

DUNACHTON
PAST AND PRESENT



C. FRASER MACKINTOSH



L.C. 1303



Dweeney 10th Sept 1866

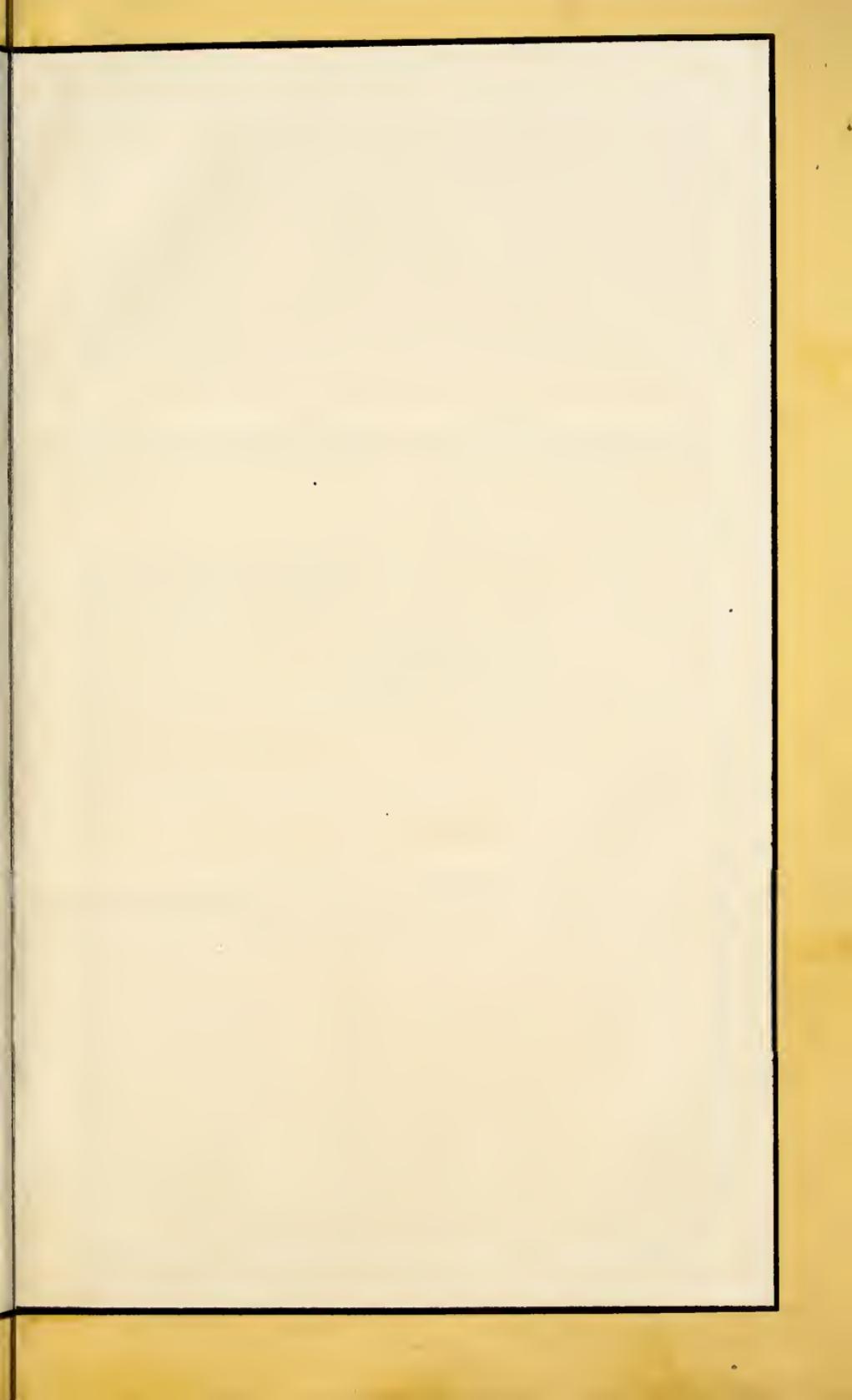
My dear Sir,

You will do
kindly & the "Antislavery
Notes" that it gives
me the pleasure measure
to send you. Copy
of the report of
"Dunadda Tard Street"
etc

In drawing up has
been one & minded him
and pleasure

Wm. H. Martin
Your faithfully
B. H. Allen - Martin

John Young Jr.
Peter Elmer



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Charles Fraser - Mackintosh of Drummond.

DUNACHTON, PAST AND PRESENT: EPISODES IN THE HISTORY OF THE MACKINTOSHES.

BY

CHARLES FRASER-MACKINTOSH, F.S.A.,Scot.

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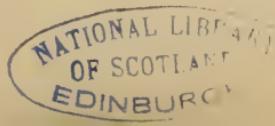


DUNACHTON, 1865.

INVERNESS:

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1866.



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E. FORSYTH.

P.R E F A C E.

THE keeping in remembrance of Autumn 1865, happily spent at Dunachton with the nearest and dearest relative in the world,—since, alas! removed by death—prompted my writing these papers for the *Inverness Advertiser*. I have since thought them worthy of a private reprint.

Some years ago I was requested to furnish information for the preparation of a Minute to be lodged in the Supreme Courts, on behalf of the Laird of Dunmaglass, in reference to his claims to the estates of Failie, &c., wherein it was necessary for Dunmaglass to found upon the existence of Clan Chattan, and that a restriction to heirs of that Clan was operative. At that time I made myself acquainted with the intrigues and malicious proceedings of the family of Gordon towards the Mackintoshes, partly exhibited herein.

Writing of Dunachton and Badenoch, it was impossible not to allude to the Macphersons. Colonel Macpherson of Cluny's letter, however, was quite uncalled for, as, in the papers as they appeared in the *Advertiser*, I was far too easy with these Macpherson pretensions.

I am glad to say that by the intervention of Mackintosh and Balnespick, the old burying-ground and chapel walls, referred to at page 2, will be restored. Some of the Appendices will be found interesting.

C. F. M.

INVERNESS, June 1866.





DUNACHTON, PAST AND PRESENT.

I.

THE FOURTEENTH CENTURY.

The fine barony of Dunachton, stretching from the Spey over the mountains, across the valley of the Dulnan on to the Monalia range, and the shed of the Findhorn, has been in possession of the Mackintoshes for nearly 400 years. It has ever been a favourite holding of the chiefs, and when the last laird of Mackintosh purchased a villa in Inverness, he called it Dunachton. Accidental circumstances having given the writer a close interest in the place, the framing of these papers has been a labour of love.

Dunachton is found first mentioned in a precept, dated at the Castle of Ruthven in Badenoch, the 13th day of July 1380, by Alexander Stuart, the Wolf of Badenoch, directing all the possessors of lands within the Lordship, to appear and produce their titles at the Standing Stones of Rate of Kingussie (*de la Rathe de Kyngucy*), upon the 13th of October following. Among others, Alexander, Bishop of Moray, is called *inter alia* for the lands of the chapels of Rate and Dunachton (*terram Capelle de Rate—terram Capelle de Nachtan.*) The Bishop at a court, held in St Mary's Chapel, Inverness, on the last day of August, in presence of the Earls of Carrick and Fife, the King's sons; John, Bishop of Dunkeld, Chancellor; Sir Robert de Chisholm,

and others ; protested against the citation, and urged that the said lands and others were held of the King direct, and not of the Lord of Badenoch. Notwithstanding, the Wolf held his court on the 11th of October at the Standing Stones—one of the notables present being Robert de Apyltoun, Burgess of Inverness—and paid no attention to the renewed protest of the Bishop, who appeared with a numerous retinue before him. But upon the next day, before dinner, and in the great chamber behind the hall, in the Castle of Ruthven, the Wolf annulled the proceedings of the previous day, gave the rolls of court to the Bishop's notary, who certified that he put them in a large fire lighted in the said chamber, which consumed them (*in ignem copiosum in dicta camera accensum—igne voratum et consumptum vidi.*) Among those present were Andrew Falconar de Lethenvar, Hugh de Rose, Baron of Kilravock ; Malcolm le Grant, and John de Brodie.

By formal deed, dated the 28th of October 1381, the Lord of Badenoch quit claims any right he might have to the lands of Logan Kenny, Ard-Inch, and the chapels of Rate and Dunachton, but received the wide domain of Rothiemurchus by assedation, dated Elgin, 20th May 1383.

The feuds 'twixt the Bishop of Moray and the Wolf of Badenoch culminated in the destruction by the latter of the Cathedral of Elgin in 1390.

It will be observed that there was a chapel at Dunachton at a very early period. It stood where there now is a small burying-ground, between the railway and high way, the surrounding field being known to this day as the Chapel Field. The burying ground is in a woeful state, and surely a hint is all that is necessary for its restoration.

It will also be observed that there was a chapel at Rate, and it is to be regretted that this old name, so closely connected with the Comyns, Lords of Badenoch, where they had a castle far surpassing Ruthven, connected also with the Mackintoshes for centuries, should have disappeared, and been replaced by an unmeaning uxoriousness.

The wide-spread hold of Clan Chattan at this period may

be judged from the fact that they owned in Lochaber, Glen Arkaig, Glen-lui, and part of Brae Lochaber ; a considerable part of Badenoch, including Rothiemurchus and the Forest of Badenoch ; and stretched over the Grampians into Braemar, where the tribe of Farquharsons still possess broad lands, with but slightly diminished borders. Further, not only had Clan Chattan a good deal of the land 'twixt Badenoch and Petty, but for some time possessed part of the fertile district of the Aird. Even now, the lands of Mackintosh extend with but trifling break from the march of Aberdeenshire to Essich, in the neighbourhood of Inverness. One portion, comprehending the whole and entire sources of the Findhorn, from the tiniest *cuchan* up to the important streams of the Croclach and the Eskin, is in itself a noble estate of 50,000 acres.

II.

1475-1515.

Upon the 9th of August 1467, a bond of friendship was entered into betwixt William, first Lord Forbes, Sir Alexander Forbes of Pitsligo, and others of the name, on the one part, and " Duncan Mackintosh, chief and captain of Clan Chattan, Hucheon Rose, Baron of Kilravock, and Lachlan and Allan Mackintoshes, brethren of the said Duncan, on the other part."

The above Lachlan Mackintosh's name first appears in the year 1441 as having fought with the Camerons at Craig-Cailloch, when his brother Gilliecallum and his cousin Angus were slain, and he himself lost several fingers.

Lachlan, commonly called Lachlan Badenoch, dwelt for the most part in Gellovie of Laggan, as deputy chieftain of the country people, and is described " as of middle stature, strong of body, and of fair complexion." He appears to have been a favourite of George, second Earl of Huntly,

who granted him a heritable right to Gellovie on the 1st day of October 1481. Lachlan was thrice married, first to a daughter of the chieftain of the Sept Gillies, who then lived at Gaskmore, in Badenoch ; secondly, to Elizabeth Calder, daughter of Hucheon Calder, son to the parson of Kingussie ; and thirdly, to Catharine, daughter of Sir Duncan Grant of Freuchie.

The lands and barony of Dunachton had been possessed for some time by a family of Macnivens, who were barons, but of whom little is known. There is a tradition that most of the name were cut off by a neighbouring tribe, who pursued them into a cave. According to the baronage the name was Macnaughton, and the lands part of the heritage of Macnaughton of that Ilk, from whom the name Dunachton. The history of the Mackintoshes and the bond after given establish that the name was Macniven ; and the meaning of Dunachton is doubtless “ The Hill of Juniper,” of which there are great quantities both in the low and high grounds at this day.

In 1475 the last baron of the Macnivens was dead, leaving two daughters, Isobel and Elizabeth. Possession of the estate would be very convenient to the Mackintoshes, who already had the lands 'twixt the waters of Calder and Goynack, together with Raitts and Coignafearn on the south and west sides of Dunachton ; and the Earl of Huntly and Lachlan Badenoch, having come to an understanding, executed the following indenture :—

“ These indentures, made at Ruthven, in Badenoch, the 23d day of September, in the year of God 1475, betwixt a noble and mighty lord, George, Earl of Huntly, on the one part, and Lachlan Mackintosh in Gellovie, purports and bears witness, that it is fully appointed and accorded in manner and form, as after follows—that is to say, that the said Lord has given to the said Lachlan the marriage of the heiresses of Umquhile the baron Macniven, that last deceased, whom God assoilize, together with all and sundry the ward lands, which pertain to the said lord by the decease of the said baron, and right of ward ; aye, and while one or more lawful heirs or heir enter lawfully to the said lands, with all profits, easements, commodities, and righteous pertinents pertaining, or that may pertain, to the said lands with their pertinents in any time to come, and during the same time, and for the said marriage and ward, the said Lachlan obliges him faithfully, in the strictest style and form of obligation, that he shall at the pleasure and command of the aforesaid lord give sufficient bonds, by the advice and counsel of men of law, to the said lord, that the said Lachlan, or his heirs, one or many, or sons brooking the said lands whatsoever, shall perpetually stand in special man-rent and service to

the said lord and his heirs whatsoever, and to none other ; but their allegiance and his to our sovereign Lord the King allenarly excepted ; also the said Lachlan promises, will God, to marry the said heiresses to his sons, procured of his body, by the advice and counsel of the said lord, failing thereof the said lord shall have them or any of them again delivered to him or to his factors, for such like expense as the said Lachlan gives for them, and if the said Lachlan can by any just ways bring all the said lands to one of the said heiresses, and spouse her with his eldest son, procured betwixt him and his spouse, umquhile Elizabeth of Calder, it shall be lawful to him and the foresaid lord to receive them as tenants, and failing the said son, procured betwixt the said Lachlan and Elizabeth of Calder foresaid, to his second, third, and fourth son, or any of them, aye, and until the marriage with the said heiresses be complete, as said is ; and if it shall be expedient to the said Lachlan to have any writ of the forenamed appointments and conditions of the foresaid lord, in such like or larger form than this writ, according to the same in all things or effect, he shall have them when it shall please him in the best manner, as said is. Also, the said lord obliges him to warrant the said marriage and ward in all things, as said is, to the said Lachlan, and to his heirs and sons, marrying the heiresses before written ; and to observe and keep legally and truly, all and sundry, the appointments before written, the foresaid lord and Lachlan have made good faith, the great oath sworn, the holy Evangelists touched, all fraud and guile secluded and put away ; and for the more security their seals interchanged to this indenture are appended, year, day, and place before expressed."

Lachlan Badenoch died in September 1493, before the purposes of the bond were fulfilled. It was not until 1497 that William Mackintosh, Lachlan's eldest surviving son by the third wife, Catherine Grant, married Isobel Macniven. She died shortly thereafter, and as there was no issue of the marriage, the line of the old barons Macniven ceased. On the 3d day of April 1497 a bond is granted to the Earl of Huntly by "William Lauchlanesone, son of umquhile Lachlan Mackintosh of Gellovie."

The circumstances under which William Mackintosh perfected his right to the lands are detailed in the following extract from the Mackintosh history :—

"In the year 1502, and month of December, the said William acquired the heritable right of the barony of Dunachton from Alexander, the second of that name, and third Earl of Huntly (as superior) and from Elizabeth Macniven, his own sister-in-law (as one of the heirs portioners thereof), and the manner of acquiring it was thus :—

"William Mackintosh aforesaid (after the decease of Isobell Macniven, his spouse), retains possession of the lands of Dunachton by the law of courtesy ; Elizabeth Macniven (Isobell's youngest sister), not acknowledging that law, pursues for a removing of her brother-in-law, but succumbs in the pursuit, whereupon Elizabeth dispones her right to Alexander, Earl of Huntly, who shortly thereafter sells the property of the lands to William Mackintosh aforesaid, and his heirs, reserving only the superiority thereof to himself ; for the lands were formerly held by the Baron of Dunachton of the King, immediately, and thus the heritable right of the barony of Dunachton came to the family of Mackintosh."

