromdell, was particularie known to Major Generall Cannon; and tho he be dead, Collonell Funtaine who with the Major Gen<sup>l</sup> had made their retreat to Cluny's house, is yet alyve to witness it.<sup>1</sup>

This much I hope is sufficient to demonstrate to your Maj. that whether antiquity, valour, or a constant adherence to the Crown be to be regarded, our family is second to no Clann or family of the Highlands; And how I have acquitted myself both before and since the Revolution as may become the son and successor of so many loyall ancestors, my severall services and unparaelled sufferings, not to mention my great offers and temptation, from time to time rejected, do sufficiently evince. Consider also, great Sir, that besides my imploy as an advocat, and oy<sup>r</sup> two both of honour and profite had of your Maj. and the late King, I have lost a good estate belonging to my wife as heiress to her father Major William Scrimgeur, near kinsman<sup>2</sup> to the late Earl of Dundee of that name, which as is known to many, after I had possest for 5. years space, was at last wrested out of my hands for debts contracted by her father in the King your father's service; and after all and a great deal more that might be added, it is but modest in me to hope that your Maj. may take care of me, either by augmenting of my pension, or putting me in some post or station in the family, so as I may in a tolerable manner provyde for my wife and children, who if they had no concern in me, considering y<sup>r</sup> own personall losses and sufferings for your Maj. have no less claime to your Maj<sup>s</sup> bounty and protection than

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<sup>1</sup> Much of all this is vouched in *Gleanings from Cluny Charter Chest*, edited by Alexander Macpherson: Inverness, 1899.

<sup>2</sup> John, Earl of Dundee, had no relation near enough to obtain his estates, seeing they passed to the crown as *ultimus heres*.

any of their quality in S<sup>t</sup> Germans, and I cannot but persuade myself, that your Maj. upon due reflexion of their sufferings and pretensions, may think it a little hard that they should be starving in anoy<sup>r</sup> country, while some who were in actual rebellion againt your Maj. are so well to live in this. I confess Sir, it may seem too bold in any Gentleman whatever, thus to expostulate with your Maj. but my honour and interest, nay and the loyaltie and welfare of our family and posterity being at once at stake, I hope your Majestie, who hes gained so great and glorious a name for the justice of your principles, may not only forgive my freedome, but make such provision for me and my children, as may hearten and incourage others to follow my example, and enable me to be as I profess,—May it please your Majestie, your Majesties most humble obedient and most loyall subject, and servant.

TO HIS GR./ THE DUKE OF BUCKINGHAM,<sup>1</sup> Etc.

THE CASE OF SIR ÆNEAS M<sup>c</sup>PERSON, KNIGHT.

Humble sheweth,

That the s<sup>d</sup> Sir Æneas is law<sup>ll</sup> son to the Deceast William M<sup>c</sup>pherson of Invereshy in the Kingdome of Scotland Esq. who under the reigne of King Charles the Martyr, of ever blessed memorie, was the first of his rank and quality in y<sup>t</sup> Kingdome joynd the great Montrose at the head of a battalion of his own name and blood. That by express order of the States, ere he the s<sup>d</sup> Wim. could well joyn the Marquis, he was fallen upon in Glenclova<sup>2</sup> within ten miles of Perth, by a full regiment of well disciplin'd horse, but after a sharp and bloody conflict, the rebels were quite routed and overthrown. That by the s<sup>d</sup> Wms. influence and example all the Highlands of Scotland in y<sup>r</sup> severall turnes came in to the King's service. That he

<sup>1</sup> The Duke of Buckingham here addressed is John Sheffield, Marquis of Normanby, created duke in 1703. He built Buckingham House, afterwards Buckingham Palace. He was Lord Privy Seal to Queen Anne. Sir Æneas had returned to London but could not muster funds sufficient to take him down to Scotland; hence this appeal. This Duke of Buckingham associated with Johnson, who wrote his life, with Dryden, Pope, and the literati of the time. His widow raised a sumptuous monument to him in Westminster Abbey.

<sup>2</sup> There is no support for this story, but much against it as it stands.

mentained the s<sup>d</sup> battalion all along at his own charges, during the continuance of that unhappy warr, to the utter ruine of his family, till he himself was kill'd at their head at the battle of Alderne. That all this and more to the same purpose was made known to the late King Charles by a full and ample Certificate under the hands and seals of his Gr./ the present Primate of Scotland,<sup>1</sup> then Archbishop of Glasgow, the late Marquis of Montrose, the Marquis of Athol and the deceast Earl of Airlie. That under the reigne of that wise and prudent monarch the s<sup>d</sup> Sir Æneas was so far considered that he had the honour to be constituted his Majestie's Shirref Deput of the Shire of Aberdeen, by comission under the great Seal of Scotland, a post in that country of no small honour and profit. That after the decease of the said King Charles the s<sup>d</sup> comission was renewed by the late King James, and as a furdur testimony of his Majestie's favour, a pension of 200 lbs. a year was settled npon the s<sup>d</sup> Sir Æneas in consideration of his own and his families services to the Crown, which hes not been paid since the Revolution. That in the year 1688 his Maj. not thinking that sufficient to make up the losses sustained by the s<sup>d</sup> Sir Æneas his family and ancestors for the Crown, his Maj. was graciously pleased to confer on him the Government of Nevis in America; but such was his misfortune, that since the Revolution, some evill disposed persons, on the bare pretence of present practices against the late Government, caused the s<sup>d</sup> Sir Æneas to be taken up both in Scotland and England, where he was kept closs prisoner for seatt years space, and in fine, without any manner of proof ag<sup>d</sup> him, banish'd his native country because he declyned to be ane evidence, and answer queries against some friends and benefactors. That the sd Sir Æneas after five or six years stay abroad, in want of all things but that of a good conscience, understanding that his elder brother's son the late Laird of Invereshie dyed unmarried, whereby his estate fell to him in course, he the s<sup>d</sup> Sir Æneas came to England 3 years agoe in

<sup>1</sup> Arthur Ross, Archbishop of St. Andrews, died 13th June 1704. He was at the date of this letter Primate of the Disestablished Church. See note 2, p. 5, where he is called Alexander by mistake. The other names here given are also there noted.

order to recover it and by his wife and daughter petition'd the Privy Councill in Scotland for liberty to return, but such was the rigour of that Presbyterian Government, that notwithstanding all his reasonable proposalls, and the interest his friends made for him, his petition was rejected. But thanks to Heaven, and to her Maj. for it, now that a generall indemnity is published in that her ancient Kingdome, the s<sup>d</sup> Sir Æneas may with freedome and safety return to his native Countrie. But as his condition is at present, the s<sup>d</sup> Sir Æneas thinks it no reproach to own that it is not in his power to leave this place and take his family, small as it is, along with him, without the Royall help. That in this extremity some days agoe, the s<sup>d</sup> Sir Æneas having presented a short petition to the Queen, to which as yet he hes no answer. If your Gr./ is pleased to show the goodness to lay his case before her Maj., whilst the thing is fresh and recent in her mind, so as that something may be ordered for him to fit him for his journey, it will be a charitable and a generous office and in nothing misbecoming your Gr<sup>s</sup>./ qualitie and illustrious character. It is not without a blush the s<sup>d</sup> Sir Æneas gives your Gr./ this trouble considering he hes not the honour to be known to your Gr./ but is very hopefull that a person so eminently famous for all that is good or great, may not only forgive the freedome, but shew some tendeness for a Gentleman in distress.—Your most Humble Ser.

SIR ÆNEAS M'PERSON.

AMEN

**VANITIE EXPOSED**

## PREFATORY NOTE

A genealogy of the Farquharsons, compiled by Alexander Farquharson of Brouchdearg, came to the light about 1730. Whether this author be the same as he against whom Sir Æneas tilts in such fiery fashion is questionable. Sir Æneas died in 1705. Brouchdearg in all probability had the benefit of 'Vanitie Exposed' before he framed his genealogy of Farquharsons, but he may have ventured an earlier effort. 'Wrote about the year 1707' is written on a genealogy of the Clan Farquharson at Invercauld. The second volume of the *History of the Clan Gregor*, by Miss Murray Macgregor, pages 1 to 6, supports in several details our author in his assault upon family vanity. The Macgregors, according to this history, were in occupation of the Braes of Mar and were pushed out by squatters from Strathspey. The galaxy of antiquaries, on first pages of this piece, have been for the most part identified. *The Records of Invercauld*, just issued by the New Spalding Club, gives the story of the distinguished family from records, in place of vague traditions. 'Vanitie Exposed' has, however, its historical value to a Society which gathers up fragments.

A. D. M.

SIR,—You may easily believe that for severall reasons, I would willingly declyne the task you have assigned me of giving my opinion of the Genealogie of the Farquharsons as contained in a late paper you were pleased to send me, but that your desire, since I had the honour to be first known to you, has been always to me in place of a command; and lest I may be said to speak without book, and after this Author's example, give no reason, no *causam scientiæ* (as Lawiers speak) of what I have to say; give me leave to tell you, that in my younger years I had the honour to be a kind of disciple to one of the greatest Antiquaries in the whole Kingdom. And after his decease, having a strong desire to made a further progress in that useful and ingenious science, I made it a part of my business to court the conversation of the oldest and wisest, not only of my own, but of all our neighbours families, not without success too, as I hope to make appear in a larger tractat of more use and value, if God spare me life and health; and for the present shall content myself barely to name a few of those I had at divers times the honour to discourse with of the rise and origine of most of the Highland families, as for instance, John Grant of Balindalloch,<sup>1</sup> (commonly called Forsooth, from a custome he had of useing that word at the end almost of every sentence) John Grant of Gartinmore,<sup>2</sup> Grigor Grant of Achachiernach,<sup>3</sup> and Sweine Grant of Gartinbeg,<sup>4</sup> amongst the

<sup>1</sup> John Grant of Ballindalloch was living in Kinrara's time. He calls him 'the great grandson of John Grant of Ballindalloch, who met his death at the hand of Grant of Carron.' The great feud between the families had come to the end of its intensity by the time of 'Forsooth.' Three Johns apparently follow each other. 'Forsooth' must be the John styled the younger who was on the Commission of Peace for 1643. John who was out with Claverhouse was a younger man. See *Grameid*, p. 159; *Lairds of Brodie Diaries*, Index; *Act. Parl. Scot.*, 'Grant of Ballindalloch.'