"The first time William is found under his new title, is as

witness to a bond dated at Inverness 10th March 1510, by Macdonald of Eilean-Tyrim, to Alexander, Earl of Huntly, where he is thus designed " William Lachlanson of Dun-nathane."

Upon the death, on 3d October 1514, of Farquhar, 12th of Mackintosh, only son of the first-mentioned Duncan Mackintosh, without issue, William of Dunachton, as cousin-german and next heir male, succeeded to the chiefship and estates. He did not long enjoy them, for having incurred the resentment of a relative, one John Roy-Mac-Lachlan-Vic-Allan, described as " a base young man," the history relates—

" Upon intelligence that Mackintosh was in Inverness without fear or suspicion of any evil, John, with certain of the name of Fraser, his cousins by his grandmother, came privately to town under cloud of night, and finding (as the mischance was) Mackintosh fast asleep in his chamber without any of his attendants near him at the time, and his chamber door being but slightly shut, he furiously assaults the innocent man, and most cruelly and unnaturally murders him in his bed upon the 20th, or, according to the manuscript of Croy, upon the 22d day of May, in the year of God 1515, being the 48th year of his age."

III.

1515-1550.

Lachlan, 14th of Mackintosh, younger brother of William Mackintosh of Dunachton, married in 1520 Jean Gordon, heiress of line of the Knights of Lochinvar. After a severe contest with her uncle, Sir R. Gordon, she had to yield her claims to the Kenmure estates, and thus brought no heritage to the Mackintoshes. Lachlan's mild and just character did not suit the turbulent dispositions of many of his followers, several of whom plotted for his destruction, and while hunting on the Braes of Ravoch, Lachlan was assassinated on the 25th day of March 1524, he being then thirty-four years of age. He left one son, William, who, by direction of his uncle, James Stuart, the little Earl of Moray, was taken and brought up by the Ogilvies of Findlater.

William, 15th of Mackintosh, married Margaret Ogilvie, daughter of the Laird Findlater, and by her had three children, the eldest of whom, William, died young, the second, Lachlan Mor, succeeded his father, and the third, a daughter, Margaret, was married no less than four times ; being first Lady Grant, next Lady Abergeldie, then Lady Pitsligo, and lastly Lady Duffus. This was the unfortunate chief, who, entering upon the management of his affairs in the year 1540, nine years later incurred the deadly hatred of the Earl of Huntly. The Earls of Moray and Huntly were rivals, and both sought to attach Mackintosh to their interests. He was in a difficult position, holding lands of both, but his family connection with the Morays inclined him to their interest, so that Huntly in vain tried to obtain Mackintosh's bond of man-rent. In 1550, the Earl of Huntly was Lieutenant of the North, and getting up a false accusation of conspiracy against Mackintosh, caused apprehend and bring him prisoner to Aberdeen. The atrocious nature of the proceedings, and the spirited conduct of the Provost of Aberdeen, were so remarkable, that a detailed account may be here given. The Earl of Huntly fenced his court at Aberdeen upon the 2d August 1550, the jury being all his own dependants, viz., William Seaton of Meldrum ; William Udny of that Ilk ; Alexander Crawfurd of Tedderit ; John Forbes of Towie ; Alexander Leslie of that Ilk ; William Cheyne of Straloch ; Gilbert Gray of Shivas ; Thomas Chalmers of Coats ; Thomas Meldrum of Ednam ; Alexander Chalmers of Balnacraig ; Patrick Cheyne of Esslemont ; Alexander Cowie of Arkera ; and John Seaton of Disblair. It is related that the Provost of Aberdeen—

Teddaret

Disblair

" Being present and perceiving Huntly's malice and cruelty, and the defender's innocence, did with a great deal of confidence and boldness take instruments when the defender's lawful defences were repelled, and therefore in open audience of the people appealed to the High Court of Parliament, and protested that nothing done, or to be done, in that Court against Mackintosh, should be hurtful to him, Because—1st, His judge was his accuser ; 2d, The witnesses brought against him were his mortal and professed enemies ; 3d, Because the assizers were the pursuer's friends and dependants ; and having so protested, he leaves the Court, but this prevailed nothing against Huntly's malice, but rather enraged him the more. The defender is put to the trial of an assize, and the assizers being made to believe (as they afterwards alleged) that Huntly aimed only at credit in the business, and not at the defender's

life and overthrow, or rather not daring to absolve him, puts him in the judge his will; whereupon, without further process, it was pronounced for doom—that forasmuch as the said William Mackintosh was convict by an assize of art and part of the treasonable undertaking of the slaughter of George, Earl of Huntly, Chancellor and Lieutenant, representing the Queen's person, therefore, he had tint and forfault all and haill his goods, moveable and immoveable, with his lands and heritages, and also his head to be stricken off from his body. This coming to the Provost of Aberdeen his hearing, he presently convenes the town in arms, to hinder the execution. Huntly being thus far beyond his expectation crossed in his design for that time, frets and brings Mackintosh along with him back to Strathbogie, and finding it dangerous to take his life, considering the protestation made by the Provost of Aberdeen, therefore dissembling his hatred, he deals with his lady, and moves her to put his will in execution (in his absence) against that harmless man, thinking it would be reputed her own deed only, which came far otherwise to pass, and leaving the tragedy to be acted by her, goes away himself to the south, and his lady taking the business in hand (though against her mind) causes execute the prisoner upon the 23d day of August 1550, being the 29th year of his age."

It is in the highest degree improbable, therefore, that the Countess led Mackintosh to understand that his life would be spared, as stated by Sir Walter Scott, or that Mackintosh begged his life at her hands.*

Six days afterwards certain of Mackintosh's friends came to Strathbogie, and transported the body to Inverness, where it was interred in the Greyfriars, the ancient burying-ground of the family, with considerable pomp. The deep feeling of the aged rhymer Macintyre, who had seen, within a space of forty years, four Captains of Clan Chattan meet with violent deaths, found vent in that fine composition so well known and admired, "The Mackintoshes Lament," who in the refrain refers to the long carriage of the body—

" Mackintosh, the excellent,
They have *lifted*;
They have laid thee
Low, they have laid thee."

The word excellent but feebly represents the Gaelic original.†

* Skene relates this affair so preposterously incorrect, that his account is here quoted as a curiosity. He speaks of the *Marchioness*, though the veriest tyro knows that the family did not get the rank of Marquisate until 1599, nearly fifty years after the period in question. Skene says—"Huntly immediately moved against the clan with all the retainers which his extensive territories could furnish, and a fierce though short struggle ensued, in which any clan less powerful than the Mackintoshes would have been completely crushed; as it was, Mackintosh found himself so unequal to sustain the conflict, that, despairing of obtaining any mercy from Huntly, he determined to apply to his lady, and for that purpose presented himself before her at a time when Huntly was absent, and surrendered himself to her will. The Marchioness, however, was as inexorable as her husband could have been, and no sooner saw Mackintosh within her power, than she caused his head to be struck off."

† It was William, 13th of Mackintosh, says the history, who, "in his expedition to Rannoch and Appin, took the bard Macintyre (of whom the Macintyres of Badenoch are descended) under his protection. This Macintyre was a notable rhymer. It was he that composed that excellent Gaelic epitaph in joint commemoration of Farquhar Vic-Conchie and William Vic-Lachlan-Badenoch, Lairds of Mackintosh."

In consequence of the Reformation and the break-up of the Greyfriars, the Mackintoshes ceased to bury there, the next Lachlan Mor, who lived to 1606, being buried with all the subsequent chiefs in Petty. It was not until 1557 that the crime was to some extent punished. In the month of December of that year, the matter was vigorously taken up by Gilbert, Earl of Cassilis, grand-uncle of Mackintosh. The sentence pronounced at Aberdeen was, by the Earl of Huntly's own consent, rescinded and annulled, and considerable lands were granted to the family of Mackintosh in assythment, which, with the exception of Bochruben in Stratherrick, still remain in their possession.

Lachlan Mor, who next succeeded, lived much at Dunachton, and generally styled himself of Dunachton ; and of him and some of his successors, down to the destruction of the Castle by Keppoch in 1689, shall be given some particulars in our next.

IV.

1550-1689.

Lachlan, 16th of Mackintosh, was brought up by Kenneth Mackenzie of Kintail, to whose daughter, Agnes, he was married in the year 1567. Of this marriage there were seven sons—Angus ; William, first of Borlum ; Malcolm ; John ; Duncan, first of Aberarder ; Allan, first of Daviot ; and Lachlan, first of Corribrough ; also six daughters—Janet, Lady Macleod ; Catherine, Lady Glengarry, elder ; Margaret, Lady Glengarry, younger ; Marjorie, Lady Macdougall—thereafter, Lady Fowlis ; Isabel, Lady Glenfalloch—thereafter, Lady Glenorchie ; and Elspet, goodwife of Rose of Holme.

During the years 1560-62, Lachlan was in attendance at Court, and gave Queen Mary important assistance when in Inverness in September 1562. As his name denotes,

Lachlan Mor was of great stature and strength, and his disposition is described as “a just mixture of valour and prudence.”* Upon the 27th June 1568, by the mediation of John Leslie, Bishop of Ross, Sir George Gordon of Shevis, Robert Innes of Invermarkie, George Barclay of that Ilk, George Gordon of Baldormy, and John Rose of Belivat, George, fifth Earl of Huntly, and Mackintosh were reconciled, and all former differences removed. In that year Lachlan, who lived much at Dunachton, got a charter of *novodamus* of the lands. The rental of the whole of Mackintosh’s feu lands in Badenoch in 1607, payable to the Marquis of Huntly, was £148 maill ; 4 bolls multure ; 4 marts ; 4 wedders ; 2 lambs ; and 32 poultry ; and of this, the entry for Dunachton is thus—“ Dunachtanes, Meikle and Little, miln, and croft thereof, and the third part lands of Pittowrie, nine ploughs, and third part plough, sett to John Mackintosh for the space of three years, his entry beginning at Whitsunday 1607, for yearly payment of ane hundred libs money.”

Angus, eldest son of Lachlan Mor, married Lady Jean Campbell, daughter of the Earl of Argyle. Disagreeing with his father as to the proper mode of treating certain of the tribe Vurich, who obeyed Huntly’s orders against Mackintosh, Angus Mackintosh, in a pet, went abroad, and died suddenly at Padua.† Some time after his relict married a son of the Laird of Calder; and an unfortunate event connected with Dunachton occurred, which is thus recorded :—

“ The Laird of Mackintosh was subject to many troubles and discontents

* A curious engagement ‘twixt Lachlan Mor and the Town of Inverness is thus recorded :—“ On the 10th September 1593, the Provost, Bailies, and Council of Inverness, did engage themselves by bond to the Laird of Mackintosh as Joint Commissioner with the Earl of Athole, then Lieutenant of the North, and Andrew Lord Ochiltree, for prosecuting Huntly and his accomplices for the slaughter of the Earl of Moray ; that they wou’d keep the steeple of Inverness from Huntly for the King’s service, and the penalty to be incurred by them for not performance was, that they would willingly incur and accept the deadly feud of Mackintosh, his kin, friends, assisters, and partakers in them in case of failure, as the said bond extant among Mackintosh’s evidents more fully bears. The subscribers of this bond, granted to Mackintosh by the Council of Inverness, were—Alexander Paterson, one of the Bailies ; Gilbert Paterson, one of the Bailies ; John Cuthbert of Auld Castlehill ; John Ross ; Jasper Dempster ; William Cuthbert ; William Cumming.”

† There is a story that Angus, with a force attacking Ruthven Castle, was killed by a bullet fired from the castle, his death purposely concealed, and the assertion of his death abroad an invention.—W. R.’s M.S. History of the Gordons, Adv. Lib.

in his time ; yea he was seldom or never free of trouble from he came to manhood till the day he died ; and yet, notwithstanding all his difficulties, he conquered the lauds of Culloden, Lairgs, Tullich, and Elrig, and was able to have conquered a great deal more land, were it not that unhappy accident that fell out betwixt his two sons, William and Duncan, and the Laird of Calder's two sons, Colin and Mr Donald Campbell. The manner was thus, viz. :—Mr Donald Campbell of Parbreck, son to the Laird of Calder, married Dame Jean Campbell, relict of Angus Mackintosh, eldest son to the Laird of Mackintosh. It fell out that there was some little debate and controversy betwixt Mackintosh and Mr Donald, concerning Dame Jean's conjunct fee and liferent lands. In time of this debate, Mr Donald and his brother Colin Campbell, and certain other gentlemen of that name, accompanied with a number of their followers, came to Dunachton in Badenoch (whilk was the land controvertcd), and resolves to take free quarters of the tenants, till they should pay the rent of the land, alleged resting for preceding years.

This act of oppression being come to the hearing of William and Duncan Mackintosh, who then chanced to be in Benchar in Badenoch, they forthwith came to Dunachton with a resolution to apprehend Calder's sons and their followers, as open sorners and oppressors, but they met with opposition ; for Mr Donald Campbell being a resolute gentleman, he and his party made all the resistance they could, but in the end (after the killing some gentlemen and others who accompanied the Campbells), Calder's sons were forced to surrender themselves, and so were brought prisoners to Culloden, where the Laird of Mackintosh chanced for to be at the time, who took the fact so grievously and passionately that his sons durst not come in his presence for a long time thereafter. This unhappy accident vexed Mackintosh very much before he could get the matter settled ; for as the thing was odious in itself, so it gave occasion to Mackintosh to have to do with a great party, considering that Argyle, who owned his kinsmen and near cousins Calder's sons, was Chancellor of Scotland ; but in end the business was composed by warding William Mackintosh foresaid for some few months, and giving an assythment for the blood."

Lachlan Mor was succeeded by his grandson, Sir Lachlan —a great favourite and companion of Charles I. In 1612 he married Agnes, daughter of the Laird of Grant, and died at Garten, in Strathspey, at the early age of 29. He was knighted in 1617, and at his last visit to Court, " he had a promise of the King that at his next return to Court he should be preferred to the right and title of the Earldom of Orkney." Be this true or the reverse, there can be no doubt that Sir Lachlan, had he lived, would have been one of the first of the baronets of Nova Scotia. Some particulars regarding Sir Lachlan will be found in the Appendix, No. 1.

Through his residence at Court, Sir Lachlan incurred considerable debt, and had to part with some lands, particularly Culloden ; and unfortunately the gross mal-administration of the Laird of Grant, as tutor of the infant chief, William, 19th of Mackintosh, of which the history is painfully full—the circumstances being within the personal

knowledge of the historian—embarrassed the family for some time.* Sir Lachlan's only daughter, the historian piteously relates, having no portion through these misdoings, was obliged to marry a schoolmaster.

William, the next chief, married Margaret, daughter of Graham of Fintray, and gave great assistance to Montrose in his exertions for the Stuarts. He was in constant trouble with the Camerons. Copy of Mackintosh's Decree against Lochiel in the year 1661, which narrates proceedings fully, will be found in the Appendix, No 2. He died in 1660, and was succeeded by his eldest son Lachlan, 20th of Mackintosh. This Lachlan, who generally styled himself of Torcastle, possessed the estates for forty-four years, and was of strong and energetic disposition. He represented the county of Inverness in Parliament for many years, and extended the family's borders by the acquisition of the estate of Obsdale in Ross, in the year 1665. After Lachlan had settled the feud with the Camerons, which had lasted 360 years, he found himself in constant trouble with Keppoch, who paid no rent, and gave as little attendance or obedience as he could, when Mackintosh, as Steward of Lochaber, held his courts there. In 1689, when the Highlands were in arms for or against Lord Dundee, Keppoch mustered a large force, including, besides his own following, all the broken men in Lochaber and Badenoch, threatened the destruction of Inverness by reason of its befriending Mackintosh; and burnt, harried, and destroyed property estimated at 40,000 merks. Two Acts of Parliament were passed on the 18th of July 1690, in favour of the Laird of Mackintosh, from which excerpts are given. Upon the 22d of July, an Act

* This is not the only time that the connection of the Mackintoshes with the Grants was prejudicial to the former. The M.S. History of the Grants, which some readers may have seen, when narrating the discreditable circumstances which occurred in the Baron of Kincairn's house, which resulted in there being Grants of Glenmoriston, asserts that the *Laird of Mackintosh* was present in the house, and countenanced his grandson, Grant. We are glad to have this opportunity of giving the assertion that Mackintosh was present, a peremptory contradiction. The person who encouraged Grant, if any one did, in his odious conduct, was one Dougal Mac-Gillie-Callum. The Laird of Mackintosh was at the time a prisoner in the Castle of Dunbar, and his cousin William, who was acting for the time, had, according to the Mackintosh History, "singled out 200 of the ablest of Clan Chattan, and directed them from Banchor in Badenoch, under the conduct of the aforementioned Dougal Mac-Gillie-Callum, with the Laird of Grant (he being but 15 or 16 years of age), to take possession of his estate. They quarter the first night at Kincairn, in Strathspey," &c.

is passed in favour of William Mackintosh of Aberarder, Farquhar Macgillivray of Dunmaglas, William Mackintosh of Borlum, and Lachlan Mackintosh of Daviot, upon their petition, which narrates—

“ That upon the days of July 1689, and the day of April last, Coll Macdonald, in company with the other rebels in arms, did most barbarously and inhumanly, in contempt of the Government, burn, pillage, and destroy the petitioner's dwelling-houses, and the houses of the petitioner's tenants, carrying along with them the haill portable goods upon their ground, threatening all the petitioner's tenants with death, who would not join with them, thereby exposing all the petitioner's had to their fury and malice, *not leaving some of them so much as a pair of plaids for bedding,*” &c.

The same day, Parliament granted an “ Act in favours of the Laird of Mackintosh for holding of fairs and markets in Obsdale in Ross, Dunachton in Badenoch, and Keppoch in Lochaber,” of which the following is an excerpt:—“ Item, a weekly market at the town of Dunachton in Badenoch, to be holden each Wednesday, and erects the said town of Dunachton into a burgh of Barony.”

The “ Act in favours of the Laird of Mackintosh anent his *damages*” proceeds upon the following narrative:—

“ Anent the petition given in and presented by Lachlan Mackintosh of Torcastle, and his tenants to their Majesties High Commissioner and the Honourable Estates of Parliament—showing that where Coll Macdonald, with his associates, not only illegally possess the petitioner's interest in the Brae of Lochaber, but also, with the concourse of the other rebels in arms, because of the said petitioner's not joining the late Lord Dundee upon his coming to the country, did most barbarously, in contempt of the present Government, burn his house of Dunach-ton, haill furniture and office houses belonging thereto, and did harry and rob his haill lands in Badenoch, Strathnairn, and Strathdearn, thereby exposing the petitioner to a vast loss, and his tenants to beggary, whereby his said haill lands are laid waste, and will so continue until the petitioner be in a condition to replenish them. Therefore, craving, &c.”

The “ Act in favours of the Laird of Mackintosh anent his *Cess*” is more explicit in its statements and allegations. It proceeds thus:—

“ Anent the petition given in and presented by Lachlan Mackintosh of Torcastle to their Majesties High Commissioner and Estates of Parliament—showing that albeit the petitioner and his predecessors for many generations, stands infest under the Great Seal in the lands of Keppoch, Glenroy, and Glenspean, in the Brae of Lochaber, and obtained several decrets of renowing and maills and duties against the iuhabitants and possessors thereof, and in prosecution of the same, being deforced, the said petitioner, upon application made to the Lords of His Majesty's Privy Council, and upon not compearance, they were declared fugitives : And not only letters of inter-communing, but also a commission of fire and sword obtained against them, in executing of which commission the petitioner had several of his kinsmen and followers killed ; notwithstanding whereof, and that the petitioner lies out of the rents of the said lands these several years, this Coll Macdonald, with the rest of the petitioner's

tenants in the said lands, with their associates, not being satisfied with what they illegally already possess of the petitioner's interest, but in further prosecution of their unjust and unwarrantable designs, did upon the day of last by past, and upon one or other of the days of the said month, most barbarously and inhumanly, in downright opposition, and contempt of the present Government and laws of the kingdom, did burn and destroy the petitioner's House of Dunachton, lately built, with the furniture thereof and whole office-houses thereto belonging, and harry and rob the lands of Dunachton, Kinrara, Pitourie, Kincaig, Dalmavert, the Davoch lands of Moy, the Davoch lands of Sipline, the lands of Lairgs, and pertinents belonging to the said whole lands, and did carry away all the portable goods thereupon, worth at least forty thousand merks, so that the whole tenants and possessors thereof were forced to flee, are now with their wives and children begging their bread and living upon charity, not daring (for fear of their lives) to return to the ground, albeit the petitioner were in a condition to build houses for them."

Parliament accordingly —

"Granted and hereby grants exemption to the petitioner from paying the *cess* of his lands in the Brae of Lochaber, ay and until he recover peaceable possession thereof; as also hereby grants exemption to the petitioner from paying of *cess* for his lands of Dunachton, and others enumerated in the petition, ay and so long as the said lands shall continue waste.

V.

1726. PART FIRST.

After the settlement of the questions with the Camerons, and the downfall of the family of Keppoch, as it was unnecessary for the Mackintoshes to keep up in its former strength so convenient a point of rendezvous as the Castle of Dunachton, the place, since the destruction recorded in our last, has been but an ordinary residence.

In the year 1726, when for the last time a serious attempt was made to consolidate Clan Chattan, it was remitted to Farquhar Macgillivray, then of Dunmaglass, to give his decision as between Lachlan, 21st of Mackintosh, and Lachlan Macpherson of Cluny. The submission was signed by Cluny "at *Dunachton* the fourth day of June, one thousand seven hundred and twenty-six years, before these witnesses — Angus Macpherson of Killyhunty; James Macpherson, younger thereof; James Macqueen, younger of Corribrough; Lachlan Mackintosh of Knocknagail; Mr John Shaw, brother to Tordarroch; and the said Angus

Shaw, writer hereof."

As the decree pronounced by Dunmaglass, following upon the submission signed as above by Cluny at Dunachton, has been obeyed by the Mackintoshes, and forms the basis upon which important lands are held to this day, it may be well to give as succinct an account as the necessary brevity of space will permit, of the grounds upon which the Mackintoshes claimed and acted as heads of Clan Chattan, as well as of the positions taken up at different times by the Macphersons. Indeed, it is proper to do so, as pretensions have been put forward and assumptions made by the latter, totally at variance with historic truth.

It is admitted that a person named Gillicattan-MacGillespic, of whom the Clan Chattan are so called, lived in Lochaber about the year 1215. His direct line of male failed with his grandson Gillipatric-Mac-Doul Mhic-Gillcattan, who left an only daughter Eva, which Eva married in 1291 Angus, 6th of Mackintosh. The direct line of Gillicattan only lasted three generations, and over what people these three chiefs ruled, or of the extent of their possessions, nothing definite is known. For the sake of distinction we name them pre-historic Clan Chattan. The shortness of their career is brought strikingly out in the manner the history records the marriage. It says that "Angus got with Eva the possession of the 40 merk land of Glenlui and Lock Arkaig, with the heritable chiefdom of Clan Chattan, who at that time, *though in their infancy*, was a much regarded people."

It appears to have been totally forgotten that nearly all the tribes that composed the historic Clan Chattan, which has left its mark in the history of every century since the thirteenth, joined *after* the marriage of Eva. For instance, the Macgillivrays took protection of Farquhar, 5th of Mackintosh, as early as 1268, allying themselves thereafter in marriage with the family of the chief. In 1368 the Macbeans joined. The first William Mor came from Inverlochy, but as some of the family remained in Lochaber, these followed the standard of Lochiel. In 1396, the Shaws

branched off, through Shaw Beg, the leader at the North Inch. This Shaw's great-grandson was first of the Farquharsons. In 1407 were the Clan Tarril of Petty ; in 1496 was Paul Gow, first of the Clan Phail, and so on. Wanting the Macgillivrays, Macbeans, Shaws, Farquharsons, Clan Tarril, Macphails, &c., what would Clan Chattan have been ? Verily Clan Chattan of fable.

The Law of Tanistry, *de facto* did never apply to the Clan Chattan ; and, supposing the Macphersons proved themselves heirs-male of Gillicattan (an impossibility from the want of documents), it would be a bubble. It is quite possible to get an heir-male to Hugh Freskin ; to the father of the little heiress of Grant, who married Stuart of Bute ; and to the last Macpherson of Invereshie ; but after the long possession and exercise of their rights had by the present families—any pretensions of dignity on the part of such heirs-male, could only be viewed with ridicule by the Duke of Sutherland, the Earl of Seafield, and Ballindalloch, shared in by all men of thought.*

Some thirty years ago, it was propounded that Mackintosh was Captain of Clan Chattan, but not Chief, and that the latter title was a modern assumption by Mackintosh. This distinction without a difference is strongly urged by Skene, but it is utterly demolished in Mr Gregory's letter to the late Mackintosh, dated 14th June 1836. Lest it be said that Mr Gregory was not reliable, we may quote from Skene's own preface :—" He feels that it would be improper to allow this opportunity to escape without acknowledging the very great obligations which he has been laid under by Donald Gregory, Esq., Secretary to the Society of Antiquaries of Scotland, for the valuable and important communications which he has at all times so liberally made to the author."

Besides acting as chiefs from and after the marriage with

* "I can imagine no case stronger or better supported by an incontrovertible array of facts (not theories or opinions, which in a question of this kind are totally inapplicable) than yours. Nor, on the other hand, can I imagine one weaker, worse supported by facts, and resting more exclusively on vague assertions, than that of my friend Cluny." —Extract from Mr Donald Gregory's letter to the late Mackintosh.

Eva, the Mackintoshes found it right to get a new bond from the haill clan after the fight at Perth. As the word "new" is used, it is a fair presumption that upon the marriage in 1291, a bond of man-rent and service was then granted. The occurrence is thus recorded—"After the fight, the Clan Chattan gave a new heritable bond of service and man-rent to the said Lachlan Mackintosh, their chief, because they had prospered so well under the happy conduct of his cousin, Shaw Mackintosh, above mentioned, and Lachlan gave to Shaw the possession of the lands of Rothiemurchus for the valour he showed that day against his enemies." In corroboration, but the precise period is uncertain, King Robert granted the above Mackintosh a gift of chieftainrie which unfortunately is not now extant, but it is thus referred to in the Bond of 1609—"As it was of old, according to the King of Scotland's gift of chieftainrie to the said Clan Chattan granted thereupon, in which they are and is astrincted to serve Mackintosh as their Captain and Chief."

With the free consent of the haill clan, confirmed by the King, the Mackintoshes for 300 years led and ruled without question.

It may be here as well to notice the objection that "Chief" was a modern assumption of the Mackintoshes, and that of old they only styled themselves "Captain." To this it is only necessary to refer to the very earliest bond extant among Mackintosh's papers. In the Bond of Friendship with Lord Forbes, dated 9th August 1467, Mackintosh is styled "Duncan Mackintosh, Chief and Captain of Clan Chattan." Once more, if any person were more likely than another to deprive Mackintosh of his title, it would be the Earl of Huntly; but in the only bond we believe ever granted by that family, Mackintosh is termed "Chief and Principal." The bond granted in 1568 is thus :—

"Be it kend to all men by these present letters, us, George Earl of Huntly, Lord Gordon and Badenoch, to be bound and obliged, and by the tenor thereof binds and obliges us, our heirs and successors, Earls of Huntly, by the faith and truth in our body, in the strictest form and style of obligation that

can be devised, to our own lovite, friend, and servitor, Lachlan Mackintosh of Dunachton, Chief and Principal of Clan Chattan, his heirs and successors, kin and friends of Clan Chattan, his tenants, servants, adherents, partakers, and assisters whatsoever," &c.

Sometimes the title chief appears secondary to captain, as in the case of Macleod's bond. William Macleod of Dunvegan, in his bond, dated Culloden, 15th January 1588, binds himself to "concur with Lachlan Mackintosh of Dunachton, Captain and Chief of the Clan Chattan, and his heirs in all and sundry their actions," &c.

The name of Macpherson is hardly to be found in public documents about these periods, but that of Mackintosh in a bond by the noblemen and barons of the north, signed at Elgin 8th December 1544, is the *first** of the Commoners, the order being thus—George, Earl of Huntly; John, Earl of Sutherland; John, Earl of Athole; Alexander Lord Lovat; William Mackintosh of Dunachton; James Grant of Freuchie; and John Mackenzie of Kintail. The names of Alexander Cumming of Altyre; Alexander Innes of that Ilk; John Chisholm of Comar; Robert Munro of Fowlis; Hucheon Rose of Kilravock; and John Grant of Ballindalloch, follow at intervals in a list in all of 40 names.

We now proceed to detail what the family of Huntly did to break up Clan Chattan.

George, 4th Earl of Huntly, finding it difficult to get the bond of service of William Mackintosh, on account of the latter's adherence rather to the Earl of Moray, in the year 1543, stirs up Hugh Rose of Kilravock to detach as many as he could of the kin of Clan Chattan from their chief. Accordingly, at Inverness, upon the 2d of May of that year, Kilravock collected John William Allan's son, Donald William Allan's son, Donald Bane, Hucheon Roy, Sweyn-mac-Conchie, Allister Macqueen, William Macqueen, Donald-mac-Ian-dhu, dwelling in Petty; William reoch mac-Eachin, Donald-mor-vic-Coil mor, Ay-mac-Ian-vic-

* The public funeral of the Great Montrose, on 11th May 1661, was perhaps the grandest ever seen in Scotland; no less than thirty-four of the nobility took part, and the following were, "the Barons of quality, to wait on both sides of the pall for relieving the Noblemen," viz.:—the sons of four Earls, and eleven Commoners, "Sir John Keith, Knight Marshall, Robert Gordon, son to the Earl of Sutherland, Alexander Livingstone, brother to the Earl of Linlithgow, Sir David Ogilvie, son to the Earl of Airlie, the Lairds of Pitcur, Pourie, Cromlix, Abercairnie, Ludwhairne, *Mackintosh*, Glorat, Alexander, Colquhoun, Balmedie, Strowan."

Homas, Donald mac-Ian-vic Conchie, William-mac-Ian-vic Conchie, dwelling in Strathnairn; Bean Macfarsone, Donald Macfarsone, William-mac-Gillies-vic-Faill, Angus Angus William's son, Donald Macfarsone, Thomas-mac-Allister, John Angus' son, Angus-mac-Robert; who bound themselves to George Earl of Huntly that "forasmeikle as William Mackintosh, son and apparent heir to Lachlan Mackintosh of Dunachton, whom God assoilzie, has bounden him to give his bond of man-rent for himself, and us his kin of the *Clan Chattan*, to the said Earl, &c., &c., that gif it happen the said William Mackintosh to fail and break his bond, &c., &c., in that case we and each one of us shall leave the said William," &c., &c.

It will be observed that there are several Macphersons to this bond.

In 1590 it is recorded that George, 6th Earl of Huntly—

"Began to repine that he could get no considerable rent or benefit out of his lands of Badenoch, and therefore resolves to repair the old Castle of Ruthven, and for the more speedy effecting of this his purpose, he writes to Mackintosh desiring him to order all his tenants and friends in Badenoch to concur with his servants in leading stones and other materials for the work. Mackintosh knowing himself to be noways tied to such services, and also finding it might prove prejudicial to him and his family that Huntly should have a fort at that place, absolutely refuses to give any assistance, whereat Huntly frets exceedingly, and brags that he shall cause build a fort at Ruthven that will be sufficient to daunton all the *Clan Chattan*. This coming to the hearing of the people of Badenoch, they finding Huntly's drift to tend to their prejudice, plotted and laid their heads together to hinder Huntly's enterprise, and first they cross the workmen directly and under hand, and then they disobey Huntly's officer in furnishing necessaries and commodities for the building, and so the workmen were necessitate to cease for the time."