<sup>2</sup> John Grant of Gartinmore was connected with the Invereshie family. His daughter married John, second son of Angus of Invereshie, of whom sprang many descendants.—*Macpherson Manuscript Genealogy*, 'Invereshie.'

<sup>3</sup> Gregor Grant of Auchernach. I assume that he was the father of James, who appears of Auchernach in 1661. The family is an old one, sprung from Allan, son of Gregor Grant of Freuchy, in the thirteenth century. The place is near Grantown, on the opposite side of the river above the bridge.

<sup>4</sup> Swein Grant of Gartinbeg is noted by Kinrara as withholding help from Mackintosh in his expedition against the Camerons.

Grants. William M'Intoshe of Kyllachie,<sup>1</sup> Hector M'Intosh of Connadge,<sup>2</sup> and John M'Intosh of Forter,<sup>3</sup> (commonly called M'Comie) amongst the M'Intoshes. Alexander Fraser,<sup>4</sup> alias M'Kutcher, among the Frasers, and John M'Donald<sup>5</sup> (alias Lame) among the M'Donalds, two of the greatest poets and genealogues in the Highlands. M'pherson of Brecochie,<sup>6</sup> Gillicallum M'pherson of Phoyness,<sup>7</sup> Thomas M'pherson of Eterish,<sup>8</sup> and James M'pherson,<sup>9</sup> grand-uncle to the deceast John M'pherson of Invereshie, amongst the M'phersons. John Robertson of Inverchroskie<sup>10</sup> (alias the barron Reid), John

<sup>1</sup> William Mackintosh of Kyllachy appears frequently in the Kinrara Manuscript. He was intrusted in 1630 with the task of capturing Grant of Carron, but failed. His son Duncan succeeded him about 1678.

<sup>2</sup> Hector Mackintosh of Connage was probably not the owner of the property but one of the younger sons. Alexander of Connage was well known at the time, and he was succeeded by his son Duncan.

<sup>3</sup> John Mackintosh of Forter in Glen Isla joined the Laird of Mackintosh at Insh in 1665, for his expedition to Lochaber. His name M'Colme suggests the hero forfeited for rising with Montrose.

<sup>4</sup> Alexander Fraser, whose reputation stood so high, I do not identify. There was a tutor of Lovat of that name in 1664, but I do not know of the name M'Kutcher being associated with him. The author of the Wardlaw Manuscript, about to be edited for the Society by Mr. William Mackay, was named James Fraser. There may have been a slip as to the Christian name on the part of Sir Æneas.

<sup>5</sup> John M'Donald the Lame. He is the famous Ian Lom, the Bard of Keppoch. See notice of him and a translation of his poem on Inverlochty in Napier's *Montrose*, p. 483; also *Deeds of Montrose*, p. 523. He was an eye-witness of Inverlochty, and lived till after 1715. Also Mackenzie's *Beauties of Gaelic Poetry* (1841), p. 50.

<sup>6</sup> Macpherson of Breacachie I take to be Hucheon, who appears as making confession for being 'at the intaking of Aberdeen, at Lethen, and in the late rebellion at Craighall.' His father, Donald, may, however, have been the scholar.

<sup>7</sup> Gillicallum Macpherson of Phoness is the author of the severe saying on the title-page of the *Loyall Dissuasive*. He was old and unable to travel in 1644. He was born in 1579.

<sup>8</sup> Thomas M'Pherson of Eterish, commonly called Thomas Roy, the founder of the house. He appears to be a brother of the last mentioned Gillicallum, being second son of Donald of Phoness.

<sup>9</sup> James Macpherson. Our author takes a curious mode of stating the relationship. James was his own grand-uncle, apparently, as much as of his brother, John of Invereshie. James was an illegitimate son of William of Rimore, and is conveniently passed on to the late John of Invereshie.

<sup>10</sup> John Robertson. For note on the family, see *Grameid*, p. 163; also General Stewart of Garth's *Sketches of the Highlanders*.

Robertson of Faules,<sup>1</sup> Robertson of Fouet,<sup>1</sup> amongst the Robertsons. Donald Shaw of Dalnafert,<sup>2</sup> John Shaw of Geuslich,<sup>3</sup> and Robert Shaw the Drover,<sup>4</sup> amongst the Shaws. Robert Farquharson of Invercauld and Wardes,<sup>5</sup> William Farquharson of Inverey,<sup>6</sup> and James Farquharson of Camdell,<sup>7</sup> amongst the Farquharsons; all men of sense and reputation, and most of them so very old that if they were not acquainted with Finlay more himself, they were at least personally known to all his children, from whose account (which could not so properly be called tradition as a certain knowledge) I shall as briefly as I can, and it may be, more fully than such a rapsodie deserves, plainly make appear that this scribbler has left the beaten road; that is the constant and uncontraverted tradition of the Shaws themselves and their neighbour families. In place of which he has endeavoured to corrupt the very springs, and persuade the Shaws (as some of them have told me) to embrace a new tradition and genealogie of his making, has neither truth, connection nor authoritie; and that I may avoid confusion and mistake, shall follow him at the heels in his own method, marking his words as inserted in each line with ane apostrophe on the margent thus (") and what I may urge or object against them, with the letter "R" for remarks.

<sup>1</sup> John Robertson of Faules and Robertson of Fouet I cannot identify. The latter may be John of Fornoct, who appears in the Act of Parliament in 1661.

<sup>2</sup> Donald Shaw of Delnafert is probably the father of William who was out with Montrose, and being absent from the Synod of Moray without excuse, was referred to the Presbytery of Aberlour for process and censure. The property is in the parish of Alvie.

<sup>3</sup> John Shaw of Geuslich. I find an Alexander Shaw of Geuslich associated in 1698 with Mackintosh in a commission of fire and sword against Colonel Macdonald of Keppoch. He was probably the son or grandson of John Shaw. The property is in Rothiemurchus. The Rev. Lachlan Shaw, the historian of Moray, was of this family.

<sup>4</sup> Shaw the Drover I do not know.

<sup>5</sup> Sir Robert Farquharson of Invercald. See note *supra*, p. 2, and Index.

<sup>6</sup> William Farquharson, the eldest son of James of Inverey. He took the place of his cousin Donald Og as leader of the Strathdee men under Montrose. See as to Donald, Spalding's *Troubles* and *Deeds of Montrose*; Shaw's *Clan Chattan*, p. 563.

<sup>7</sup> James Farquharson of Camdell and George, his son, appear in an obligation to John M'Gregor in Geanlach for 90 merks Scots. See *History of the Clan Gregor*, by Miss Murray Macgregor, vol. ii. p. 163.

The GENEALOGIE of the FARQUHARSONS interlaced with some Remarks by no Enemy of theirs but a Friend to truth.

“There are (says this Author) severall families descended from M'Duff, Thane of Fife, and in particular the M'Intoshes, Weems, Shaws, Farquharsons and Duffs who retain the same by constant tradition, and carying M'Duff's coat of armes.”

The Author and I are not like to differ much as to the matter of this paragraph, tho' we may as to the manner; for in respect the Shaws and Farquharsons were, and are still believed to be come of the Laird of M'Intosh, a long time after his predicesor married the heiress of the Clanchattan, for which they carried M'Duff's armes, as M'Intosh always did, only quartered with the Clanchattans, they may be allowed come of M'Duff as come of M'Intosh, but no otherwise.

## 2.

“M'Intosh which in English (says this scribbler) is first man's son, derives his name from his fathers being the first E. and man next the King in Scotland. He is (says he) lineallie desended of M'Duffs eldest son” (mark this concession for a reason you shall know hereafter).

Here our Author stumbles in limine, on the very threshold, no good omen to his success in what follows, for M'Intoshe is not in English first man's son (as is ignorantly pretended by this Author) but the son of a Thane; and every other Thane's son was as truely M'Intosh or Mackintosich, as M'Duffs son; for which it was that the Lairds of M'Intoshe were always in use to be called M'Indosich vick<sup>1</sup> dui, for distinctions sake, *i.e.* Thane M'Duff his son, so that he did not (nay nor could not) derive his name from his father being first Earl, except he had been called Mackin-Earl,<sup>2</sup> or which would do better, Mac chied Earl,<sup>3</sup> that is the son of the first Earl, but that would have looked liker a paraphrase than a name.

<sup>1</sup> Now read, Mac an toisich Mhic Duibh.

<sup>2</sup> Now Mac an Iarla.

<sup>3</sup> Mac a' chiad Iarla.

## 3.

“Weem who was second son to the Thane of Fife (says this author), derived his name from the caves about his residence; for Irish or Highlands (says he) being the universall language *Ui* is a cave in Irish.”

It is not yielded by Weems that his predecessor was M'Duff's second son, but strenuously contended that he was the eldest: and it seems more probable, that he who stayed in his native country after his father's forfeiture in hopes to be restored (tho' he lurked in a cave for some time till the heat and search was over) was older than the other, who having no such prospect or pretence, fled in despair to a remote corner of the Highlands, and took protection in M'Donald's court, who at that time, and some ages after till he was conquered and reduced, had as good a right to the Isles, as the Kings of Scotland had to the mainland.

## 4.

“Shaw, M'Duff's third son, took his proper name for his surname. He came north and possessed himself of Rothemurchus, which (says this scribbler) was a part of his father's inheritance, and its very probable (adds he) that the great M'Duff might have lived some time at Rothemurchus for propinquity to the Castle of Kendroched in Braemarr, where Malcolm Canmore King of Scotland his great benefactor (whom the said M'Duff was the main instrument of settling on the throne) lived very often for hunting cause. A testimony where of (says this author) is that in the hills betwixt Rothemurchus and marr is *Beinue vick duie*,<sup>1</sup> in English, M'Duff's hill, and *Sow'l vick dui*,<sup>2</sup> which is M'Duff's hunting sheal, which (says he) retains the very name to this very day.”

I have often heard from some of the oldest men I have conversed with, of severall different families, that M'Duff had two sons, to witt, the Laird of M'Intoshe his predecessor and the Earl of Weems, but of the third son called Shaw, they or we know nothing till this author obliged us with the discovery. But whether he had or not, I am very positive that there was

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<sup>1</sup> Beinne Mhic Duibh.