In the same year Allan Cameron of Lochiel gives his bond to help the Earl of Huntly in "his lordship's adoies, and especially in the troubles lately moved by Lachlan Mackintosh of Dunachton and John Grant of Freuchie." In retaliation of several oppressive acts, a

"Party of *Clan Chattan* took a great *spreath* of goods out of the lands of Glenlivat and Strathdon, whereupon in the October following the Earl of Huntly came to Badenoch, and divided the people there among themselves, so as certain of the *Macphersons* deserted Mackintosh and adhered to Huntly as their superior and master."

"Huntly, taking advantage of this division among the *Clan Chattan* in Badenoch, did there commit some acts of hostility, burning, and hership against such in Badenoch as adhered to Mackintosh, and seeing Mackintosh, his friends, and followers in Badenoch were the stronger party, resolves to fortify and repair the Castle of Ruthven, and to plant there a garrison; but

in this Huntly was crossed now as formerly, for Mackintosh, being informed that Huntly's tenants and servants were transporting lime from Rothiemurchus for the works, sent his eldest son with a party to intercept the lime, who, encountering the carriers on the way to Ruthven, did only beat certain of them (they being of the name of Clan Chattan), and caused throw the lime into the water of Spey."

Following up his design of detaching the Macphersons, the Earl of Huntly sent for the heads of the different families of the name in Badenoch, and, under threat of dispossession of their holdings—for none of them had any heritable right at this period to their lands—they signed the following bond:—

" Be it kend to all men by these presents, that we whose names are hereunder written, has most voluntarily bound and sworn, and by the tenor hereof binds and swear themselves upon the Sacred Evangel, in presence of the witnesses hereunder written, leally, faithfully, and truly to serve in all actions and causes *against whomsoever*, a noble and potent Lord, George, Earl of Huntly, Lord Gordon and Badenoch, under the danger of truth and lautie and tinsel of all rights and tacks of our rooms and possessions presently to expire, after we fail in our faithful service : In faith and witness whereof we have sworn and subscribed these presents with our hands at Huntly, the 16th of May 1591.—Andrew Makfersone in Cluny, John Makfersone in Breakachie, James Makfersone, Paul Makfersone, Donald Mac-Allister-roy, William Mac-Ian-Vic-William, Kynache-Mac-Coil Vic Neil, with our hands at the pen led by John Makfersone in Breakachie, at our command, because ourselves could not write. Allister Mor-Mac-Ferquhar-Vic-Homas, with my hand at the pen ; Allister-Mac-Ferquhard with my hand led ; and Thomas Mac-Farquhar, with my hand at the pen led by Allister Oig Mac-Farquhar, at their command."

The precise date and the circumstances are thus seen when the Macphersons bonded themselves to Huntly, and as self-preservation is the first natural instinct, every allowance would have been made for them, had it not been for the uncalled-for arrogations of after times.

VI.

1726. PART SECOND.

The bond given by several of the Macphersons in 1591, referred to in our last, was not permitted to pass unnoticed, for it is recorded that Angus Mackintosh, eldest son of Lachlan Mor,

" Did bend his whole course to be even with those of the Macphersons (his own kinsmen and natural dependers), who had joined with his enemies. He apprehended severals of the specials of them, and delivered them to his

father, who shortly thereafter, upon their promise and oath of fidelity, dismissed them. Yet they were no sooner at liberty than they falsified their promise, and became the greatest enemies Mackintosh had (according to their power.) Angus would be at revenge, but was hindered by his father, whereupon, and because his father would not make use of his counsel and advice in the manner of prosecuting the war against Huntly and his adherents, he conceives a high displeasure and leaves the Kingdom, of resolution to see Jerusalem before his return.

Here it is to be noticed that the whole of the Macphersons did not fall away from the Clan Chattan, for it is recorded—

“ That all the Clan Vurich, viz., sliochd Ian-Vic-Ewen, sliochd Gillies-Vic-Ewen, and all such of sliochd Kynich-Vic-Ewen as dwelt in Strathdearn, Strathnairn, and Lourchardell, did faithfully adhere to Mackintosh as their chief during these troubles—only Andrew Macpherson in Cluny and such of his race (sliochd Kynich-Vic-Ewen) as dwelt in Badenoch at that time, joined with Huntly against Mackintosh.”

The Macpherson, who was at this time at Cluny, is termed by the historian, Andrew Macpherson, *in Cluny*, and he so designs himself in his subscription to the bond of 1591. So little known does he seem to have been, that Huntly’s chamberlain, who made out the Badenoch rental in 1603, calls him Andro *M’Farlen*. This is the entry:—

“ Cloonye—three ploughs; pays yearly, maill, 4lib.; multure, 3 bolls; custom, one and a half mart, one and a half wedder, six poultry. Each tenant, one kid or one lamb, with service, areadige and care adge. Andro M’Farlen, tenant to the haill.”

As in the bond of 1609, Andrew is termed of Cluny, it is probable that in the period ‘twixt 1603 and 1609, he received some heritable right to the lands. This Andrew, as has been seen, was alive in 1591, also in 1609, and in truth lived for many years after the last mentioned date, yet the astonishing statement is made that in 1594, John Macpherson was the head of the house, and was infest in the lands of Tullich and Elrig in that year. Finding the name Macpherson in the Great Seal Records, it is presumed the contributor to the baronage hastily came to the conclusion that this John was one of the line de Cluny.*

On the 17th September 1600, the Marquis of Huntly prevailed upon Angus William’s son of Termit in Petty, and

* “ Are you aware that Cluny’s genealogy, as given to the world, is not only erroneous in point of fact, and in that portion of it, belonging to so comparatively late a period as the reigns of James V. and Queen Mary; but that it actually differs from the old written traditions of the Macphersons themselves.—Extract from the late Mr Donald Gregory’s letter to the late Mackintosh.

his sons Lachlan, John, and Alexander,—Lachlan Mor's near relations,—to give him their bond, wherein they bind themselves to serve the Marquis against all and sundry whomsoever, and on the other hand the Marquis—

“ Freely and simpliciter remits, and freely discharges, the said Angus William's son of Termit, and his foresaids, of all rancour, malice, envy, or others whatsoever, done against us by the said Angus and his foresaids, and specially of all whatsoever deed done by him, or any of his, in the late trouble fallen out betwixt us and Lachlan Mackintosh of Dunachton, his chief, preceding the date hereof.”

Lachlan Mor having died in 1606, was succeeded by his grandson Lachlan, during whose minority the clan were led and the estates managed by William Mackintosh of Borlum, uncle of the chief. Doubtful of the manner the boy was being brought up, looking at times and localities, the King writes to Borlum a letter, which, though aside from our present object, is well worth quoting :—

“ James R.—Trusty and well-beloved,—We greet you well. Understanding that the Laird of Mackintosh is presently in your hands, no way brought up in virtue and civility for enabling of him to our service, and he being now of these years that with the new vessel, he will retain the taste of that which he now drinks in, we are therefore to desire you, being one of his curators, to take some present course, that of his rents there may be allowed ane certain reasonable proportion for his entertainment at one of the Universities here, where he shall be well placed by the care of Sir Alexander Hay, another of his curators, with whom we would wish you should send him with the first good occasion; wherein, as you shall discharge a most dutiful part to the boy—whom hope of your care has made special choice of you for one of his curators—so shall you thereby do us acceptable pleasure and service. We bid you farewell. From our Court at Thetford, the 16th December 1608.”

Borlum at once complied with the King's request, and the boy became the companion of Princes; but alas! Culloden and other lands were lost through the expensive habits he acquired at Court.* Like his elder brother Angus, whose proud spirit could not brook the temporising policy their father, Lachlan Mor, by painful experience, found it necessary to pursue, Borlum strove hard, whenever he became leader, to consolidate Clan Chattan, and in this he was eminently successful. . The history says:—

“ This William (tutor of Mackintosh) used all fair and lawful means to compose and take away all the differences and heartburnings that, by occasion of the former troubles, chanced to be among the name of Clan Chattan, and in end got the heads and chieftains of all the families of Petty, Strathdearn, Strathnairn, Leathernardell, Leatherbenchar, and Badenoch, moved to with an unanimous consent to grant an heritable bond of man rent to the Laird of Mackintosh, their chief, and of friendship among themselves.”

* A list of some of the family writs will be found in the Appendix No. III., and show, that prior to its sale, Culloden had been wad-setted to the Gordons'.

As this important bond, dated in 1609, will be found in the Appendix No. IV., it is here unnecessary to quote more than a single clause :—

“Therefore, the said hail kin of Clan Chattan above mentioned, by their names in special, and taking full burden in and upon them of their kin and friends, heirs, and partakers *pro rato*, faithfully promise and bind and oblige them, by the faith and truth in their bodies, for themselves, with consent foresaid, their heirs male and successors, to the said William Mackintosh, their present captain and chief, ay and until the said Lachlan Mackintosh of Dunachton comes to manhood and perfect age (and then to him), to concur, assist, maintain, and defend, against all and whatsoever persons that shall happen to invade him ; and to be leal, loyal, upright, and true to him in all his honest and leisome affairs whatsoever. Likeas, they to that effect, has united, incorporate, annexed, copulate, and insinuate themselves in *ane* bond and perpetual amity to stand amongst them as it was of auld, according to the King of Scotland’s gift of Chieftainrie of the said Clan Chattan, granted thereupon, in which they are and is astricted to serve Mackintosh as their captain and chief.”

Four of the Macphersons who signed the bond of 1591 are parties to this bond of 1609, as well as Mackintosh of Termit and his three sons, who granted the bond of 1600 ; and it includes of the principals of the name of Macpherson —Cluny, Breakachie, Brin, Ovie, Pitmean, Invereshie, Strathmashie, and Phoness.

In 1618, Lachlan Mackintosh in Ruthven, uncle to Sir Lachlan, is cozened into granting a bond that he—

“Shall at no time hereafter, directly or indirectly, assist, concur, nor fortify the said Sir Lachlan, nor no others his kin and friends, against the Right Noble Lord, George Lord Gordon.”

The Earls of Moray, as well as the Marquises of Huntly, during the whole of the 17th century, constantly crossed the Mackintoshes whenever it lay in their power to do so. There is a good illustration of this in the Earl of Aboyne’s letter to Calder, dated 1st April 1674 :—

“SIR,—Being assured of your friendship, and knowing your respect towards my Lord Huntly, I must entreat you for a favour, which I hope you will not deny me, which is, that the Laird of Mackintosh, having bought my Lord Huntly’s tithes of Badenoch, against himself, contrary to the duty of a vassal to his superior, and to pay for the same with the money he expects from you, my earnest desire is that you pay him no money at all till a term. And I oblige myself to free you of all expenses or damages you shall incur thereby. And I conceive that by doing so, when Mackintosh comes to consider the business, and his own duty more maturely, he will be much obliged to you for incapacitating him to commit so extravagant an action, besides the favour you will confer upon, Sir, your humble servant, (Signed) “ABOYNE.

“To Sir Hew Campbell of Calder.”

Reference may also be made to the Marquis’s letter to his lawyer, dated 23d of January 1683 (see Appendix No. V.) as specially venomous.

An instance of the shabby conduct of the family of Moray to one of the tribes of Clan Chattan, their own vassals, is seen in the Appendix No. VI., from Mr Dunbar Dunbar's papers. The family of Dunmaglass were after 1746 at a very low ebb, but they contrived to rise, and attained to their old standing. The mere furnishing of a suit of clothes to the young Laird necessitated a formal letter from the Laird of Holm. (See Appendix No. VII.)

During the time of Ewen Macpherson of Cluny, son of the foresaid Andrew, no attempt was made to infringe upon the bond of 1609; but in the year 1664, when Lachlan, 20th of Mackintosh, was making energetic movements to bring the disputes with Lochiel to the issue of the sword, he applied, among others, to Andrew Macpherson, then of Cluny, son of Ewen last mentioned, who made some stipulations, one being "that the said Andrew and his heirs should have the first place after Mackintosh of all the name of Clan Chattan," which was not taken at all in good part, and this answer made, that—

"The conferring of honours and places of preferment is a part of the king's prerogative royal, and could not be meddled with by any subject without the king's consent; that there is no place of preferment due to any private subject below a baronet, only that it is usual in people of nobility with some to offer places to others, upon consideration of their worth, birth, or the custom amongst their predecessors, and some upon account of effects and fortunes (where none of the former three are questioned); and that all the heads of families of the name of Clan Chattan who were short of Cluny in point of wealth, birth, or custom; yea, and whose estates are less (if they do not exceed in some of the other three); would willingly need and give place, and no more in reason could be craved."

At the time Cluny was making this stipulation, John Macpherson, tutor of Invereshie, not seeming to own Cluny's articles, "offered to desert Cluny, and to bring all the Sliochd Ian-vic-Ewen, and Sliochd Gillies (two families of the Clan Vurich) along with him to serve Mackintosh, but with this provision, that William Mackintosh of Borlum would sell to him the three Davocks of Raitts at the very price he bought from the disposer."

Upon the 26th of August 1665, the Clan Vurich mustered themselves before Mackintosh, "on the north side of the water of Spey, the Sliochd Ian-vic-Ewen and Sliochd Gillies-vic-Ewen (in one company) on the south

side of the water, both parties being of an equal number of 120 men on each side. At this time Charles Farquharson of Monaltrie, with twelve able men of his following, joined Mackintosh." In this great march to Lochaber, the Clan Chattan in all mustered 1260 able men well appointed ("attour 250 pretty well armed followers, who waited upon the baggage.")

Two years later, in an important expedition against Keppoch, Duncan Macpherson, then of Cluny, brother of Andrew before-mentioned, declined to join with Mackintosh, but Macpherson, younger of Noid, afterwards of Cluny, gave cordial and important service.

In the year 1672 this Duncan Macpherson went considerably in advance of his late brother Andrew, who only wanted the chief place after Mackintosh, and "did endeavour to reject and cast off the Laird of Mackintosh as his chief, that thereby himself, without any dependence on Mackintosh, might be called chief of the Macphersons;" and it is said "that this he did not so much out of self-conceit and arrogance as by the instigation partly of some ambitious, giddy-brained younglings of his own name." It is unnecessary to enter here into the question as to the granting of arms by the Lord Lyon under misrepresentation, of which so much has been made, as the following letter to Cluny cuts away the entire superstructure:—

"SIR,—I have given you a coat of arms, as a cadet of Mackintosh, his family, and yet you have (upon pretext of that) given yourself out for a chief of the Macphersons as we are informed, and have used supporters without any warrant, and given yourself the designation of chief of the old Clan Chattan. This is neither fair nor just, and therefore you will be pleased not to abuse any favour I gave you beyond my intention, who is, Sir, your humble servant, (Signed) CHARLES ERSKINE."

In the same year Cluny being called by the Privy Council to find caution for the peaceable deportment of his men, tenants, servants, and those dependent on his house, procured letters of relief against such of his name as he found surety for, wherein it is related—

"He (by moyen of the clerk of Council's servant) got himself designed Duncan Macpherson, Laird of Cluny, chief of the Macphersons, and at his return to Badenoch presses his friends of the name of Macpherson to give him,

under that designation, a bond of relief, which some of them refused to give, affirming that they would acknowledge no man to be called their chief but their only righteous chief—viz., the Laird of Mackintosh, whereupon Cluny threatens to charge them, by virtue of his letters of relief, to compear before the Lords of Privy Council."

Mackintosh instantly resented this proceeding, and with the concurrence of such of the Macphersons as refused to sign the bonds craved by Cluny for his relief, raised suspension of Cluny's charge, which suspension, in November 1672, was decided in favour of Mackintosh, as the decree in itself bears :—

" Wherein the Lords of His Majesty's Privy Council suspends the letters simpliciter, and decerns Cluny both to return the letters of relief formerly given him, and such bonds as were given by Cluny's friends (designing him chief) to the clerk of Council to be torn, and decerning him to raise new letters of relief, bearing only his name, surname, and place of his designation in *communi forma*."

It is supposed that it was one Sir Eneas Macpherson, concoctor of a fabulous history of the Macphersons,* who is pointed at as one of Cluny's instigators in these novel claims. That Duncan Macpherson cared little about the well-being of his tribe, or the endurance of his name, is abundantly obvious from his intention of settling his estate upon his only child Anna, wife of Archibald, second son of Sir Hugh Campbell of Cawdor. By bond dated at Benchar 14th March 1689, it is narrated that Cluny

" Was of full purpose and resolution to taillie not only his whole estate but also *the representation* of us and all others, our kinsmen, by his righteous heir-male, with his daughter to a stranger, and that without all peradventure our ruin is thereby threatened (if God Almighty, by an entire union among ourselves, do not prevent the same), do hereby declare and swear upon our great oath that we shall not own nor countenance any person as the said Duncan Macpherson, his representative (failing heirs-male of his own body), excepting William Macpherson of Noide, who is his true lineal successor, and the heirs-male of his body, which failing," &c.

Sixteen gentlemen signed this bond, including Noide, Pitmean, Ballachroan, Phoness, Clune, Invernahaven, Coronach, Benchar, Killyhunty, and Strone, and their determination was rewarded with success.

* See an exposé of part of the Cluny genealogy, in the Appendix No. 8.

VII.

1726. PART THIRD.

In the year 1722 Duncan Macpherson of Cluny, who had troubled Mackintosh so much in his younger days, died at a great age; and Lachlan Macpherson of Nuide, who designed himself son of William, son of Donald, son of John, brother of Andrew Macpherson of Cluny, is that year served heir-male in general, and succeeded to the estates.

This Lachlan was married to Jean, daughter of Sir Ewen Cameron of Lochiel; and from the fact of his father rallying all the specials of the name in 1689 to own and acknowledge him as their head, must be presumed to have been well aware of the rights and privileges of an-heir-male, and not one heedlessly or without due consideration to concede such rights. By missives signed at Moyhall on 15th September 1724, Lachlan Macpherson and several gentlemen of his name formally acknowledged their dependence upon Lachlan, 21st of Mackintosh, as their chief*,—and the Reference of 1726 empowers Farquhar Macgillivray of Dunmaglass sole arbiter, to determine the contents of said missives, the nature of the right and holding of the lands of Laggan and Gellovie, and other points. The preamble of the Reference is thus—“The blank on the other side hereof, subscribed by Lachlan Mackintosh of that Ilk, Captain of Clan Chattan, on the one part, and Lachlan Macpherson of Clunie on the other part.” By his decret arbitral, dated 17th Oct. 1726, Dunmaglass binds Mackintosh to execute wadsetts in favour of Cluny of the said lands of Laggan and Gellovie, for payment of the feu-duties and services therein specified. One of the clauses is in these terms—

“And the said Lachlan Macpherson, and his heirs who shall happen to succeed according to the above destination, shall be obliged to assume and

* See Appendix No. IX.

continue and constantly bear and use the surname of Macpherson or Chattan, and title and arms of the family of Clunie, with a mark of cadency of the family of Mackintosh as Captain of Clan Chattan, without any other alteration or diminution whatsoever, as their proper surname, designation, title and arms, under the pain of incurring the irritancy under written, and as often as any heir-female shall happen to succeed, and at the time of her succession she be not married, then she shall be holden and obliged to marry a gentleman of the surname of Macpherson or Chattan, or who and the descendants of his body succeeding according to the said destination, shall assume and continually use and bear the surname, title and arms of the family of Clunie, with the mark of cadencie aforesaid, without any alteration as said is; and if any of the said heirs-female the time of the succession, then they and each of them, and the heirs-male succeeding to the said estate, shall be obliged to assume the said surname of Macpherson or Chattan, and use or bear the same, and the title and arms of the family of Clunie, and the mark of cadencie aforesaid, and it shall not be lawful to the said Lachlan Macpherson or any of his heirs above mentioned to alter, innovate, or change," &c., &c.

The last clause of the decree is of the utmost importance—

" And, finally, I decern, appoint, and ordain the said Lachlan Macpherson, for himself, his heirs and successors, and in name and behalf of his friends and kinsmen of the surname of Macpherson *alias* M'Wirrich, to recognise, acknowledge, assert, and declare the said Lachlan Mackintosh of that Ilk and his predecessors and heirs, their undoubted right and title of Chieftainrie of all the Clan Chattan, whereof the tribe of Macphersons or M'Wirrichs is one, with all the powers, privileges, and dignities thereto belonging, and to extend and subscribe a writ thereupon, in the amplest form that can be devised, and containing the penalty of £1000 sterling."

Following up this decree, upon the 24th October 1726, Mackintosh and Cluny executed a deed of sale or wadsett of the lands of Lagganchynish, Muckoul, Inverwidden, Kinlochlaggan, &c., wherein Cluny acknowledges Mackintosh's right to the title of Captain of Clan Chattan. These lands, extending from the road to Lochaber on to the march with Perthshire, comprehending a great portion of the Braes of Badenoch, are supposed to be now worth £3000 a-year. A rental of the lands supposed to be comprehended in this decree will be found in the Appendix No. X.

In the same year, Cluny and his eldest son Ewen, besides executing a bond of discharge and renunciation of any claims alleged by their predecessors to the chiefship, bind themselves and their successors, under the penalty of one thousand pounds, that no coat armorial shall be borne by the Macphersons but with the mark of cadencie to the Mackintoshes.

In a letter, dated Brodie House, 7th August 1728, Alexander Brodie, Lord Lyon, writes to Mackintosh that he

holds Macpherson's letter "announcing his entire cadencie and dependency on the family of Lachlan Mackintosh."

In a letter, dated Ballachroan, 21st October 1731, Cluny in a letter to Mackintosh on the subject of his arms, "acknowledges taking his arms from Mackintosh."

Upon this footing the matter remained, and upon the abolition of heritable jurisdictions in 1747, clanship, so far as it conferred any power, received its death-blow.

Ewen Macpherson of Cluny, one of the heroes of the '45, and his son, Colonel Duncan Macpherson (*Conchie-nan-A*), or Duncan of the Kiln, made no claim except to the chieftainrie of their own tribe. It has been argued that it was incompetent for Lachlan of Cluny to have referred the point to any one, and that his acts cannot bind his successors nor divest rights *jure sanguinis*. Perhaps not; we only give the facts that have actually occurred, and observe that it won't do to take parts of Dunmaglass decree, and reject others. In short, is it consistent with right to take the lands which Dunmaglass compelled Mackintosh to alienate, and refuse the concurrent stipulations? So long as the lands are held, so long must the decree stand in its entirety. Give up the lands, and then matters will stand as if the decree had not been pronounced.

In consistence with that liberal spirit which ever actuated the Mackintoshes towards their haill kin of Clan Chattan—Eneas, 22d of Mackintosh, forbore to press his claims as superior when the estates of Ewen Macpherson of Cluny were forfeited, and at once, when the Crown was pleased to restore them to Colonel Duncan Macpherson, Eneas, 23d of Mackintosh, afterwards Sir Eneas Mackintosh, immediately granted a charter. Some of the clauses in it will now be given; the amount of feu-duty and several other stipulations are precisely in terms of Dunmaglass decree. The charter, dated 3d March, 1786, bears that, in terms of His Majesty's letters of presentation, Eneas Mackintosh, Esq. of Mackintosh, Captain of Clan Chattan, gave, granted, &c., to Colonel Duncan Macpherson of Cluny and the heirs male of his body, &c.,

" All and haill the lands of Kinlochlaggan, the lands of Muckoull, the lands of Inverwidden, being a third part of the lands of Muckoull. Item, the two easter ploughs of the lands of Gelovie, and all and haill the lands of Tullochrom, being part of the lands of Lagganchynish, with the shealing thereof called Corrichrons or Chynish, Reading, and Kilnadrochet, Aberader, and Strathcromachan, with the sheallings thereof, called Renanleachkin, Corriader, Maggach, and Corrichainmachan, parts, pendicles, and pertinents thereof, and mulfures of the said haill davoch of Lagganchynish, all lying within the parish of Laggan," &c., &c.

There is the following important reservation with regard to woods :—

" But reserving always to me and my heirs and successors, Captains of Clan Chattan, full power and liberty of cutting and away taking in and from the woods growing, or which shall grow, upon the said lands, so much of the said woods as we find necessary for the use and accommodation of our own lands in Lochaber, and of our friends and tenants in the said parish of Laggan, without paying anything on that account, such cutting and away taking of woods for the uses foresaid being by our order in writing ; and the said Colenel Duncan Macpherson and his foresaids maintaining and leaving standing so much of the said woods as will answer the ends and uses aforesaid."

Having some bearing upon this accommodation of timber, we notice that in a submission between the Duke of Gordon and Mackintosh as to their marches in the Monaliadh, in the year 1721, wherein John Gordon of Glenbuckett was for the Duke, and John Cuthbert, younger of Castlehill, for Mackintosh,—the arbiters *inter alia* determine,—

" And as to the Glashe grazings, belonging to the Davoch lands of Schevin, which was formerly supposed to be a forestrie, but now in desuetude, we decern and ordain the property thereof to belong to the said Lachlan Mackintosh of that Ilk. But for good neighbourhood sake in all time coming, we decern and ordain that all cattle and horses coming from Badenoch to Mackintosh's grazings in Strathdearn, or from Mackintosh's lands to the grazings of Badenoch, shall be kept and detained by the several possessors of the lands for the space of four days free, the takers of the cattle and horses being obliged to acquaint the owners thereof within that time, they still satisfying and paying the herd for acquainting them, and in case they do not then come and relieve them, for each twenty-four hours they shall stay thereafter, they shall be obliged to pay the sum of 2s Scots money *toties quoties* for each beast."

In the Reddendo clause there is the following obligation :—

" Item, the said Colonel Duncan Macpherson and his heirs, by themselves and their men, tenants, servants, and others, possessing or inhabiting the said grounds, answering yearly to two of my courts in any part of Badenoch, if cited for that effect ; as also compearing personally in all my courts in Badenoch, or any part thereof, when I or my heirs or successors shall be personally present, and the said Colonel Duncan Macpherson and his foresaids, and the possessors of the said grounds personally cited for that effect."

Again, and finally—

" Item, the said Colonel Duncan Macpherson and his foresaids, doing such further services to me and my above written, as my other vassals and wad-setters in Badenoch are in use to do, consistent always with the laws of the land for the time."

The terms of the present charter to these lands are, it is understood, identical.

We have thus endeavoured to show, in as succinct terms as space permitted, the various phases of this question, having avoided strong language, and kept back some documents which might possibly give pain by their publicity in the columns of a newspaper.* Facts are inexorable; theories are like the dank deceitful grass, which covers the rivulet's infant source. To the eye it looks solid enough, but let the byegoer attempt a footing, and instantly he sinks into the waters beneath.

VIII.

1865.

We had often heard of Dunachton, and many a time in coaching days had passed it by. Some years since, having occasion to spend a day or two in Badenoch, we stayed a night at the comfortable inn of Lynvuig, which has somewhat changed its name since the year 1600, where, in the Badenoch Rental, it is thus styled "Lambulge." The following morning, a delightful day in September, when passing Dunachton Bridge, the whim seized us to quit the road and look at the house, and so pleasant was the impression, that when an opportunity presented itself years afterwards, it became our occasional residence. Surrounded with the oak and birch, having hazel and thorn for copse, together with the greenest of natural grass in abundance, the locality is charming,—well justifying the character given of it by an old residenter be-east the Spey, who daily sees it in the distance,—as "one of the bonniest spots in Badenoch."

A worthy friend now no more, who made health his chief study, was in use to assert that a morning room should

* Some observations upon the words "Cluny Macpherson" as a title, will be found in the Appendix No. XI.

always face the sun, and that its cheerful rays set him up for the day, doing as much good as the breakfast meal. If he were right in this, Dunachton is peculiarly healthy, for, fronting the east, the sun makes himself felt in the months of June, July, and August, at the rather early hour of four, compelling in a manner obedience (in the absence of blinds and shutters) to his commands, to rise and waste not the hours.

Loch Insh, so attractive a feature in a mountainous district, is ever an object of beauty,—whether during the day the woods of Balnespick are seen mirrored on its placid bosom,—or at night the moon's beams in autumn, anon obscured by the passing cloud, dance and glitter like diamonds upon its waters.

The mountains prove an inexhaustible source of varying delight. You look at them, and believe you know their every point, yet how deceitful, for their appearances often vary in an hour. The sun without cloud will, unless glens are large, make all appear one vast and even surface. A combination of sun and cloud will throw a vivid light upon a particular point, and the even surface is found to be full of corries and hollows, which this temporary lighting up searches out and discloses for the moment, to their very innermost recesses.

The range of the Grampians from Upper Badenoch to Rothiemurchus is as a map before us, with the well-marked openings of Dalwhinnie, Glentromie, and Glenfeshie. The Davoch of Invermarkie, of old the possession of the Thanes of Calder, lies immediately in front; with Balnespick and Inch, the summer residence of the Bishops of Moray, in the foreground.

It is not a very remarkable thing to find snow on the Highland mountains at midsummer. This is sometimes seen on Ben Wyvis from the Highland capital; but it is rare to see snow of the previous winter in the month of September. In a noted hollow, the boundary 'twixt Mackintosh's lands of Glenfeshie, and Ballindalloch's lands of Invermarkie, snow of the winter of 1864 was seen as late as 8th September

1865. The place is called Ault-Cist-Maratt (the Burn of Margaret's Cist or coffin), where a poor woman lost her life in a snow storm, her body, found months afterwards, being in good preservation.* This stream finds its way into the river Feshie, and has its source up and up the Grampians until it reach the water shed with Aberdeenshire, and a well which at once springs into vigorous life, Fuaran-Ault-Cist-Maratt (the Well of Margaret's Coffin.) Treading these now uninhabited places, bearing so many traces of former dwellings, we are seized with mournful reflections that where now is desolation, a people once lived, herding their cattle, and enjoying existence in their simple way. Men and cattle now exist not, but their memory is preserved in the names of the localities. How expressive are the Gaelic names, appreciable only in their full significance by those who know the language and love it. While the Gaelic poet has not a word in praise of sheep or of grouse ;—cattle, and the noble bird, the black cock, with the grey hen, are his special favourites. Here in Glenfeshie, so beautiful with its gigantic juniper; its pines of the mountain, gnarled, grisly, and worn with the blasts and washings of centuries ; and its oases of grass,—what names do we find —“The lakelet where the cows drink ;” “The knowe where the cows bask ;” “The corry of the cows ;” “The burn of the corry of the cows.” Others how expressive—“The rock of brightness,” or “visible rock ;” “The hill top where lies the snow ;” “The burn of rich pasture ;” “The burn which the ptarmigan frequent ;” and, last of all, “Baddan Mousach,” utterly untranslateable effectively, but may be rendered as “the dirty, scrubby, lean pasture spot.”