<sup>2</sup> Sobhal Mhic Duibh.

never a Shaw in Rothemurchus till Robert the Third his time. That Shaw, Corriachklach, (M'Intoshe's third or fourth son) took possession on't by consent of the Clanchattan of Badenach, who long or this time had near extirpated the Cummings by severall eminent victories obtained against them, and in fine killed a small fragment that remained at Lagnan Cuimbeanach<sup>1</sup> in Strathspey, and if I err in this, I err with the constant tradition of the Shaws themselves, and all their neighbour families. But to pretend that Rothemurchus was a pairt of M'Duff's heritage is ane impudent assertion, without either proof or probability: first, because it was never till now heard that M'Duff had any heritage out of the bounds of Fife. 2<sup>dly</sup>/. If he had, is it probable that Shaw who (according to this author) was but M'Duff's third son, would have possessed that, or any other pairt on't, and his elder brothers nothing. But then 3<sup>dly</sup>/. This superficial scribbler did not consider that Rothemurchus is, and always has been Kirk-lands, consequently at that time of day when the Kingdome of Scotland was all Catholick, could be no pairt of a layman's heritage; for before the Reformation (that most pairt of the Church Lands were annexed to the Crown, and disposed of by our Kings without distinction or regard, to all sorts of subjects) no Bishop or Abbot etc. could sell<sup>2</sup> or annalzie any pairt of the Patrimony of the Church in feu or heritage; their greatest liberty (by the express Canons) being only to let them out in Lease or Tack; and even these too restricted to a certain number of years; so that if M'Duff possessed Rothemurchus (which is no other than a ridiculous wheem) he must have done it as a common tenant, or fermer to the Bishop of Murray, which I am apt to think (on second thoughts) the author may be ready to acknowledge, had been no proper station for so great a man. What is said of M'Duff's living at Rothemurchus, because of

<sup>1</sup> Lag nan Cuimeanach, *i.e.* the Cummyngs hollow.

<sup>2</sup> Alexander II. granted these lands to Andrew, Bishop of Moray, 1226. The Shaws apparently held them in lease for a hundred years peacefully. The Comyns disturbed matters, and the feud lasted long. See Shaw's *History of Moray*, vol. i. p. 264. Our author is supernaturally innocent as to the passing of kirk lands into lay possession. That Shaws held these lands before Comyns is very doubtful. In any case, it was only on lease.

its propinquity to the Castle of Kendroched<sup>1</sup> may for that reason be als justlie be affirmed of Kincardine<sup>2</sup> in Strathspey, and severall places in Badenach, that are als near as Rothemurchus; and with much more reason (if this blunderer had but thought on't) of Invercald, that is within two miles of it. His testimonies from some hills and sheallings called by his name do no more prove M'Duff's interest in Rothemurchus than Arthur's seat in Holyroodhouse Park proves the King of Englands title to Edinburgh, and the whole Kingdome, and 'tis pity that our homage-monger in England did not consult our author for this learned medium; for it seems that of themselves they had not the wit to find it out. Besides which, he must be a great stranger to the Forrests of Badenach, else he would not but know that there are severall places there called to this day Shi Vick-Kie, Shi Vick-Kynich<sup>3</sup> etc. because assigned and set apart to them, and posterity, to sit on in time of hunting, whilst the deer were drove in by tauchell<sup>4</sup> and the hunters, to be slaughtered before the King. But if these gentlemen or any of them should for that reason pretend ane interest to ane Estate in Badenach, it would be only to be laughed at.

## 5.

“It is not to be doubted (says this scribbler) but that Shaw of Sauchie, Shaw of Greenock, and the rest of the Shaws in the South Countrey, are descended of Shaw of Rothemurchus; for (says he) when Cummine Lord Strathbogy and Badenach<sup>5</sup> had by strong hand dispossessed the Shaws of Rothemurchus, a pairt of them fled to the South Countrey, where Shaw of Sauchie's predecessor fell in to be King's Cup-bearer, for which to this time he carries three covered cups, neglecting his

<sup>1</sup> Kindrochit, which is Castletown of Braemar—important as the centre of the district.

<sup>2</sup> Supposed to be a royal seat of government, and certainly at one time very important in the strath.

<sup>3</sup> Sldh Mhic Aidh, Sldh Mhic Coinnich. Sidh means a mound.

<sup>4</sup> Tauchell should be tenchil, a deer-drive.

<sup>5</sup> Sir John Comyn, third son of William, the great Justiciar of Scotland, married a sister of Devorguilla, the mother of John Baliol. He owned Strathbogie and Badenoch, and died 1273-1274. He is styled the Red Comyn No. 1. See Wynton's *Cronykil*, Index.

paternal coat of armes. Rothemurchus himself (adds this scribbler) being then killed, leaving behind him but one son, his relict married Barron Ferguson<sup>1</sup> in Athole, whose sons when they came to be men, assisted the Represtative of Rothemurchus with a considerable number of men against the Cummine, and killed himself and the most pairt of his retinue between Rothemurchus and Strathspey, in a place ever since called Lag-na-Cuimenach, *i.e.* the Cummine's Grave,<sup>2</sup> Cummine being then in rebellion against King Robert the Bruce. It is for this reason (says he) that the successors of the said Shaw carry in their armes the bloody hand and dagger, as (says he) you shall hear afterward."

This whole paragraph is nothing but a bundle of nonsense, and ill-digested falsehoods; for the Shaws of Sauchie, notwithstanding this author's bold assertion, flatly deny any interest in M'Duff, or that ever they came from Rothemurchus or the north, and as to this last part, with a deall of reason too, for they have Charters of King William the Lion, who was 300 years at least ere there was a Shaw in Rothemurchus. The Cummines likewise are represented by this scribbler to have dispossessed the Shaws of Rothemurchus, by strong hand forsooth, insinuating that they were then a mighty family (he means in Robert the Bruce his time) tho. Shaw Corriachklach<sup>3</sup> the first of that race was not born a hundred years thereafter. But if I should grant him that Rothemurchus was possessed by Shaws in his time, it is well known that there were sixteen or seventeen families of the name of Cummine at that time in the Kingdome, any one of which (without using of his strength) by his very menial servants, could have drove forty or fifty men (for that was all the Shaws of Rothemurchus could yet make at a time) from the East to West sea bank. And as for Barron Ferguson whom this

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<sup>1</sup> The title is very vague, and does not appear anywhere in my vision. There was a Ferguson of Rochalgreen, in Perthshire. The title 'Barron' goes with the Reids and Robertsons.

<sup>2</sup> Thos. Commyng of Altyre was killed by Shaws, it is said, in 1365. He had lease of Rothiemurchus in 1350.

<sup>3</sup> He is said to have led one of the parties of combatants on the Inch of Perth, 1396. More properly the name is Sgor-fhiaclach = buck-toothed.

author represents to have aided the Shaws for recovering of Rothemurchus, he was and continues still to be so very inconsiderable, that he never exceeded 500. merks of yearly rent, at most. And if he could bring ten fencible men to their assistance, he could bring 10,000. And when they were assisted by him (if at all) it was against the Grants, not the Cummines, who long or this time hade possessed themselves of the most pairt of Strathspey, and at last of Rothemurchus, out of which the Shaws with their Barron's help could never yet expel them.

Nor is there anything more notoriously known, or (till now) less contraverted, then that it was the M'phersons of Badenach (not the Shaws) that killed that straggling handful of the Cummines that by mere chance and incident fell in their way at Lag-na-Cuimenach, after they had (as said is) long or this time near quite extirpated their whole race and family, in severall pitched battles, for which it was that the bloody hand and dagger was added to their bearing, as Sir George M'Kenzie expressly has it in his book of Heraldry; which the Laird of M'Intoshe after that, assumed to himself, as their pretended Chief, and the Shaws thereafter as came of him, when they began to pretend to armes.

## 6.

“This Shaw, again possessed of Rothemurchus, was (says this scribbler) the eleventh man inclusive lineallie descended of the great M'Duff, and was called Corriachklach for his buck teeth; he hade seven sons, of whom (says this scribbler) Ferquhar, the second, coming over to Marr, possessed himself of the brayes therof; and was made Baillie and Chamberland of Marr, about the time that the Earledome was annexed to the Crowne;—which was at the death of Alexander Stewart Earle therof, who married Dame Elisabeth Douglass heiress of Marr and Angus. It was this Earle (says he) that fought the battle of Harlaw, being for the King against Donald of the Isles.”

That this Shaw Corriachklach was a son of the Laird of M'Intoshe's and the first of that name possessed Rothemurchus after the ruin of the Cummines, hes been the received and uncontroverted tradition of all the families in the North,

since the Shaws were known. But how he makes, or can make him the eleventh from M'Duff except as come of M'Intoshe, he leaves to the reader's conjecture, for he himself knew nothing of the matter. But that their Ferquhar went first not to Marr, but to Braymarr, a full age after this (wherof this scribbler vainly sayes, he took possession, as if a single fugitive could possess himself of a whole Country) was neither son nor grandson to Shaw Corriachklach, but ane obscure and remote cadet of Shaw of Daill, who was a cadet of Shaw of Rothemurchus, is positively affirmed by the Shaws themselves, and when he went or rather fled to Braymarr, from his father's anger and displeasure, (as they tell us) he hade the misfortune shortly after to be drowned in the Lynn of Dee water, and the short while he lived there, drove his former trade whilst he was a domestick in his father's house, of making and selling woodies! for which his whole race and offspring to this day are called Slight Erchir Vick nan-gat, that is the children and posterity of Farquhar beg the woodie-monger. So there can be nothing more improbable than that he or any such, could be made Baillie and Chamberland of Marr, or take possession of Braymarr; a good and spacious country, was farr from being a desert, but even at that time well inhabited with people.

## 7.

“Farquhar married Margaret, daughter to Patrick Duncanson of Lude, and was the first man of that family, and brother to Robert Duncanson of Struan, of whom descended the Robertsons. He hade by her (says this author) three sones, Donald, John, and Finlay. Patrick and James were said also to be his sones, or at least his bretherin. Of Patrick (says he) are descended the Patersons of the North; and of James who was called Dawn or Downie (from his brown hair) are descended the Dones, Dounies, and M'Comies. Farquhar (says this scribbler) having given severall proofs of his valour, courage and good conduct in the country, had according to the generall practice of the Highlands, his name transmitted as a surname to his posterity, so that his sones were called Farquharsons; of whom etc.”

This Farquhar was married or he left Speyside to a wife as

obscure as himself, who was brought to bed in the hills, and, (as the Shaws hes it) assisted in her labour by a fiend or farie who no doubt gave a goodly blessing to the offspring; so that if Lude's daughter was married to any of his race, it must have been to some other that came after him; for (as is already said) he was shortly after his aryvall drowned in the Lynn of Dee, leaving that wife and one boy behind him, and during the short time he lived in that country he could give no great proof of his valour, except in his ordinary trade against greenwood and Woodies, nor of his conduct, but in selling them to the best avall at Kirrimure, Coupar and some other places in the braes of Angus.

## 8.

“Donald the eldest, married Anna daughter to Robertson of Calvine, and had by her (says this Author) Ferq<sup>r</sup> beg. Of John, the second brother are descended (says he) the Farq<sup>rs</sup> of Gilmores Croft; and of Gilinores-croft, Ferq<sup>r</sup> of Munzie, who only by contracting the word are called Ferquhars. Of Finlay the youngest brother (says this scribbler) are come the Finlayes and M'Eunlayes in Argyleshire, Glenprossen, etc. Farquhar hade moreover two naturall sones, William and John, of whom are come the Riachs, M'Roicks, Greasichs, and severall calling themselves Coutts. There are likewise many Farquharsons who retaining the name only in the Irish dialect are called M'Erq<sup>rs</sup>.”

There was till Finlay more's time, no Farquhar but one viz: he that fled to Marr, then and to this day called Farquhar-beg-nan-gatt, and as for John Finlay and the two bastards mentioned in this paragraph, they are of a piece with the former, all sham and figment, the mere offspring of this scribbler's brain, contryved on purpose to make some sort of title to the Farquhars of Gilmorescroft, who (as is well known) were a standing family or there was a Shaw in Rothemurchus; consequently much elder then their Farquhar. And as to the Riachs, Greasichs, M'Roicks etc., and such other tag and rag as are here brought in to help make a clann for him, he may enjoy them peaceably without danger of a co-rival.

## 9.

“Farquhar begg (sayes this scribbler) married Jean, daughter to Chisolm of Straglaish, and had by her Donald, who succeeded. Donald married Isobell, only child and daughter to Stewart of Invercald and Aberarder, and got (sayes he) the said lands with her in heritage—his eldest son and successors bearing thereafter the title of Invercald, which eldest was called Finlay.”

I have shewed already that Farquhar beg was married ere he left Rothemurchus, to ane no doubt als obscure as himself, it being very improbable that any who had no better character then that of a common hireman in his father's house, and was himself but a mean and ordinary Tenant, a remote Cadet of Shaw of Dails, would go so far as Strathglash to ask or seek a wife, or if he hade, that a gentleman of Strathglash his quality, would have bestowed his daughter on him. And for his son Donald, who he says succeeded him, (but does not tell to what) he was taken in charity after his father was drowned, by M'Kenzie of Delmore, who finding him a smart boy, bred him up with his own children to the use of armes, and other manlie excercises, and if (according to this scribbler) he was married to Stewart of Invercald's daughter, he was very unnatural and unthankfull that murdered his father-in-law, and took possession of his interest. But that she was no heiress, or the lands heritage (as this Author vainly affirmed) is clear enough from this,—that their posteritie were only tenants in the place till within these sixty years that Robert Farquharson of Invercald and Wardess bought and obtained a feu right on't of the Earles of Marr; which he took for certain reasons (as I heard him often tell) in his father John's name, commonly called John M'Rypert, that is John, the son of Robert. But if (as this scribbler tells in his sixth paragraph) this Farquhar took possession of Braemarr on his first appearance in that country, why his son Donald or his successor should assume the title of Invercald, when it seemed they hade a right to a farr better, he would do well to tell us in his next. I shall here once more insert our Author's own words, to save you the trouble of going back to look for them. “Of

whom (sayes he, speaking then of Shaw Corriachklach's seven sones) his second son Farquhar coming over to Marr, took possession of the brayes therof," etc. These are his very words, and can be understood of nothing but Braymarr, called so then and to this day, to distinguish it from Marr itself, and was it not more noble to be designated Farquharson of Braymarr, than of Invercald, that is but a scantling or a small portion on't, but this scribbler had forgot himself and must be excused to contradict what he did not call to mind.

## 10.

"Finlay, and by ane adjunct, more, (says this author) *id est* great by reason of his extraordinary stature and strength, he married Beatrix Gairden, daughter of Gairden of Bauchrie, and about the age of sixty years, leaving behind him six sones, he accompanied the Earle of Huntlie to the battle of Pinkie near Musselburgh, who procuring him the banner Royall to carry, and as the army descended towards the seaside, he was killed with the same in his hand by a cannon ball from the Enemy's ships. His body (says he) lyes interred in the Church-yard of Inveresk; the place is known to this day by the name of the Long Highlandman's Grave.<sup>1</sup> It is from him that the Farquharsons are called in Irish Clan eundla, *id est*, the children of Finlay."

Here may be some truth, but it seems mixed with falsehood. That Finlay may have been at the battle of Pinkie, in the quality of a sentinell or common soldier, I have some time heard, but that he had the bearing of the Royall Standard, except that upon the Standard bearer's fall, happening to be next to him, he may have snatched it up, as any other common soldier might have done, is not very probable. First, because it was never yet known that such a mark of favour was conferred on any private person, except he had before that time made himself remarkable by some extraordinary service, which was never pretended to in behalf of Findlay. 2<sup>dly</sup>. All along

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<sup>1</sup> The editor has seen more than one long Highlandman's grave in Scotland, the length being due to the necessity of making a mound long enough to cover many Highlandmen.

since Malcolm Kendmore's<sup>1</sup> dayes the Earles of Dundee Scrimsour were the King's heritable Standard-bearers; and as they had the constant keeping of it in time of peace, they had the disposall of it in time of warr; and either carried it themselves, when the King was present, or in his absence appointed a deput who was to carry it in their name. And if the Earle of Huntlie had inclined to bestow it on any not named by Dundee (which is not very probable) he could not have done it without being called in question by Dundee; for in those dayes men of quality were very fond and tenacious of their priviledges.

## 11.

“Finlay more of Invercald as aforesaid had six sones, William the elder succeeded; and of the other five (says this scribbler) are descended the families of Monaltrie, Inverey, Bruch-dearg, Craignytie, Achriachan, Finzeon, Whitehouse, Allanchoich, Richallie, Shannalie, Camdell,<sup>2</sup> and severall others, whom (says he) we forbear to mention, our intended brevity neither allowing us to observe the particular order or exactness required to a perfect genealogie.”

It has been the constant tradition of both Shaws and Farquharsons that Craignytie's predicesor, tho. put but fourth in order by this Author, was Finlay's eldest son. And as to the descent of the other five, (if there were so many) this scribbler has jumbled them so together, that a principal cadet is not to be known by a sub. one; for which forsooth he gives us this just and learned apologue, that his intended brevity neither allowed him to observe the particular order or exactness requisite to a perfect Genealogie. As if it required more time to place a principal cadet before a sub-cadet, then a sub. one before a principal. But this is jest all over, the true reason was, that Inverey being only a sub.-cadet of Monaltrie's family, this Author had a mind to conceal it all he could;

<sup>1</sup> Buchanan says Malcolm—Fordun says Alexander 1.—gave the honour to Scrymgeour. Henry Scrymgeour Wedderburn of Birkhill possesses the honour now.

<sup>2</sup> See *The Records of Invercald* for all these names, except Camdell, which may, however, be Cauldwell or Guildwell, both of which appear.

and by this course in a little time, make him pass with a stranger or ane unware reader, for a chiefe one.

From this eleventh paragraph to the seventeenth, the severall marriages of the family, with their children and offspring down from Finlay to our time being only insisted on, has left this scribbler no scope for his invention. Consequently are as little worthy my remarks or notice, but least it may be pretended that they contain something more material not so easily answered, I shall here insert them word for word as in his own paper.

## 12.

“William Farquharson of Invercald just now mentioned (says this author) married to ——— daughter to ——— of that Ilk, and dying without issue was succeeded by his brother Robert who married ——— daughter to Robertson of Inverchroskie, and had by her John who succeeded, also Finlay and Alexander of whom are come the families of Rivernie, Kirktown, of Abboyne and Cults.”

## 13.

“John married Margaret, daughter to Barclay of Gartley, and hade by her Robert, who succeeded, and 4. daughters, Marjorie, Jean, Isobel, and Grisell, who were married to M‘Intoshe Kyllachie, Farquharson of Kellies, Farquharson of Inverey and Stewart of Forse.”

## 14.

“Robert married Margaret, daughter to Erskine of Pittodry<sup>1</sup> and had by her Robert who succeeded, also Alexander and five daughters to witt first married to M‘pherson of Invereshie, and after his decease to Grant of Carron, Barbara married to Ross of Achlossin, Girsell to Robertson of Foulis, Marjory to ——— of Overhall, and Magdalene to Robertson of Inverchroskie.”

## 15.

“Robert married Anna Ogilvie, daughter to Ogilvie of

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<sup>1</sup> A well-known family in Aberdeenshire at this day.

Kempcarden, and had by her only one daughter to witt Margaret, who was married to Forbes of Lesslie; but this Robert dying without issue male, was succeeded by his brother Alexander.”

## 16.

“Alexander who married Elisabeth daughter to M'Intoshe of that Ilk (as this author calls him) and hade by her John, William, and Margaret. Margaret was married to Robertson of Lude. William dying unmarried was succeeded by his brother John.”

## 17.

“This John Farquharson now of Invercald married Isobel, eldest daughter to Sir Alexander Burnet of Craigmill, and is not only chief (says this scribbler) and representative of all descended of Farquhar the second son of Shaw Corriachklach, but of all that descended of Shaw the first of that name, and son to the great M'Duff as above said, the issue male of the said Farquhar's brother being quite extinct, which (says he) is acknowledged by the Shaws themselves.”