Let us ascend the hills behind Dunachton, and we find “The Court Hill,” where justice used to be dispensed ; “The Black Craggan,” where bonfires are lighted on occasion of estate rejoicings ; “The rock of King Harold,” and “The grave of King Harold.” Over the latter is a

* There is a tradition that this Margaret was the woman who pronounced the century lasting curse of barrenness against the Mackintoshes. Upon this point, and a curse connected with the family of Borlum, see the Appendix No. XII.

stone with the letters “K.H., 600,” firmly believed in the neighbourhood to be 1200 years old. Doubtless there was a battle, and some Scandinavian king or prince slain at this place. “The hill of the youth without trews” is still further up, and refers to the singular fact that the dead bodies of those who perish in storms are never found with their full clothing. “Corry Bhog,” or the wet corry, does not belie its name, for yellow and slimy indeed looks the grass. Pleasant it is in one sense to come upon the remains of the shealing-bothies. Along the Upper Dulnan, these remains are numerous, attaching to Lynvuilg, Dalraddie, Pittourie, &c. In one of the Kincaig shearings, the ruins of which are still visible, one of the family of Balnespick was unexpectedly ushered into the world about 120 years since. The lady had ridden over the mountain shed of the Spey, and descended to the bothy on the Dulnan to see how the butter and cheese was accumulating, but found herself unable to return.

So many have emigrated, and small holdings have been so discouraged, that it has resulted that labour is scarce in some parts of Badenoch. This is a state of matters very different from 1804, for we had occasion to see lately a summons of removal by Mr Translator Macpherson after he became a laird, against no less than 117 people, many of whom were *heads* of families, and his possessions were not very extensive. Badenoch is changed also in respect of its resident gentry, now too few. But what, according to the famous Gaelic say, was one of the three curses of the district, “A *gentleman* in every town.” The author, who would seem to have dwelt in the Brae of Badenoch, albeit lazy, was a genuine wit, and must often have fretted and groaned under the compulsory “services” which the poor crofters and labourers had to perform for their masters; in regard to whom the smaller the man and closer to the peasant, the more rigid was he in exactions. The substance of the other two curses of Badenoch is, “That the best pastures are far distant, on the mountain tops,” and “That the hill of Ovie stands in the way, and dams back the free course of the waters.”

Of the old possessors, Mackintosh, Cluny, and Invereshie, still hold a large part of Badenoch, although strange names are now to be found among the proprietors. It is only necessary to refer to the Baronage to see the havoc among the Macphersons within the last hundred years; and the Mackintoshes once had, besides the lands of Brae Badenoch,—either in feu or wadset, Corronach, Benchar, Strone, Raitts, Dellifour, Kinrara, and Lynvulg, yea, almost all the lands west of the Spey, from the water of Calder to the hill of Craigellachie. But though for many years not taking that part in the district to which they are entitled, the Mackintoshes are still a power in Badenoch.

Is it visionary to indulge in the hope that the glories of Dunachton may again be restored, its Castle rebuilt, and its solitary places repeopled. That this should happen is our fond wish. For ourselves, these papers are a willing memorial of Dunachton, *Past and Present*. Let it be for the young chief, when he takes possession of his magnificent inheritance, and comes to uphold the dignities of his house—now run an honoured course of seven hundred years —let him be able to say of Dunachton *of the future*,

“*My hands have built its ruin'd walls,
And raised its broken frame.*”

A P P E N D I X.

No. 1. (*See Page 11.*)

OF SIR LACHLAN MACKINTOSH, WHO DIED IN 1622.

(*From the Collections of the late Mr S. F. Mackintosh of Farr.*)

“ Sir Lachlan was a man of fine accomplishments, and was highly esteemed by King James VI., who appointed him one of the gentlemen of the Bed-chamber, and whose son Charles made him a present of his sword, which is still preserved in the family.

“ Upon one occasion when in London, several feats of strength were to be performed by gentlemen before the King and Court, and, amongst others, a large stone of a certain weight was to be put over a bar so many feet high. Sir Lachlan ordered his servant to try the stone before the company would assemble, in order if possible to ascertain its weight, as Sir Lachlan intended to become a competitor. The servant reported that if Sir Lachlan could raise his own brown horse (then in the stable) by the fore-legs, he could manage the stone. He accordingly tried that plan, and succeeded. After the party had met to enjoy the amusements of the day, at last the trial of strength as to the stone came on, and several attempted the task, but in vain. Sir Lachlan then came forward, and apparently with no great difficulty succeeded in turning the stone over the bar, much to the annoyance of the English. In the act of raising the stone, part of his dress gave way, which caused his skin to be seen. It is said that ladies attending the Court, and present on this occasion, talked so much of the beauty of his skin, as well as of his activity in gaining the prize, that their husbands and lovers became jealous, and it is alleged that at a great dinner where he was, some of them put a kind of slow poison in his wine-glass unperceived by him. He soon felt unwell, and in consequence proceeded to Scotland with all expedition, but only got the length of Gartenbeg in Strathspey, where he died 22d June 1622, in the 29th year of his age, universally regretted.

“ One of the swords at Moyhall bears the following inscription :—“ Presented by Prince Charles, afterwards Charles the First, to Sir Lachlan Macintosh, Chief of the Clan Chattan, 1617.” There is also marked upon it the following :—

“ 1124. A Castle and Flag.

“ 1190. Armed Men ascending a Hill.

“ 1291. A Cat and Lion (for Clan Chattan and Macduff.)

“ 1396. A Deer and Fox (for the battle on the North Inch of Perth.)”

No. 2. (*See Page 12.*)

**ACT AND DECREET IN FAVOURS OF LACHLAN MACKINTOSH
OF TORCASTLE, AGAINST EWEN CAMERON OF LOCHIEL,
5TH JULY 1661.**

Anent the supplication given in to the Honourable Commissioners appointed for Bills, by Lachlan Mackintosh of Torcastle, against Ewen Cameron, now of Lochiel, showing that the said supplicant and his predecessors, Lairds of Mackintosh, being for many ages heritable proprietors of the lands of Glenlui, and Loch Arkaig in Lochaber, continually troubled in their possession thereof by the Clan Cameron, who are notoriously known to have been from the beginning, and continues still, a most rebellious and lawless people, given to depredations, thefts, and oppressions; for remedie whereof, the deceased Sir Lachlan Mackintosh, goodsir to the supplicant (being heritable Steward and Bailie of the Lordship of Lochaber), went in anno. 1616 to Lochaber to hold Courts, and in an hostile manner was resisted and pursued for his life by Allan Cameron of Lochiel (chieftain of the said clan), so that the Lords of Secret Council, knowing the barbarity and lawlessness of that people, after that matter was sufficiently proven and cleared before them, and decree given thereanent, they issued letters charging the said Allan to enter his person in ward, and thereafter, upon his contempt, issued letters of intercommuning, with an ample commission of fire and sword, against the said Allan and his clan, as the same at length bears; and at last John Cameron, son to the said Allan, was apprehended and put in ward in the Tolbooth of Edinburgh until he should find sufficient caution to keep the Laird of Mackintosh and his tenants harmless and skaithless in the peaceable possession of the said lands of Glenlui and Loch Arkaig, where he remained for the space of three years, until the said Sir Lachlan, the supplicant's goodsir, died, and then was released by the Laird of Grant, who pretended to be the supplicant's father's tutor: and the said John Cameron, resolving to keep the Laird of Mackintosh in continual trouble and vexation, did take assignation to a right of wadset of the said lands from the Laird of Grant in the year 1635, and in the year 1637 the said supplicant's deceased father having consigned in the hands of the Provost of Inverness the sum specified in the said wadset, did in the year 1639 obtain a declarator of redemption against the said Ewen Cameron, now of Lochiel, *in foro contradictorio*, and the money of the wadset was given up and delivered by the said Provost of Inverness to Donald Cameron, tutor of Lochiel (as his discharge thereof bears); and therefore the said supplicant his said father, obtained a decree of renewing before the Lords of Council and Session against the said Ewen and his tenants, possessors of the said lands, and thereupon caused charge denounce them to the horn (whereat as yet they lie unrelaxed), and in the year 1648, having meanned himself to the Parliament, they, for his furtherance to the possession of the said lands, appointed him, by act of Parliament, Governor of Inverlochie, which act was thereafter rescinded in the year 1649, so that the said Ewen Cameron and his kin and followers, taking advantage of the times, have since Whitsunday 1637 masterfully, in high contempt of his Majesty's laws, kept the possession of the said lands, and resolved never to quit the same, unless authority and force compel him; whereby his Majesty and Estates of Parliament might evidently perceive that the said Ewen Cameron and his predecessors and followers have been always a lawless and rebellious people, and that they most unjustly have wronged and oppressed the supplicant's predecessors, and specially his said deceased father, who during the space of twenty-four years now byepast, has lain out of the profit of his money and possession of his lands. And thereby his said father in his own time, and now the said supplicant and remanent children are reduced to a very hard condition, having little or nothing to live upon, the rest of his lands being liferented by his mother. And therefore craving that warrant might be granted for warning of the said Ewen Cameron to compear before his Majesty's Commissioners, Grace, and Estates of Parliament, at a certain day, to hear and see him decerned to put the said Lachlan Mackintosh's supplicant in the peaceable, actual, and corporal possession of the fore-

said lands of Glenlui and Loch Arkaig, and to denude himself *omni habili modo*, and to find sufficient caution that the said supplicant, his tenants and servants, shall be harmless and skaithless in the peaceable possession of the said lands in time coming, under such pains as our said Sovereign Lords Commissioner, his Grace, and Estates of Parliament, should ordain, as at more length is contained in the said supplication—which supplication being read in presence of the Commissioners of Parliament appointed for Bills, the said Lachlan Mackintosh, supplicant, compearing personally, with Mr George Mackenzie, advocate, his procurator, who, for verifying of the said petition or libel, produced in their presence an instrument of sasine of the date the 9th day of March 1621, proceeding upon a precept directed furth of the Chancery, of the date the 6th day of February 1621, bearing Anna Grant, spouse to the said deceased Sir Lachlan Mackintosh of Torcastle, to be infested in liferent during all the days of her lifetime, and William Mackintosh, his son, in all and haill the town and lands of Glenlui and Loch Arkaig, and certain other lands therein specified, which sasine is under the sign and subscription of John Grant, Notary Public, and registered in the Register of Sasines for Inverness the 13th of April 1621 years, by William Lauder, the keeper of the said Register, with a decree obtained before the Lords of Secret Council, at the instance of Sir William Oliphant of Newton, Knight, his Majesty's advocate, for his Highness's interest, and Lachlan Mackintosh of Dunachton, Heritable Bailie and Steward of the Lordship and Stewartrie of Lochaber, against the said deceased Allan Cameron of Lochiel, and certain other persons therein specified, of the date the 10th day of June 1617 years; whereby the Lords of Secret Council found that, in the month of July 1616, the said Allan Cameron and certain other persons, his accomplices, convocated and assembled together the number of two hundred men, boden in fear of war with unlawful weapons to stop and impede the said Lachlan Mackintosh of Dunachton from holding of Courts within the said Lordship of Lochaber, and that they shot a number of muskets and hagbuts at the said Lachlan and his company, and stayed him from holding of the said Courts; and that thereby they committed a very great insolency and contempt to the breach of His Majesty's peace, and violated His Highness's laws and acts of Parliament, made against the convocation of His Majesty's lieges, and their wearing of hagbuts and pistols; and therefore ordained letters to be directed, charging the said Allan Cameron of Lochiel and remanent other persons, defenders, to pass and enter their persons within the Tolbooth of Edinburgh, therein to remain upon their own expenses, ay and until order were taken with them for the said insolence as accords, within fifteen days next after the charge to be given to them, under the pain of rebellion and putting them to the horn, which letters of horning, raised upon the said decree and executions of horning and denunciation following thereupon, registered in the Books of the General Register of Hornings and Inhibitions upon the penult day of July 1617 years; together with a commission granted by our late Sovereign Lord, King James VI. of blessed memory, to Archibald Earl of Argyle, William Earl of Tullibardine, Colin Lord Kintail, and certain other persons, to convocate His Majesty's lieges in arms for taking and apprehending of the said Allan Cameron of Lochiel and other persons contained in the said decree, at the instance of the said Lachlan Mackintosh of Dunachton, and putting them in sure firmance and captivity, aye and until order were taken with them, which commission is dated 27th June 1617. Item—A decree of removing obtained before the Lords of Council and Session at the instance of the said Lachlan Mackintosh of Dunachton, against the said Allan Cameron and certain other persons therein contained, of the date the 27th of November 1616, decerning and ordaining the said Allan Cameron of Lochiel to fit and remove himself, his wife, bairns, servants, family, sub-tenants, cottars, goods and gear, furth and from the town and lands of Glenlui and Loch Arkaig, with parts, pendicles, and pertinents, lying within the Lordship of Lochaber and Sheriffdom of Inverness, and to desist and cease therefrom, and leave the same void and redd, to the effect the said Lachlan Mackintosh supplicant, his men, tenants, and servants might

enter thereto, peaceably brook, enjoy, occupy, labour, manure, set, use, and dispose thereof as his heritage at his pleasure ; with letters of horning raised thereupon, and executions of the same following thereupon, registered in the Sheriff Court Books of Inverness upon the 1st day of March 1617 years, with other letters of horning, raised upon the said horning, at the instance of the said Lachlan Mackintosh, designed therein Sir Lachlan Mackintosh of Torcastle, Knight, for charging the Sheriff of Inverness and his deputes, within whose bounds and jurisdiction the said lands of Glenlui and Loch Arkaig lie, for ejecting and outputting of the said Allan Cameron of Lochiel and remanent other persons contained in the said decree of removing furth of the said lands, houses, biggings, yards, &c., so far as they occupy thereof, and to hold him furth thereof, and to enter the said Sir Lachlan Mackintosh to the peaceable possession thereof, keep, maintain, and defend him therein, which letters of horning are dated the 2d day of August, 1617 years. Item—Letters of publication and proclamation at the instance of the said Sir William Oliphant of Newton, Knight, and Lachlan Mackintosh, commanding, charging, and inhibiting all and sundry the lieges and subjects of this realm, that none of them presume or take upon hand, and reset, supply, or intercommune with the said Allan Cameron of Lochiel and remanent other persons, contained in the said decree, obtained at the instance of the said Lachlan Mackintosh, before the Lords of Secret Council, their wives, nor bairns, furnish them meat, drink, house, harbour, nor no other thing comfortable or necessary to them, have intelligence with them privately or publicly, directly nor indirectly, by word, writ, nor message, nor furnish nor sell to them any kind of victual, arms, powder, or ball, nor take their goods or gear in keeping, which letters of publication are under the signet of the Secret Council, and dated the last day of July 1617 years. Item—Decree of Declator of Redemption obtained at the instance of William Mackintosh of Torcastle, against Ewen Cameron, son and apparent heir to the deceased John Cameron of Lochiel, and Donald Cameron, his tutor, James Grant, now of Freuchie, son and heir to Sir John Grant of Freuchie, before the Lords of Council and Session, upon the 5th day of March, 1639 years, decerning and ordaining the towns and lands of Glenlui, Loch Arkaig, and others contained in the said decree, which was wadset to the said Laird of Freuchie, to be duly, lawfully, and orderly loosed, outquit, and redeemed from Ewen Cameron, son and apparent heir of the deceased John Cameron, fair of Lochiel, and that it should be leisome to the said William Mackintosh, his heirs and assignees, to have full and free regress, access, and ingress again to the same lands, and he to renounce and overgive the same, with all right, title, interest, claim, kindness, property, and possessions, he has or may pretend thereto, in favours of the said William Mackintosh ; and that in respect of the said William Mackintosh his consignation of the sum of 18,000 merks in the hands of James Cuthbert of Drakies, then Provost of Inverness, conform to a contract of wadset, passed betwixt the deceased John Grant of Freuchie and Sir Lachlan Mackintosh of Torcastle, Knight, on the one and other parts, dated the 12th day of January 1621 years. Item—An order of redemption used by the said William Mackintosh of the said lands, with letters of horning raised upon the said decree of declarator and executions thereof, registered in the Sheriff Court Books of Inverness, upon the 22d day of November, 1639 years. Item—The extract of the tutor of Donald Cameron, lawful brother to the deceased John Cameron, fair of Lochiel, bearing him to be served tutor to Ewen Cameron, son lawful to the said deceased John Cameron, before the Sheriff of Inverness, dated the 14th day of March, 1637 years. Item—The extract of the discharge granted by Donald Cameron, tutor of law served to Ewen Cameron, son lawful and apparent heir to the deceased John Cameron, fair of Lochiel, and James Cuthbert of Drakies, of the said sum of 18,000 merks, which was consigned in his hands in manner foresaid for redemption of the foresaid lands, dated at Inveraray, the 6th day of February, 1640 years, and registered in the books of Council and Session upon the 9th day of May the same year, under the sign and subscription of Sir Archibald Prinrose, Clerk of Register,

then Clerk of the Secret Council. Item—A decree of removing obtained before the Lords of Council and Session, at the instance of the said William Mackintosh of Torcastle, against the said Ewen Cameron of Lochiel, Donald Cameron, tutor of Lochiel, and certain other persons therein contained, of the date the 27th day of July, 1647 years, decerning and ordaining them to remove from the lands of Tharoch, Mufrolich, and certain other lands specified in the said decree, lying within the Lordship of Lochaber and Sheriffdom of Inverness, to the effect the said William Mackintosh might enter thereto, with letters of horning raised upon the said decree in anno. 1647 years, and thereafter new letters raised on the same, which were executed against the said Ewen Cameron and Donald Cameron, his tutor, and remanent tenants, and is registered at Inverness the 20th day of February 1655. And the said Ewen Cameron, now of Lochiel, defender, compearing also personally, with Messrs William Maxwell and James Chalmers, advocates, his procurators, who produced the extract of a decree obtained at the instance of the said William Mackintosh of Torcastle, against the said Ewen Cameron of Lochiel, Donald Cameron, tutor of Lochiel, and certain other persons, before the Sheriff of Inverness and his deputes, of the date the 5th day of June, 1655 years, decerning them to make payment to the said William of the hail maills, farms, kains, customs, casualties, and other duties of the lands foresaid, and others particularly expressed in the said decree yearly, the years therein mentioned, and which decree is given in absence. Item—A summons of reduction raised at the instance of the said Ewen against William Mackintosh, for reducing of the foresaid decree for maills and duties, and other decrees obtained before the said Lords of Council and Session, with the executions of the said summons and with a suspension of the foresaid decree obtained for maills and duties before the Sheriff of Inverness, and executions of the said suspension ;—which petitions above mentioned, with the foresaid sasine, decrets, commission, letters, and other writs foresaid, produced for the part of the said supplicant for instructing thereof, and decree, summons of reduction, and letters of suspension, also above mentioned, produced for the part of the said Ewen Cameron, defender, together with the report of the said Commissioners of Parliament appointed for Bills, and with the defences, answers, duply and triply after-mentioned proponed and given in by either of the said parties *hinc inde* against others, being all heard, seen, and considered by the said Estates of Parliament, and they therewith being well and ripely advised ;—His Majesty, with advice and consent of the said Estates of Parliament, decerns and ordains the said Ewen Cameron, defender, to repossess the said Lachlan Mackintosh, supplicant, in the foresaid lands of Glenlui and Loch Arkaig, and pertinents thereof; and for that effect to put him in the peaceable, actual, and corporal possession of the same, and to denude himself thereof *omni habili modo* in favours of the said Lachlan Mackintosh, supplicant ; and also the said Ewen Cameron, defender, to find presently sufficient caution to the Clerk of Register or his deputes that he shall noways trouble or molest the said Lachlan Mackintosh or his tenants in the possession of the foresaid lands, and that under the pain of twenty thousand merks,” &c., &c.

No. 3. (*See Page 22.*)

INVENTORY OF SOME OF THE MACKINTOSH TITLES. 1715.

[ORIGINAL IN THE POSSESSION OF MR FRASER-MACKINTOSH.]

Moy Hall, 28th May 1715.

“ Inventory of Writs sent south by Mr John Mackintosh, Advocate, to be made use of in the Communing betwixt My Lord Huntly and Mackintosh” :—

Imp.—A charter containing a precept for taking sasine, granted by George Earl of Huntly to Lachlan Mor Mackintosh, of the Barony of Benchar, Castle Lands, and others, to be holden by the said Lachlan of the said Earl by ward and relief, of the date 27th June 1568.

- Item.—The said Lachlan, his sasine following thereupon the said charter of the foresaid lands of Benchar, and other lands therein contained in the bosom of which sasine the said charter is contained, of date 10th July 1568, under the hand and subscription of John Gibson, Not. Pub.
- Item.—Ane charter *de novo damus*, by the said George Earl of Huntly, to the said Lachlan, of the barony of Dunachton and Gellovie, dated 19th September 1568, and sealed.
- Item.—The said Lachlan Mor's sasine following upon the said charter *de novo damus* of the said lands, dated the 9th January 1569, under the hand and subscription of William Cumming, Notary Public.
- Item.—Ane precept of *clare constat* by George Earl of Huntly, to the said Lachlan, of all the lands above written, as oy and heir to Lachlan Mackintosh and his guidisir, who was son to William Mackintosh, who was last vest and seized therein, dated the 19th Sept. 1568.
- Item.—Sir Lachlan Mackintosh, his retour as heir to the said Lachlan Mor, his goodsir in the foresaid lands, dated the penult day of July 1614.
- Item.—Ane precept of *clare constat* by George Lord Gordon, to Sir Lachlan Mackintosh of Torcastle, as oy and heir to the said Lachlan Mor of the haill foresaid lands of Dunachton and others above specified, dated 18th June 1619.
- Item.—The said Sir Lachlan's sasine following upon the said precept of *clare constat*, of the dates the 14th, 15th, and 16th days of June, under the hand and subscription of Alexander Logan, Notary Public, and registered at Chanonry of Ross, in the Register of Sasines, by William Lauder, upon the 21st of June 1620.
- Item.—A contract betwixt the said George Lord Gordon, with consent of the Marquis of Huntly, his father, and the said Sir Lachlan on the one and other parts, of the date the 12th of June 1619, for the payment therein specified, wherein he confirms and approves all rights granted by the said Lord Gordon's predecessors to the said Sir Lachlan's predecessors of the said lands, as the said contract containing a tack of the teinds, and containing other clauses therein specified more fully bears.
- Item.—A contract of wadset, dated the 5th of November 1619, passed betwixt the said Sir Lachlan and the said Lord Gordon, whereby the said Sir Lachlan, for the sum of seventeen thousand merks, wadsets the lands of Culloden to the said Lord Gordon, as the same more fully bears, redeemable always upon payment of the principal sum.
- Item.—A warrant and commission by the said Lord Gordon to George Munro of Tarrell, to deliver the said Sir Lachlan certain papers therein contained, of the date 5th November 1619.
- Item.—Lord Gordon, his bond to the Laird of Mackintosh for his relief of the intimation made at the Marquis's instance, and owning receipt of the 17,000 merks, for which the lands of Culloden were impignorate.
- Item.—Extract retour Lachlan Mackintosh of Torcastle, last deceased, to William, his father.
- Item.—A little note of the dividend of Mackintosh's retoured duty. (This note is appended.*)
- Item.—Two or three informations under Kinrara's hand. (In a different hand there are the following words added—"Not delyvred ye communer.")

* NOTE OF THE DUTY.

[THE ORIGINAL DOCUMENT BELONGS TO MR FRASER-MACKINTOSH.]

The Lordship of Badenoch consists of 60 davochs, and is retoured to 100 lb., which extends to £1 13s 4d Scots, each davoch.

The Castle Lands of Inverness consist of 9 davochs, which with the Sheriffship (estimat to one davoch), is retoured to £16 13s 4d Scots, and makes each davoch to be retoured to £1 13s 4d.

The Laird of Mackintosh, his lands in Badenoch, and part of the Castle Lands, consist of 11 davochs, and one-third part of a davoch, the retoured duty whereof yearly is

18 lb.	17	9	$\frac{1}{4}$
28 merks	4	5	$\frac{1}{4}$

Item.—Reversion granted by My Lord Gordon to the Laird of Mackintosh upon the easter half of Culloden, containing 8000 merks.

6th June 1715.—That day delivered the contents of above inventar to John Stewart, writer to the signet, being nine pieces of parchment and six of paper.

Last of July 1715.—I left all the writs in above inventar with John Stewart, writer to the signet, in a bagg, to be forthcoming to the Laird of Mackintosh.

No. 4. (*See Page 23.*)

BOND OF UNION AMONGST THE CLAN CHATTAN, 1609,
RECORDED AT EDINBURGH 22d JUNE 1762.

At Termett, the 4th day of April, the year of God 1609, it is appointed, bonded, contracted, concorded, finally ended, and agreed betwixt the honourable persons and parties as follows—viz., William Mackintosh of Benchar, as principal Captain of the haill kin of Clan Chattan, as having the full place thereof for the present, during the minority of Lachlan Mackintosh of Dunachton, his brother's son, for himself, and taking the full burden in and upon him of Malcolm Mackintosh of Urlust, and remanent his brethren, with their own consent under subscribing—Angus Mackintosh of Termett, for himself, and taking the burden in and upon him of Lachlan Mackintosh, his son, apparent thereof, with his own consent, and assent of his remanent sons, under subscribing—Lachlan Mackintosh of Gask, for himself, and taking the burden in and upon him of William Mackintosh of Rait, and remanent of that surname descended of that house, with their own consent, under subscribing—Andrew Macpherson of Cluny for himself, and taking the full burden in and upon him of Evan Macpherson in Brin, John Macpherson in Breakachy, with their own consent, and remanent of that name descended of that house—Thomas Vic-Allister-Vic-Homas, in Pitmean, and taking full burden in and upon him of his kin and friends descended of that house—Donald vic-Allister-Roy in Phoines, for himself, and taking full burden in and upon him of William vic-Ian-vic-William, in Invereshie, with his own consent and remanent his own kin of that race and house—Donald Macqueen of Corrybrough, for himself, and taking full burden in and upon him of John Macqueen in Little Corrybrough, Sween Macqueen in Raigbeg, with their own consent, and remanent his kin of that race—Angus Macphaill in Kinchyle, for himself, and taking the full burden in and upon him of his kin and race of clan Vean—Alexander, vic Coil-vic Farquhar of Davochgarroch, for himself, and takand the full burden in and upon him of his kin and race of Clan Tearlach, with their own consents—Malcolm vic-Bean in Dalcombie, Ewen, vic-Ewen, in Aberchalder, and Duncan vic-Farquhar in Dunmuglass, for themselves, and taking the full burden in and upon them of their haill kin and race of Clan Macgillivray, with their own consents—and Ay vic-Bean, vic-Robert of Tordarroch, for himself, and taking the full burden in and upon him of his race of Clan Ay, with their own consents, in manner, form, and effects as after follows; that is to say that forasmeikle as anent the controversies, questions, debates, and hosts, that has fallen furth betwixt the said haill kin of Clan Chattan, these times byegone; thereupon there followed great inconveniences committed by them one against the other, without respect to their own weals coming thereof; and for avoiding of these accidents, and that perpetual friendship, amity, and kindness may remain and abide betwixt them and their Chief in times coming, and amongst the said haill kin of Clan Chattan: Therefore, and for sundry other motives and occasions moving them, tending to the weals and quietness of them and their country, are hereby bound and obliged, and by the tenour hereof, the saids haill kin of Clan Chattan above-mentioned by their names in special, and taking full burden in and upon them of their kin and friends, heirs and partakers *pro rata*, faithfully promise and bind and oblige them by the faith and truth in their bodies, for themselves with consent foresaid, their heirs male and successors, to the said William Mackintosh, their present Captain and Chief, ay and until the said Lachlan Mackintosh of Dunachton comes to manhood

and perfect age (and then to him), to concur, assist, maintain, and defend against all and whatsoever persons that shall happen to invade him, and to be found loyal, upright, and true to him in all his honest and leisome affairs whatsoever;—Likeas they to that effect has united, incorporated, annexed, copulate, and insinuated themselves, in one bond and perpetual amity to stand amongst them, as it was of old according to the King of Scotland's gift of chieftainrie to the said Clan Chattan, granted thereupon—in the which they are and is astricted to serve Mackintosh as their Captain and Chief. Therefore the said haill persons of Chief and kin of Clan Chattan are bound and obliged, them, ilk ane of them to others, the said William, and the said kin of Clan Chattan, to concur, assist, maintain, and defend either others, or to take plain act and Part with others against all and whatsoever persons, in all actions of arms, deeds, and occasions whatsoever that shall happen to be done in their contrair, or that shall happen to fall furth thereafter, the King's Grace, the Lord Marquis of Huntly, and the Earl of Moray (their masters), being excepted—providing that it be in their lords' and masters' default in case any deed or host fall out by these occasions ; and also the haill kin of Clan Chattan has discharged and quitclaimed, and by the tenour hereof quitclaims and exoneris, and *simpliciter* discharges either others, and ilk one of them, of all actions of slaughter, burning, hership, raid, and oppression, committed by them or any of them against others, preceding the day and date hereof, discharging the same and all action that may result thereupon. And that all rancour and malice of heart may cease for ever, and also in case of any of the saids kin shall happen to offend any other in time coming, either by violence or avenge of gear, in that case the Chief shall nominate twelve persons of the saids principals to decide with him therein, and shall cause the party offender to satisfy the party offended and wronged, sick as they will decern and modify ; and to the haill premises the said Chief and remanent kin of Clan Chattan are sworn to stand at and perform the points above-mentioned, and never to revoke or come in the contrair thereafter, but shall maintain and pass ilk^{one} of them with others in all hostings and other leisome and necessary affairs as when occasions will serve (excepting as excepted) ; and for the more security the saids William Mackintosh and remanent his kin of Clan Chattan are content, and consent that these presents be insert in the books of Council and Session, Sheriff or Commissary, or Burgh Court books of Inverness, there to remain *ad futuram rei memoriam*, and to that effect constitutes and ordains procurators conjunctly and severally, and consents to the registration hereof *promitten de rato*. In witness whereof these presents, written by Alexander Duff, notary public and Common Clerk of Inverness, are subscribed by the said Chief and kin, day, year, and place foresaid, before these witnesses :—John Cuthbert of Auld Castlehill, Provost of Inverness ; Mr John Ross, burgess there ; Donald Macqueeu, minister of Petty ; Malcolm Ego, servitor to Agnes Mackenzie, Lady Dunachton ; and Alexander Duff, writer thereof.

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

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

No. 5. (*See Page 23.*)

**LETTER—THE MARQUIS OF HUNTLY TO SIR JOHN GORDON
AT EDINBURGH. 1683.**

[THE ORIGINAL IS IN POSSESSION OF MR DUNBAR DUNBAR.]

I received yours, and I desire you continue to write to me every post. As to your own affair, let me know what measure will be fit for me to follow, and I'll endeavour to satisfy you. You have heard of Keppoch's imprisonment by Mackintosh, who being my vassal, I must endeavour to see him get justice. You may cause present a petition to the Council in my behalf, showing that Keppoch went to wait on Mackintosh by my advice, and how he was afterwards used. The supplication must carry that Mackintosh may be suspended from meddling in the Commission of Justiciary until his illegalities be tried, especially that my servants may be exempted from his judgments, since to most of them he is party on their own accounts, and to all of them he is an enemy on my account, his differences and mine being sufficiently known. Let the whole matter be well considered by my lawyers. Several circumstances of the affair I refer to the bearer's information. Let Mackintosh's whole affairs be considered by my lawyers, and summons of non-entry and ward of marriage raised, which I expect shortly north. Amongst other hindrances, Keppoch's imprisonment cost the payment of the public burdens. Therefore let this be mentioned in my petition to the Council that I desire to be reimbursed of what I have advanced on that account, especially as all Brae Lochaber is outlawed by Mackintosh's malice. Shortly you shall hear from me in the other contents of your letter.—I am, your affectionate cousin,

23d Jan. '83.