That (as this author says) John Farquharson now of Invercald, may in some sense (if Craignytie gives him leave) be said to represent such as are descended of Farquhar, I shall not contravert. But that he is not or cannot be their Chief, far less the Shaws, seems clear from the following reasons. First, because the Laird of M'Intoshe (by this Author's own acknowledgement) is lineally and lawfully descended of M'Duff's eldest son, consequentlie, and by his own way of arguing must be chief not only of the M'Intoshes, but of the Shaws, Farquharsons, Duffs and all other descended from M'Duff, whose representative he is; for as is said above, there cannot be two or more representatives of the same person and family. If tis answered to this, that M'Duffs other sons have taken new surnames, and founded different families which cuts off M'Intoshe his title, and gives them sufficient ground and warrant to have Chiefs of their own, such an answer immediately retorts upon the author; for are not the Shaws, the Farquharsons, Duffs, Farq<sup>rs</sup>, all different names, who by this way of reasoning should have different Chiefs: So that either

M'Intoshe as lineallie and laullie representing the great M'Duff, must be Chief of all his descendents; or if because of their different names, he is restricted to be Chief of the M'Intoshes only, it follows *a pari*, by a necessarie consequence, that Invercald must lose the Shaws, M'Eundlas, Ferquhars, his Greasichs and M'Coicks etc. and restrict his chiefship to the name of Farquharson only, which leaves him at best to be but a late and modern chief of none of the greatest clanns. 2<sup>dly</sup>. This noisie Farquhar was not at all a son of Shaw Corriachklachs, but according to the constant and received tradition of the Shaws, a son (and some do not stick to say a bastard) of a remote cadet of Shaw of Dailly; and if Farquhar had a brother (which till now was never heard of) Rothemurchus his issue male cannot be extinct in him, or both, whilst there is a Shaw in a direct line extant of the family of Dailly, of whom Farquhar was only remotely descended; so that if there be any Chieftanrie in the case, distinct from M'Intoshes (as I think there cannot) it belongs to Shaw of Dailly far more justly than to Farquhar or his successors, even if they had kept the name; but no such matter was ever yet pretended to, either by Shaw or Farquharson, till within this eight or ten years, that this blundering scribbler has imployed his pen. On the contrarie as of them both Shaws and Farquharsons (Robert of Wardes and Invercald, the learn'dst and most knowing of either race, not excepted) owned themselves Clanchattan, (upon the vain supposition of M'Intoshes being Chief of the Clanchattan) and M'Intoshe for their Chief, as in right they should, and it is next to impossible that this Laird of Wardes (who besides his other learning and abilities was the greatest genealogue and antiquarie in the whole kingdome) could know the rise and origine of all other families, and be a stranger to his own.

## 18.

“This Clann have upon all occasions (says this Author) signalised themselves in asserting the right and lawfull avis of the Crown, as in the Civil Warrs of K. Charles the first, and second's time, and Cromwell's usurpation, in which Warrs etc.”

All the great occasions in which the Farquharsons have signalised their loyalty (as this author phrases it) he has told us in this short paragraph, as he well might do, for till within these 50. or 60. years, they were almost unknown, and not considerable enough to be called to any publick action.

## 19.

“Colonel Finlay Farquharson,<sup>1</sup> for instance (says this scribbler) brother’s son to John Farquharson of Invercauld, the second lineal successor to Finla More, served under my Lord Duke of Buckinghame, and went with him to the Isle of Rae in France, where returning to England he was killed at the head of his Regiment in the Battle of Worcester, in the King’s service, against the Parliament, as also,” etc.

This whole paragraph is nothing but a sham and downright imposition, this Colonel being brought in by this vain scribbler to make a false muster of his loyall Gentlemen; for besides that in all my conversation with the oldest and wisest men both of the Shaws and Farquharsons, I never till now heard the least mention of such a man when the discourse we were frequently upon gave a natural rise to it. I saw latelie at London in the hands of a very worthy person, a list of all the Commission officers went upon that Expedition to the Isle of Rae (of which number he was one himself, and a particular favourite of the Duke of Buckinghames) so exact that the Captains and Lievtennents’ names were inserted, and it is not to be imagined that they would have omitted this our author’s Colonel, if any such had been there.

## 20.

“Donald Farquharson of Monaltrie, Colonel of a Regiment of Foot joined the Marquis of Huntlie at the Bridge of Dee, and thereafter the Marquis of Montrose (says this Author but he does not tell where). He was killed at the Battle of Aberdeen, and was succeeded as Colonel by” etc.

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<sup>1</sup> This and several other passages of the anonymous writer are identical with the papers quoted in *Records of Invercauld*.

## 21.

“ William Farquharson of Inverey (who hade been formerly Lieutenant Colonel) and was with his Regiment at the Battles of Aberdeen, Aldern, Alfurd, and Kilsyth, and thereafter joined the Earles of Glencairn and Middletone.”

That I may once obleidge this Author, I shall give him the two preceding paragraphs, being satisfied for the main of the truth of what he says, tho' he slents a little in some circumstances not worthy of your notice.

## 22.

“ But not to make any further digression (says this Author) we shall pass over the M'Cardies, Tawses, and severall others, such as the Brebners M'Andrews who have ever been faithfull followers of the name of Farquharson; and by the general custome of the Highlands, may be reckoned their kinsmen, since they found suretie for them for the peace, and since as in the far Highlands they retain these petty surnames only for distinction sake, yet when they come abroad, they take always that of their Leaders and Masters.”

Here our author is hard put to it how to make up a Clann, when he pretends to such rubbish as are fitt for nothing but to be hewers of wood, and carriers of water, and if right or wrong, he'le have them to be Farquharsons, much good may they do him. I know none of his neighbours will envy him for such a sorie purchase.

## 23.

“ Farquharsons of old (says this Author) did bear four coats quarterly first, ore a Lyon Rampant Gules. 2<sup>dly</sup>. Argent a sinister hand in pale Expanded gules. 3<sup>rd</sup>. Ore a Lumfadd, with her oare erected saltyr wayes, cross at the mast Sable; 4<sup>th</sup>. Argent a firr tree, growing proper, and for their crest (says he) a demi-lyon holding a dagger in his dexter paw. For their supporters two Catts rampant, and for their motto in ane Escroll, ‘ I force no Friend, I fear no Foe.’”

But what can be more vain or idle than to talk at this rate of a family of their standing. It is not        years since Finla More his time, and of that too, but sixty or thereby since any of his successors had a foot of heritage. And by so much a shorter time since they pretended to armes. The above-named Robert Farquharson of Wardes being the first of his race used a Coat of Armes; for when he bought the Estate of Wardes in the Lowlands, he set the Clan-chattan's Armes on a Desk in the Kirk of Inch in the Garioch, as a Cadet of M'Intoshe's family, adding as a mark of distinction an abatement, a fir tree as came from Rothemurchus, (not as a principal bearing, as this scribbler has it) and for his Crest took a Cock Crowing; but no supporters till severall years thereafter, that he was making or repairing ane entry to the house of Wardes, he allowed the masons to add to a Coat of Armes they were to cut by his direction, two Catts for supporters, because, he said, the Laird of M'Intoshe his Chief had them. And this is so far from being of old (according to this scribbler's style) that 'tis scarce forty years; as may be seen by the Coat itself, still extant, on or above the gate of Wardes. It seems that Shaw M'Duff's third son was not born or his time, nor in it neither, else this sharp-sighted Gentleman who knew the world so much, had not been a stranger to him.

## 24.

“But now (says this scribbler) John Farquharson of Invercald, lawfully descended of Shaw, son to M'Duff, Thane of Fife, whose successors kept the name of Shaw untill Farquhar son to Shaw Corriachklach of Rothemurchus, hath taken (says he) and doth bear two Coats quarterly. First and fourth are a Lyon rampant Gules armed and langued azure, as the paternal coat by the name of Farquharson, Shaw or M'Duff. 2<sup>nd</sup>/. and 3<sup>rd</sup>. argent a fir tree growing out of a mount in base, seeded proper on a Cheef gules, a banner of Scotland displayed on a canton of the first charged with a dexter hand coupé at the wrist fessways, holding a dagger point downward of the Chief. The name having a fir tree (says he) from ane ancient custome of bearing twigg of fir for their signe and badge, in

time of battle. The banner from Finla More of Invercald his being killed at Pinkie field, bearing the Royall banner, who lyes burried in the Church yaird of Inveresk. And the Canton hand and dagger from ane other of his prediceffors (says this scribbler) to wit, Shaw of Rothemurchus his killing Cummine of Strathbogie at a place near Rothemurchus, named for that Lag-nan-Kuimenach, id est, Cummine's hole or grave. Crest a Lyon ishuant gules holding a sword in his dexter paw, proper hilted and poinelled ore, with the supporters of the former Coat, and for a whole in ane Escroll 'Fide et Fortitudine.'"

I am come now to the last paragraph, which being only a short abstract of all the former, and like these, ane impudent begging of the question, wherein this author would have his reader take for granted, in flat contradiction to the received tradition of his own and other families, without any other authority then his bare assertion. First, that John Farquharson now of Invercald is lineallie and lawfully descended of ane Shaw, son to M'Duff, when (as it is shewed above) there was never such a Shaw in being. 2<sup>ndly</sup>/ That the Shaws continued in that name, and were possessed of Rothemurchus long before Shaw Corriachklach's time, notwithstanding that this Shaw Corriachklachs a 3<sup>d</sup> or 4<sup>th</sup> son of the Laird of M'Intoshes, was the first of that name ever set foot in Rothemurchus. 3<sup>ly</sup>. That their Farquhar who went to Braemarr was a son of that Shaw Corriachklachs, whereas it is universallie acknowledged that he was a son (some say a bastard) of a cadet of Shaw of Dailles, come off, ane age or two after Shaw Corriachklach's time.

This being the condition of this goodly fabrick, the following roof and copestone, that is, the reasons of this Invercald his bearing, must be of a piece with the structure itself, false and goundless all over. As for instance, 1<sup>st</sup> he gives, or (that I may use the Author's own style) takes ore, a Lyon Rampant Gules, etc. as the paternal Coat (says this Scribbler) of the name of Shaw, Farquharson or M'Duff, whereas if I should grant him that M'Duff hade a son called Shaw, in true herauldrie, it cannot be carried as a paternall Coat by any but the first and eldest of his sones, and his successors in a direct line.

Consequently, without manifest usurpation upon that first, his right and priviledge, there can be but ane paternall bearing in the family. And if it is taken by any other of M'Duffs descendents, it should, nay, and must be with a mark of Cadencie and distinction, and not as a paternall Coat. 2<sup>dly</sup>. That the fir tree in this new Coat, is taken as a principal bearing because (as is pretended by this author) the Shaws were in use to wear twiggs of fir, as a badge of distinction in time of Battle, which is but a bare pretence, and a very modern one to boot; for the Shaws, and after them the Farquharsons themselves, always wore (as the Clanchattan did) a tuft of heath or heather, and added the fir tree to the Clanchattans, and M'Intoshe his armes, only as a mark of Cadencie and abatements, and in commemoration of Rothemurchus from whence they came, and where there grows so many firrs. But then 4<sup>thly</sup> (passing the banner Royall which tho.' never till now thought on by either Shaw or Farquharson) I am willing to allow this scribbler (since he is so fond on 't) he takes a dexter hand couped holding a dagger (as he says) from one of the Shaws of Rothemurcus his killing Cummine, Lord Strathbogie, with his retinue at Lag-nan-Kuimenach, notwithstanding it be notoriouslie known that the whole family was ruined, and so near extinguished by the valour of the M'phersons that there was neither Lord nor Earle left of them, a full age ere there was a Shaw in Rothemurchus; for which (as Sir George M'Kenzie has it in his book of herauldrie) the bloody hand and dagger was added to the M'pherson's armes: and assumed after that (as said is) by the Laird of M'Intoshe as their pretended Chief. And long thereafter by the Shaws and Farquharsons only as come of M'Intoshe, when they began to think of armes. So that the whole of this new Coat being taken on false or frenzied grounds, is lyable to a Reduction, and could not miss to be reversed in any country where there is a Court of Honour, or a Court Marischall. But with us a shoemaker, or a taylor may take and have a Spread Eagle if he pleases *cum onere expensarum*.<sup>1</sup>

Thus far Sir, have I endeavoured to comply with your desire,

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<sup>1</sup> In the text *expensarium*, probably by a slip of the copyist.

wherein if I am still too tedious and prolix, be so good to place to the score of necessity I was under to follow this scribbler in his own way; and to repeat my remarks and answers as he hes (more than needed) his groundless and positive assertions which by this time I hope manifestlie enough appears to have neither truth, connection, nor authority; and for that cause merite no other treatment, but to be laughed at, and rejected by all men of sense and judgement as the spurious issue of a thoughtless brain. If there be anything else wherein it may be in my way to serve you, do but honour me with your commands, and you shall find none more ready and willing then.—Sir  
Your most humble and most obedient servant



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REPORT OF THE FIFTEENTH ANNUAL  
MEETING OF THE  
SCOTTISH HISTORY SOCIETY

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THE FIFTEENTH ANNUAL MEETING OF THE SOCIETY was held on TUESDAY, November 5, 1901, in Dowell's Rooms, George Street, Edinburgh—Sir JAMES BALFOUR PAUL, the Lyon King of Arms, in the Chair.

The HON. SECRETARY read the Report of the Council as follows:—

The Council has to announce with regret the loss to the Society during the past year of thirteen members by death. Among these may be mentioned particularly Sir Thomas Clark, Mr. William Skinner, W.S., Dr. James Foulis, and the Rev. Dr. John Hutchison, a scholar who took a keen interest in the affairs of the Society, and who at the time of his death was a member of the Council. Seven members have resigned, making twenty vacancies in all. When these have been filled up there will still remain sixty-five names on the list of candidates for admission.

The total number of public libraries now subscribing for the Society's publications is seventy-four.

The books belonging to the issue of the current year are vol. iii. of the *Scots Brigade Papers, with the Remembrance of John Scot, Soldier*, which was published in July, and the *Diary of Andrew Hay of Craignethan Castle (1659-60)*, edited by Mr. A. G. Reid, which is in the binder's hands.

*The Papal Negotiations with Queen Mary during her Reign in Scotland*, edited by the Rev. J. H. Pollen, S.J., is also in the binder's hands. It belongs to the issue of the year 1899-1900, and the delay in its publication has arisen only from the need there was of a very careful revision of the proofs by their collation with the original documents in foreign archives, and from researches which involved much correspondence.

The volumes in preparation for the coming year, 1901-1902, are—(1) *The Negotiations for the Union of England and Scotland in 1651-1653*, edited by Mr. C. Sanford Terry. A great part of this work, including the Introduction, is already in type. (2) *The Loyall Dissuasive, a Memorial to the Laird of Cluny in Badenoch*, by Sir Æneas Macpherson (1703), edited by the Rev. Canon Murdoch. This will be ready for the printer immediately. (3) *Inedited Narratives and Translations of Rare Contemporary Tracts relating to the Life and Death of Mary Queen of Scots*, edited by John Scott, C.B.

The Council has meanwhile accepted fresh materials of considerable interest.

Students of Scottish monastic history have for long looked forward to the publication of the 'Register of the Abbey of Lindores,' a manuscript which, on its discovery in 1886, was described by Dr. Dickson in the *Proceedings of the Society of Antiquaries*. By the kindness of its owner, Colonel J. A. Cuninghame of Caprington Castle, it has been now placed at the disposal of the Society for publication. A transcript made by Mr. Walter Macleod is now in the hands of Bishop Dowden, who, at the request of the Council, has undertaken to edit the work. The manuscript, which was written about the year 1260, contains in all 153 documents, including 89 charters and 14 papal bulls, and many of these are now made known for the first time.

Another inedited manuscript, which has for some time excited

the curiosity of those who are interested in the family and local history of the North, is the volume known as 'The Wardlaw Manuscript.' A description of this work, with several extracts from it, was given in Dr. Carruthers' *Highland Note-Book*, which first appeared in 1843. The manuscript is now in the possession of the trustees of the late Sir William Augustus Fraser, Bart., and by them it has been entrusted to the care of Mr. William Mackay, that he may edit it for the Society.

The author was William Fraser, Episcopal clergyman at Wardlaw, and sometime chaplain in the family of Lovat. It was at the desire of the family that Mr. Fraser began this history in the year 1666.

The full title of the book is as follows :

POLICHRONICON SEU POLICRATICA TEMPORUM : MANY HISTORIES IN ONE ; or, nearer the true genealogy of the Frasers, showing clearlie their original rise in France, under Carolus II., Emperor, anno Creationis mundi, 4874 ; Incarnationis Christi, 916. With their translations thence and settlement in Scotland, under and in the reign of King Malcolm, Anno D. 1057. With their entry to and right in the Lordship of Twedal, more particularly the King's donation and possession to and of the Lords Frasers of Lovat under King Alexander the Second, Anno 1250. With their several successes, matches, branches, allyes, contemporary kings, clans, countries, abbyes, churches, convents, changes, contingencies, alterations of government in Church and State, popes, princes, prelates, regents, conflicts and battles, intestine conflicts and invasions. Purged of error and phoppish tradition, and written in one volume by a Lover of truth and Antiquity, Master James Fraser, Ecclesiastes Montis Mariæ.

It is also in contemplation to publish at the earliest opportunity another *Miscellany* volume. It will contain—(1) A Memorial presented to the Scottish Bishops, by Gilbert Burnet, and Letters to the same from Archbishop Leighton, 1666-1684, edited by Miss H. C. Foxcroft ; (2) Some Corre-

spondence of George Graeme, Bishop of Dunblane and afterwards of Orkney, who submitted to the Covenant in 1638, edited by Miss L. Graeme; (3) List of Scottish Soldiers Fighting on the Hanoverian side in the '45; (4) A Translation of the *De Antiquitate Christianæ Religionis apud Scotos, autore Georgio Thomsono, 1595*, and other pieces.

The three members retiring from the Council are Dr. Patrick, Mr. W. K. Dickson, and Mr. Maitland Thomson. It is proposed that Mr. Maitland Thomson be re-elected, and that Mr. Charles J. Guthrie, K.C., and Mr. John A. Trail, LL.B., be elected in the place of Dr. Patrick and Mr. Dickson. The Council also propose that the Rev. A. D. Murdoch be elected in the place of the Rev. Dr. Hutchison, and that Mr. C. Sanford Terry, Lecturer on History in the University of Aberdeen, be placed on the list of corresponding members of Council.

The Accounts of the Hon. Treasurer show that there was a balance at 31st October 1900 of £214, 16s. 7d., and that the income for the year 1900-1901 was £532, 17s. 7d. The expenditure for the same year was £456, 5s. 3d., leaving a balance in favour of the Society as at 31st October 1901 of £291, 8s. 11d.

Before moving the adoption of the Report the CHAIRMAN read a letter from Emeritus Professor Masson, as follows:—

‘The report will show the members that our issue for the current year will be duly completed by the immediate addition of the *Diary of Andrew Hay* to volume iii. of the *Scots Brigade Papers*, published in July. There is also now ready, they will be glad to see, the volume of *The Papal Negotiations with Queen Mary during her Reign in Scotland*, edited by Father Pollen, due in 1899-1900, but necessarily delayed. Having had the proofs of this volume in my hands, I may be allowed to congratulate the Society on the appearance under its auspices of a work of such exceptional importance, interest, and value. That there should have been forthcoming at this time of day such a collection of original documents elucidating the relations of the Papacy to Scotland during

Queen Mary's reign, a large proportion of the documents received for the first time from the archives of the Vatican itself, was hardly within expectation. This feat could hardly have been accomplished by any one else than Father Pollen, but by his labours and researches the documents are now accessible in exact form, with a digest of their substance and purport in an introduction, which is in itself a model of careful investigation and of clear exposition. The volume to be next forthcoming is that on the negotiations in 1651-1653 for what may be called the Cromwellian Union of Scotland and the English Commonwealth. The documents that form the bulk of the volume are passing through the press, but I have had the privilege of reading the admirable introduction to the volume by the editor, Mr. Terry. This volume also will be recognised as a peculiarly valuable addition to our series, travelling as it does over a period of Scottish History hitherto little trodden, and, indeed, almost avoided, and exhibiting those events of the period which its title specially indicates in authentic and coherent narrative. When Mr. Terry's volume has been followed by the other volumes, announced for 1901-1902, one of them to be edited by Canon Murdoch and the other by Mr. John Scott, C.B., we shall have amply done our duty for that year. The report holds out interesting prospects beyond. They are such as will show, I think, that there is plenty of work still in store for the Society, that there is no sign of exhaustion yet of the inedited materials for Scottish history still extant, or of our likelihood, while Dr. Law is our honorary secretary, of not getting at them wherever they are.'

In moving the adoption of the Report the CHAIRMAN said he was glad to be able to congratulate the Society upon the good work it was doing. It was not only interesting in itself, but it was very eclectic, and covered a wide range of subjects, so as to please all tastes. Just look for a moment at the range of books they had published within the last two or three years, and they would find that they appealed to all tastes. The military historian as well as the genealogist would find his tastes catered for in the three elaborate volumes of Mr. Ferguson on the *Scots Brigade in Holland*. People like himself held it an inestimable benefit to have the Macfarlane MSS. made readily accessible, for whatever their errors were, and they had many, they were still a mine of information, which could be industriously worked by pedigree hunters.

The student who sought the more recondite paths of diplomacy would find these in the *Montereul Correspondence*; while that large class of readers who liked a gossiping diary and a quaint record of old-world travel would find the volume dealing with Lord Fountainhall exactly to their taste. They would remember also that excellent volume of Mr. Firth's on *Scotland and the Protectorate*, which was published two years ago. Well, there would be soon in their hands another volume, dealing with the same period, but with a somewhat different subject—viz. the Cromwellian union—under the able editorship of Mr. Sandford Terry. Under the strong hand and undoubtedly wise head of Oliver Cromwell, a union with England was almost an accomplished fact. But many delays occurred, and after his death the Restoration put an end to the negotiations for a consummation which was not to come to pass for another half-century. But from what he had been privileged to see of this volume, they get some delightful glimpses of the state of affairs in the period, and the strong and masterful way in which Scotland was governed. He was a high-handed person; Oliver Cromwell and his Commissioners among other things pulled down the king's arms which were on the Cross at Edinburgh—'dang down the unicorne, with the croun that was set upon the unicorne, and hung up the croun upon the gallowis.' He was rather an enemy of crowns, and the only person who kept his in Scotland during the time of the Protectorate was, he believed, the Lyon King of Arms. Oliver, indeed, appointed two in his time. The first was Sir James Campbell of Lawers, whose commission reposes to this day in the University library here, and the second was Gilbert Stewart. But before this book on the Cromwellian union appeared, there would be in their hands the long-promised volume on the Papal negotiations with Queen Mary, by Father Pollen, whose researches in the Vatican archives would throw some additional light on the much-debated history of that unhappy queen. He felt sure that they would read the scholarly and elaborate introduction to this correspondence by Father Pollen with feelings of intense interest.

It would be unpardonable in a meeting of a Society like this were he not to allude before he sat down to a circumstance which had occurred since their last meeting, which, though not directly connected with this Society, was one intimately associated with its purpose. They were aware that at the death of Sir William

Fraser, some three years ago, it was found that he had left a large sum of money for the foundation in the University of Edinburgh of a Chair of Ancient History and Palæography. There was some little doubt as to how the terms of the bequest, as applied to the title of the Chair, were to be exactly interpreted, but he was glad to say that it was decided the Chair was to be devoted to Scottish history, and he was still more glad that the Chair had, after some delay, at last been filled up, and that Dr. Hume Brown, the author of so many books dealing with men and things relating to Scotland, had been appointed as its first occupant. He did not think any University in Great Britain could now boast of a better historical school than Edinburgh. He was sure that the new professor would be able to gather round him a band of devoted students, and he trusted he would be able in time to raise up a school of palæographers who will keep brightly burning that lamp which had been handed down to them by such men as Thomas Thomson, Joseph Robertson, Cosmo Innes, and Dr. Thomas Dickson.

Professor RANKINE, in seconding, said that like all good business bodies this Society was paying its way and doing something more. The report was a happy amalgamation of fruition and hope. Much work had been done in the past, and a great deal more remained to be done in the future. If one could judge by Professor Masson's letter, the hope for the future was even better than the fruition of the past. He thought it was matter for congratulation that they had now a Chair of Scottish History and Palæography in the Edinburgh University.

The Report was adopted.

On the motion of Mr. J. B. SUTHERLAND, S.S.C., seconded by Mr. D. W. KEMP, Trinity, a vote of thanks was given to the Chairman and the Council and Executive of the Society, for their splendid work during the year.

The proceedings thereafter terminated.

# ABSTRACT OF THE HONORARY TREASURER'S ACCOUNTS

*For Year to 31st October 1901.*

## I. CHARGE.

I. Balance in Bank from last year—		
(1) On Deposit Receipt, . . .	£200 0 0	
,, Current Account, . . .	10 12 7	
4 Subscriptions lodged in Bank subsequent to clos- ing Account, . . . . .	4 4 0	
		£214 16 7
II. Subscriptions, viz.—		
(1) 400 subscriptions for 1900-91, at £1, 1s., . . . . .	£420 0 0	
10 in advance for 1901-1902, . . . . .	10 10 0	
		£430 10 0
Less 4 in arrear and 4 in advance for 1900-1901 received in previous years, . . . . .	8 8 0	
		422 2 0
(2) 75 Libraries at £1, 1s., . . . . .	£78 15 0	
4 in arrear for 1899-1900, . . . . .	4 4 0	
		£82 19 0
Less 1 in advance for 1900-1901, . . . . .	1 1 0	
		81 18 0
(3) Copies of previous issues sold to New Members, . . . . .	19 19 0	
III. Interest on Deposit Receipt, . . . . .		8 18 7
Sum of Charge, . . . . .	£747 14 2	

## II. DISCHARGE.

### I. *Incidental Expenses*—

(1) Printing Cards, Circulars, and Reports, . . . . .	£7 8 0
Carry forward, . . . . .	£7 8 0

Brought forward,	£7	8	0	
(2) Stationery and Receipt Book,	5	1	0	
(3) Making-up and delivering Publications, . . . . .	11	10	4	
(4) Postages of Secretary and Treasurer, . . . . .	2	6	1	
(5) Clerical Work and Charges on Cheques, . . . . .	8	18	6	
(6) Cheque-Bank Cheque, re- turned dishonoured as Bank in liquidation, . . . . .	1	1	0	
				£36 4 11

II. *The Scots Brigade, Vol. III.*—

Composition, Printing, and Paper,				
510 Copies, . . . . .	£138	16	0	
Proofs and Corrections, . . . . .	38	18	0	
Illustrations, . . . . .	21	15	0	
Indexing, . . . . .	7	10	0	
Binding, . . . . .	17	0	0	
Special Copies of <i>The Remembrance</i> ,	4	13	6	
				£228 12 6
Less paid, 27th Oct. 1900, . . . . .	141	5	6	
				87 7 0

III. *Papal Negotiations.* Expense to date—

Composition, Printing, and Paper, . . . . .	£151	15	6	
Proofs and Corrections, . . . . .	50	17	0	
Indexing, . . . . .	5	2	6	
				£207 15 0
Less paid, 27th Oct. 1900, . . . . .	59	19	0	
				147 16 0

IV. *Diary of Andrew Hay.* Expense to date—

Composition, Printing, and Paper, . . . . .	£61	16	0	
Proofs and Corrections, . . . . .	12	8	0	
				74 4 0
Carry forward, . . . . .				£345 11 11

	Brought forward,	£345	11	11
V. <i>Negotiations for the Union, 1651-53.</i>	Expense to date—			
	Composition, Printing, and Paper,	£37	14	0
	Proofs and Corrections,	2	7	0
	Transcripts,	14	17	4
				<hr/> 54 18 4
VI. <i>Macfarlane's Topographical Collections—</i>	Transcripts,		47	5 0
VII. <i>Lindores Register—</i>	Transcripts,		8	10 0
VIII. <i>Balance to next account—</i>	Sum due by Bank of Scotland on 31st October 1901—			
	(1) On Deposit Receipt,	£250	0	0
	(2) On Current Account,	41	8	11
				<hr/> 291 8 11
	Sum of Discharge,	£747	14	2

EDINBURGH, 9th December 1901.—Having examined the Accounts of the Honorary Treasurer of the Scottish History Society for the year to 31st October 1901, and compared them with the vouchers, we beg to report that we have found the same to be in order and correct, the balance in Bank at the close of the Account being £291, 8s. 11d., whereof on Deposit Receipt £250 and on Account Current £41, 8s.

WM. TRAQUAIR DICKSON, *Auditor.*  
RALPH RICHARDSON, *Auditor.*

# Scottish History Society.

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## THE EXECUTIVE.

### *President.*

THE EARL OF ROSEBERY, K.G., K.T., LL.D.

### *Chairman of Council.*

DAVID MASSON, LL.D., Historiographer Royal for Scotland.

### *Council.*

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JOHN A. TRAIL, LL.D., W.S.

J. MAITLAND THOMSON, Advocate, Keeper of the Historical  
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Rev. ALEXANDER D. MURDOCH.

RICHARD LODGE, Professor of History in the University of  
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ÆNEAS J. G. MACKAY, K.C., LL.D.

JOHN SCOTT, C.B.

SIR JAMES BALFOUR PAUL, Lyon King of Arms.

P. HUME BROWN, M.A., LL.D., Professor of Ancient History  
and Palæography in the University of Edinburgh.

D. HAY FLEMING, LL.D.

Right Rev. JOHN DOWDEN, D.D., Bishop of Edinburgh.

### *Corresponding Members of the Council.*

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PROTHERO, Litt. D., LL.D.; C. SANFORD TERRY, Aberdeen.

### *Hon. Treasurer.*

J. T. CLARK, Keeper of the Advocates' Library.

### *Hon. Secretary.*

T. G. LAW, LL.D., Librarian, Signet Library.

## RULES

1. THE object of the Society is the discovery and printing, under selected editorship, of unpublished documents illustrative of the civil, religious, and social history of Scotland. The Society will also undertake, in exceptional cases, to issue translations of printed works of a similar nature, which have not hitherto been accessible in English.

2. The number of Members of the Society shall be limited to 400.

3. The affairs of the Society shall be managed by a Council, consisting of a Chairman, Treasurer, Secretary, and twelve elected Members, five to make a quorum. Three of the twelve elected Members shall retire annually by ballot, but they shall be eligible for re-election.

4. The Annual Subscription to the Society shall be One Guinea. The publications of the Society shall not be delivered to any Member whose Subscription is in arrear, and no Member shall be permitted to receive more than one copy of the Society's publications.

5. The Society will undertake the issue of its own publications, *i.e.* without the intervention of a publisher or any other paid agent.

6. The Society will issue yearly two octavo volumes of about 320 pages each.

7. An Annual General Meeting of the Society shall be held at the end of October, or at an approximate date to be determined by the Council.

8. Two stated Meetings of the Council shall be held each year, one on the last Tuesday of May, the other on the Tuesday preceding the day upon which the Annual General Meeting shall be held. The Secretary, on the request of three Members of the Council, shall call a special meeting of the Council.

9. Editors shall receive 20 copies of each volume they edit for the Society.

10. The owners of Manuscripts published by the Society will also be presented with a certain number of copies.

11. The Annual Balance-Sheet, Rules, and List of Members shall be printed.

12. No alteration shall be made in these Rules except at a General Meeting of the Society. A fortnight's notice of any alteration to be proposed shall be given to the Members of the Council.

PUBLICATIONS  
OF THE  
SCOTTISH HISTORY SOCIETY

*For the year 1886-1887.*

1. BISHOP POCOCKE'S TOURS IN SCOTLAND, 1747-1760. Edited by D. W. KEMP.
2. DIARY AND ACCOUNT BOOK OF WILLIAM CUNNINGHAM OF CRAIG-ENDS, 1673-1680. Edited by the Rev. JAMES DODDS, D.D.

*For the year 1887-1888.*

3. GRAMEIDOS LIBRI SEX: an heroic poem on the Campaign of 1689, by JAMES PHILIP of Almerieclose. Translated and Edited by the Rev. A. D. MURDOCH.
4. THE REGISTER OF THE KIRK-SESSION OF ST. ANDREWS. Part I. 1559-1582. Edited by D. HAY FLEMING.

*For the year 1888-1889.*

5. DIARY OF THE REV. JOHN MILL, Minister in Shetland, 1740-1803. Edited by GILBERT GOUDIE.
6. NARRATIVE OF MR. JAMES NIMMO, A COVENANTER, 1654-1709. Edited by W. G. SCOTT-MONCRIEFF.
7. THE REGISTER OF THE KIRK-SESSION OF ST. ANDREWS. Part II. 1583-1600. Edited by D. HAY FLEMING.

*For the year 1889-1890.*

8. A LIST OF PERSONS CONCERNED IN THE REBELLION (1745). With a Preface by the EARL OF ROSEBERY.  
*Presented to the Society by the Earl of Rosebery.*
9. GLAMIS PAPERS: The 'BOOK OF RECORD,' a Diary written by PATRICK, FIRST EARL OF STRATHMORE, and other documents (1684-89). Edited by A. H. MILLAR.
10. JOHN MAJOR'S HISTORY OF GREATER BRITAIN (1521). Translated and edited by ARCHIBALD CONSTABLE.

*For the year 1890-1891.*

11. THE RECORDS OF THE COMMISSIONS OF THE GENERAL ASSEMBLIES, 1646-47. Edited by the Rev. Professor MITCHELL, D.D., and the Rev. JAMES CHRISTIE, D.D.
12. COURT-BOOK OF THE BARONY OF URIE, 1604-1747. Edited by the Rev. D. G. BARRON.

*For the year 1891-1892.*

13. MEMOIRS OF SIR JOHN CLERK OF PENICUIK, Baronet. Extracted by himself from his own Journals, 1676-1755. Edited by JOHN M. GRAY.
14. DIARY OF COL. THE HON. JOHN ERSKINE OF CARNOCK, 1683-1687. Edited by the Rev. WALTER MACLEOD.

*For the year 1892-1893.*

15. MISCELLANY OF THE SCOTTISH HISTORY SOCIETY, First Volume—  
THE LIBRARY OF JAMES VI., 1573-83. Edited by G. F. Warner.—  
DOCUMENTS ILLUSTRATING CATHOLIC POLICY, 1596-98. T. G. Law.  
—LETTERS OF SIR THOMAS HOPE, 1627-46. Rev. R. Paul.—CIVIL  
WAR PAPERS, 1643-50. H. F. Morland Simpson.—LAUDERDALE  
CORRESPONDENCE, 1660-77. Right Rev. John Dowden, D.D.—  
TURNBULL'S DIARY, 1657-1704. Rev. R. Paul.—MASTERTON  
PAPERS, 1660-1719. V. A. Noël Paton.—ACCOMPT OF EXPENSES  
IN EDINBURGH, 1715. A. H. Millar.—REBELLION PAPERS, 1715  
and 1745. H. Paton.
16. ACCOUNT BOOK OF SIR JOHN FOULIS OF RAVELSTON (1671-1707).  
Edited by the Rev. A. W. CORNELIUS HALLEN.

*For the year 1893-1894.*

17. LETTERS AND PAPERS ILLUSTRATING THE RELATIONS BETWEEN CHARLES II. AND SCOTLAND IN 1650. Edited by SAMUEL RAWSON GARDINER, D.C.L., etc.
18. SCOTLAND AND THE COMMONWEALTH. LETTERS AND PAPERS RELATING TO THE MILITARY GOVERNMENT OF SCOTLAND, Aug. 1651—Dec. 1653. Edited by C. H. FIRTH, M.A.

*For the year 1894-1895.*

19. THE JACOBITE ATTEMPT OF 1719. LETTERS OF JAMES, SECOND DUKE OF ORMONDE. Edited by W. K. DICKSON.
- 20, 21. THE LYON IN MOURNING, OR A COLLECTION OF SPEECHES, LETTERS, JOURNALS, ETC., RELATIVE TO THE AFFAIRS OF PRINCE CHARLES EDWARD STUART, by BISHOP FORBES. 1746-1775. Edited by HENRY PATON. Vols. I. and II.

*For the year 1895-1896.*

22. THE LYON IN MOURNING. Vol. III.
23. SUPPLEMENT TO THE LYON IN MOURNING.—ITINERARY OF PRINCE CHARLES EDWARD. Compiled by W. B. BLAIKIE.
24. EXTRACTS FROM THE PRESBYTERY RECORDS OF INVERNESS AND DINGWALL FROM 1638 TO 1688. Edited by WILLIAM MACKAY.
25. RECORDS OF THE COMMISSIONS OF THE GENERAL ASSEMBLIES (*continued*) for the years 1648 and 1649. Edited by the Rev. Professor MITCHELL, D.D., and Rev. JAMES CHRISTIE, D.D.

*For the year 1896-1897.*

26. WARISTON'S DIARY AND OTHER PAPERS—  
JOHNSTON OF WARISTON'S DIARY, 1639. Edited by G. M. Paul.—  
THE HONOURS OF SCOTLAND, 1651-52. C. R. A. Howden.—THE  
EARL OF MAR'S LEGACIES, 1722, 1726. Hon. S. Erskine.—LETTERS  
BY MRS. GRANT OF LAGGAN. J. R. N. Macphail.  
*Presented to the Society by Messrs. T. and A. Constable.*
27. MEMORIALS OF JOHN MURRAY OF BROUGHTON, 1740-1747.  
Edited by R. FITZROY BELL.
28. THE COMPT BUIK OF DAVID WEDDERBURNE, MERCHANT OF  
DUNDEE, 1587-1630. Edited by A. H. MILLAR.

*For the year 1897-1898.*

- 29, 30. THE CORRESPONDENCE OF DE MONTEREUL AND THE BROTHERS DE BELLÈVRE, FRENCH AMBASSADORS IN ENGLAND AND SCOTLAND, 1645-1648. Edited, with Translation, by J. G. FOTHERINGHAM. 2 vols.

*For the year 1898-1899.*

31. SCOTLAND AND THE PROTECTORATE. LETTERS AND PAPERS RELATING TO THE MILITARY GOVERNMENT OF SCOTLAND, FROM JANUARY 1654 TO JUNE 1659. Edited by C. H. FIRTH, M.A.
32. PAPERS ILLUSTRATING THE HISTORY OF THE SCOTS BRIGADE IN THE SERVICE OF THE UNITED NETHERLANDS, 1572-1782. Edited by JAMES FERGUSON. Vol. I. 1572-1697.
- 33, 34. MACFARLANE'S GENEALOGICAL COLLECTIONS CONCERNING FAMILIES IN SCOTLAND; MSS. in the Advocates' Library. 2 vols. Edited by J. T. CLARK, Keeper of the Library.

*Presented to the Society by the Trustees of the late Sir William Fraser, K.C.B.*

*For the year 1899-1900.*

35. PAPERS ON THE SCOTS BRIGADE IN HOLLAND, 1572-1782. Edited by JAMES FERGUSON. Vol. II. 1698-1782. (Nov. 1899.)
36. JOURNAL OF A FOREIGN TOUR IN 1665 AND 1666, AND PORTIONS OF OTHER JOURNALS, BY SIR JOHN LAUDER, LORD FOUNTAINHALL. Edited by DONALD CRAWFORD. (May 1900.)
37. PAPAL NEGOTIATIONS WITH MARY QUEEN OF SCOTS DURING HER REIGN IN SCOTLAND. Chiefly from the Vatican Archives. Edited by the Rev. J. HUNGERFORD POLLEN, S.J. (Nov. 1901.)

*For the year 1900-1901.*

38. PAPERS ON THE SCOTS BRIGADE IN HOLLAND, 1572-1782. Edited by JAMES FERGUSON. Vol. III. 1. Rotterdam Papers: 2. The Remembrance, a Metrical Account of the War in Flanders, 1701-12, by JOHN SCOT, Soldier. (July 1901.)
39. THE DIARY OF ANDREW HAY OF CRAIGNETHAN, 1659-60. Edited by A. G. REID, F.S.A.Scot., from a manuscript in his possession. (Nov. 1901.)

*For the year 1901-1902.*

40. NEGOTIATIONS FOR THE UNION OF ENGLAND AND SCOTLAND IN 1651-53. Edited by C. SANFORD TERRY, Lecturer on History in the University of Aberdeen. (March 1902.)
41. THE LOYALL DISSUASIVE. Memorial to the Laird of Cluny in Badenoch. Written in 1703, by Sir ÆNEAS MACPHERSON. Edited by the Rev. A. D. MURDOCH. (July 1902.)
42. A VOLUME OF INEDITED NARRATIVES AND TRANSLATIONS OF RARE CONTEMPORARY TRACTS RELATING TO THE LIFE AND DEATH OF MARY QUEEN OF SCOTS. Edited by JOHN SCOTT, C.B.

*In preparation.*

REGISTER OF THE ABBEY OF LINDORES, c. 1195-1260. Edited from the original ms. at Caprington Castle, Ayrshire, by the Right Rev. JOHN DOWDEN, Bishop of Edinburgh.

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