(Signed) H.

No. 6. (*See Page 24.*)

**LETTER—THE EARL OF MORAY TO HIS CHAMBERLAIN
OF PETTY. 1759.**

[THE ORIGINAL IS IN POSSESSION OF MR DUNBAR DUNBAR.]

Mr MACKINTOSH, Chamberlain at Petty,—As Mr Dunbar of Duffus, his son, has got a commission in Colonel Morris's Battalion, he will immediately set about recruiting; and although I am informed that Dunmaglass has got a company in said Battalion, I do call upon you and all those under your care who pretend friendship and regard for me and my family, to be aiding and assisting to Captain Dunbar; and if any other recruiting party or officer should interfere with him, I desire that my weight may be thrown into Captain Dunbar's scale where the terms are equal; and if I hear (and hear I will) that after you receive this letter any recruits are gone out of the Lordship of Petty and not into Captain Dunbar's company, I will not easily forget nor forgive it to those who have had the smallest hand in contributing towards it. You may let my vassals know that they cannot come to me with a stronger claim to my friendship than by giving me a proof that they deserve it by giving substantial assistance to Captain Dunbar in his recruiting service, notwithstanding the pretext of Dunmaglass, his company. Be active in this affair, as you wish to oblige your assured friend,

Donibristle, 27th Dec. 1759.

(Signed) MORAY.

No. 7. (*See Page 24.*)

**LETTER—WILLIAM MACKINTOSH OF HOLM TO MR JOHN
MACKINTOSH, MERCHANT IN INVERNESS, DOCUMENTED,—
“ WILLIAM MACKINTOSH OF HOLM, DESIRING TO GIVE WILLIAM MAC-
GILLIVRAY OF DUNMAGLASS CLOTH AND FURNITURE, &c., FOR A SUIT
CLOATHS, 11th June 1747.”**

[THE ORIGINAL BELONGS TO MR FRASER-MACKINTOSH.]

DEAR SIR,—My pupil, the bearer, who you formerly furnished with some body habiliments, stands in need of having the same renewed, as you'll observe by taking a look of him. Therefore you'll give him as much of a good sturdy cloth at four or five shillings per yard as will make him coat, vest, and

breeches, with furniture conform, which, with your former furnishings, shall be paid at my first going into town. If you have any coarse stockings, you may likewise give him two or three pair of them, which shall be paid as above. And if you have no stockings of your own fitting for him, get them from some other hand, at as low a rate as you can. His Mr Fashioner, he tells me, is one Douglas Mackenzie, who, I suppose, will go along with him in order to receive the premises, and whom you may enjoin to do the boy justice with regard to his workmanship and otherwise. I thank you for my tar receipt, which I intend forthwith put in practice, and by which I hope I shall receive benefit.—I am, dear Sir, your most humble servant,

Holm, 11th June 1747.

(Signed)

WILL. MACKINTOSH.

No. 8. (*See Page 26.*)

OBSERVATIONS ON THE CLUNY GENEALOGY, ACCORDING
TO DOUGLAS' BARONAGE.

Colonel Macpherson of Cluny, in a letter to the *Inverness Advertiser* (see Appendix 11), took it upon himself to say, with reference to these Dunachtion papers, that if he chose, the assertions made as to the chiefship of Clan Chattan could be easily refuted, and so forth. No notice was taken of this letter, as the matter of the chiefship was only incidentally introduced into the papers. But as our fairness and accuracy have been called in question, it is quite pertinent, and cannot wound the feelings of those interested, seeing this is a reprint for private circulation; if we look into and question the correctness of the genealogy given for that family who, in the words of the Lord Lyon, "have given themselves out as chiefs of the Macphersons," and "given themselves the designation of chiefs of the old Clan Chattan;" and accordingly a few remarks are given upon part of the Baronage account, leaving to the candid reader to say whether, within so brief a space, has ever been found such a mass of fiction.

EXTRACT FROM DOUGLAS' BARONAGE.

"XII. Dormund Macpherson, was Captain of Clan Chattan, and got a charter under the great seal from King James IV. *Dormundo Macpherson terrarum de Strantheanne, Garramuck, &c., dated 6th February 1509.*"

Observations.—Except that the surname is the same, there is not the slightest connection betwixt the Macpherson in Cluny in 1509, and this Dormund Macpherson. Skene is obliged to say (vol. 2, p. 184), "The history of the Macphersons posterior to the unfortunate conflict at the North Inch of Perth becomes exceedingly obscure. As they hold their lands of *subject superiors*, we lose the assistance of the records to guide us, neither do they appear in history independently of the rest of the clan." Again, Shaw says, "I cannot pretend to give the names of the representatives before the last century," and commences with 1660, when Andrew was Laird of Cluny. It is not our business to penetrate this obscurity, and detail the correct pedigree, but we may mention that the name of the head of the tribe, 1496-1514, appears to have been Bean Macpherson.

Let us see what lands this Dormund Macpherson received, as this may enable us, in the absence of any designation, to arrive at a proper conclusion. James IV. grants to his lovite, Dormund Macpherson, "All and sundry our lands of Duchra Eister, alias Blairbaith, Strantheowne, Gortnamuck, Dunncone, Straanduchra, with their pertinents, lying in our Lordship of Menteith, and within the Stewartry thereof." It will be uncommonly difficult for the Macphersons of Cluny to show that they held lands in the Stewartry of Menteith, and direct of the Crown. The witnesses to the charter, which is dated 6th February 1509, are—The Most Reverend Father in Christ William, Bishop of Aberdeen, Keeper of the Privy Seal; Alexander Earl of Huntlie, Lord Badenoch; Archibald Earl of Argyle, Lord Campbell and Lorne; Matthew Earl of Lennox, Lord Darnley; Alexander Lord Hume, Great Chamberlain; Andrew Lord Gray, Justiciary; George, Abbot of Aberbrothock, Treasurer; Mr Gavin Dunbar, Archdeacon of St Andrews, Clerk to Council and Rolls; and Robert Colville of Ochiltree, Director of Chancery.

EXTRACT FROM BARONAGE.

"XIV. Andrew Macpherson of Clunie, &c., who dying soon after his father without issue, was succeeded by his brother, John of Clunie, Captain of the Clan Chattan, who got a charter from the great seal under King James VI., *Johanni Macpherson villarum et terrarum de Tullich, Elrig, &c., in vice comitatu de Inverness*, dated anno. 1594.

"In October that same year, he was with the Earl of Huntly at the battle of Glenlivet, where the King's troops were defeated under the command of the Earl of Argyle, but he suffered nothing on that account, for Huntly and all his adherents were soon thereafter received into the King's favour. He married a daughter of Gordon of Auchanassie, and died about the year 1600, leaving issue a son John."

Observations.—We have shown in the body of this work that Andrew of Cluny was living in 1591 and in 1609. As to his dying without issue, the Mackintosh history referring to the year 1663, when Andrew Macpherson was Laird of Cluny, says, "In the year 1609, the heads of the families of Clan Chattan, and amongst the rest Andrew Macpherson of Cluny (*this Cluny's grandfather*), did engage themselves and their posterity by bond," &c. Let us see who is this John, who gets the charter of 1594, and is styled 14th of Cluny as above. The charter is in favour of "John Macpherson, in Brin," and he was the first of the respectable family of Brin in Strathnairn, which lasted, but not in a direct line, for nearly a century. This John Macpherson acquired the one-half of the town and lands of Tullich and Elrig in Strathnairn, from John Barron, alias Fraser, portioner of Moniack, in the Aird, by deed granted with the consent of Fingell Macpherson, spouse of the said John Barron or Fraser, dated at Inverness, upon the 26th April 1594, before these witnesses:—George Cumming Alexander Cumming and Alexander Duff, junior, Burgesses of Inverness; Andrew Macphail, Minister of the Word of God at Croy; Severnus Macphail, Minister of the Church at Petty; Duncan Macpherson in Gask; Mr Thomas Houstoun, Minister of the Church of Inverness; and William Cumming and Jasper Cumming, notaries in Inverness. This deed of sale is confirmed by James VI. at Dundee, the 8th day of October 1594.

EXTRACT FROM THE BARONAGE.

"XV. John Macpherson of Clunie, &c., who succeeded him (John 14th), and got a charter under the great seal, *Johanni Macpherson filio Johannis, &c., terrarum, de Tullich, Elrig, &c., in Inverness-shire*, dated anno. 1613. He was succeeded by his son Ewen."

Observations.—In the Charter of Confirmation, dated 29th November 1614, James VI. confirms to John Macpherson, junior, son of John Macpherson, senior, *Portioner of Tullich and Elrig*, the charter of sale of the said lands granted by the father to the son in consideration of a great sum of money paid therefor. This charter of sale is dated at Inverness, the penult day of February 1613, is written by Alexander Duff, Notary Public, Common Clerk of Inverness, and witnessed by James Cumming, Burgess of Inverness; Alexander Thomson, Reader there; Robert Stewart, Officer there; James Duff, there; and Andrew Fraser, Notary there; and Alexander Duff, the writer of the deed.

EXTRACT FROM THE BARONAGE.

"XVI. Ewen of Clunie (son of John 15th), who got a charter under the great seal, *Eugenio Macpherson, terrarum et villarum de Tullich, Elrig, &c., dated anno. 1623*.

"He married a daughter of Duncan Forbes of Culloden, by whom he had three sons and one daughter—

"1. Donald, his heir.

"2. Andrew, who succeeded his brother.

"3. John of Nuide, who carried on the line of this family, of whom afterwards, his daughter — was married to John Macpherson of Invereshie, Esquire, and had issue. Ewen died about the year 1640, and was succeeded by his eldest son Donald."

Observations.—Let us see who got this charter of 1623. It is a Charter of Confirmation by James VI. in favour of Ewen Macpherson in *Dalcombie*, and *Margaret-nin-Gilliecallum-Macbean*, his spouse, and longest liver of them in conjunct fee, and the heirs-male lawfully procreated, or to be procreated between them, whom failing, to the nearest and lawful heirs-male and assignees of the said Ewen Macpherson, of the half of the lands and towns of Tullich and Elrig, in terms of a charter of sale granted by John Macpherson, *junior*, Portioner of Tullich and Elrig, with consent of Isobel Mackintosh, his spouse, to his beloved cousin, the said Ewen Macpherson, and his said spouse and their foresaids, in consideration of a great sum of money paid therefor. The deed is written by Alexander Macleay, Servitor to Andrew Fraser, Commissary of Inverness, is dated 1st May 1623, and witnessed by Farquhar Macallister of Dunnaglass; Mr John Ross, Burgess of Inverness; John Cuthbert, John's son, Burgess there; William Cuthbert, Alexander's son, Burgess there; John Cumming, Burgess there; Andrew Fraser, Commissary of Inverness; Alexander Logan, Notary Public; and the said Alexander Macleay.

As a pretty liberal draught had been made on these Macphersons of Brin and Elrig to supply chieftains to the Macphersons, the Baronage, in the next instance, gets into another family. It has to be kept in view that the real Laird of Cluny, who is found on record in 1645, was named Ewen, married Culloden's daughter, and had two sons, Andrew and John.

EXTRACT FROM THE BARONAGE.

“ XVII. Donald Macpherson of Clunie, &c. (eldest son of Ewen 16th), who got a charter under the great seal, *Donaldo Macpherson, &c.*, of the lands of Middle Mor, Middie Beg, &c., dated anno. 1643. He was a steady friend of King Charles I., and suffered much on account of his sincere attachment to the interest of the Royal Family, but dying without issue, was succeeded by his brother Andrew, 17th of Cluny,” &c.

Observations.—It is stated as above that Donald was the eldest son of Ewen, and that he got a charter of Middle Mor, Middie Beg, &c. Let us see what the charter itself says. It is a Charter of Confirmation by Charles I., dated 5th March 1642, in favour of Donald Macpherson, eldest lawful son of *John Macpherson of Nuid Beg*, and his heirs, &c., confirming a charter and infestment of alienation, subscribed of date at Huntly, 28th April 1638, containing vendition and disposition and precept of sasine, and instrument of sasine following thereon, made in the Scottish language by George Marquis of Huntly, Earl of Enzie, &c., with consent of Lady Anne Campbell, his spouse, and George Lord Gordon, his son, to the said Donald Macpherson and his heirs, of all and whole the davoch town and lands of *Nuid Mor*, with houses, biggings, tofts, crofts, outsetts, insets, woods, fishings, and mulfures, together with pasturages, shealings, and grazings thereof, Stronchat, Ruirorie, Ruy-Alvaich, used and wont, and as the tenants and possessors of the said lands were formerly in use;—and of all and whole the town and lands of *Nuid Beg*, with pasturages, shealings, and grazings in Aultgories and Rinaultmores used and wont, and as the tenants and possessors of the said lands were formerly in use;—and likewise of all and whole the davoch town and lands of Invertromie, with their pasturages, shealings, and grazings, and with outsetts thereof in Glentromie, called Lynchraggan, Lorachetrach, and Lynmor, with the shealings in Ryncbraggan used and wont, and as the tenants and possessors of the said lands were formerly in use, extending in whole to three davochs of lands, with all houses, biggings, tofts, crofts, &c., parts and pertinents whatever, lying within the parish of Kingussie and Sheriffdom of Inverness.

The person who got the charter is thus seen to be Donald, eldest son of John, which John was younger son of Ewen, real Laird of Cluny. John appears to have got some right to Nuid Beg, his son Donald is confirmed in it and Nuid Mor, &c., who was succeeded by his son William of Nuide, whose son Lachlan succeeded to Cluny in 1722. The misconception of Middle Mor and Middie Beg for Nuid Mor and Nuid Beg is highly ridiculous; as is also

the circumstance that this Donald is made use of *a second time as a totally different person*, when the Baronage is referring to the Nuide line, who succeeded as aforesaid in 1722.

As we have demonstrated that *four in succession* of their published chieftains were not so, but members of other families; in mercy we forbear further exposure of a pedigree hardly less absurd than the famous "Coulhart of that Ilk," which has lately amused genealogists.*

No. 9. (*See Page 27.*)

**MINUTE OF AGREEMENT TWIXT THE CLAN CHATTAN, 1724.
[THE ORIGINAL IS AMONG THE MACKINTOSH WRITS.]**

At Moyhall, the fifteenth day of September, one thousand seven hundred and twenty-four years, it is agreed and condescended on betwixt the parties following, to witt, the Honourable Lachlan Mackintosh of that Ilk, and Lachlan Macpherson of Clunie, in manner to the effect as follows:—That whereas there did arise some differs betwixt those parties and their immediate predecessors anent the chieftainry of Clan Chattan, whereupon there happened a great deal of animosity and inconveniency to both parties; and now seeing the said Lachlan Mackintosh and the said Lachlan Macpherson and their friends find that these disputes were introduced and carried on merely by the private designs of seditious persons and bad instruments, and being conscious that the said Lachlan Mackintosh of that Ilk is the only undoubted Chief of Clan Chattan, by virtue of his predecessor marrying the heiress of that clan, Clan Chattan, anno. twelve hundred and ninety-one years, and is still willing to represent them as such. Therefore, and for the reasons and causes following, the said Lachlan Macpherson of Clunie, as lineal heir-male pretending right to the chieftainry, with the special advice and consent of his friends, does, for himself and successors, pass from and renounce, to and in favour of the said Lachlan Mackintosh of that Ilk, and his successors, all and whatsoever pretensions he had, has, or any ways may have to the said chieftainry for now and for ever, and to make, subscribe, and deliver to him all such writs as shall be found conducing to that end, be the advice of men of law and judgment, and for the said Lachlan Mackintosh of Mackintosh his further security of the said Lachlan Macpherson of Clunie and friends, their dependence, owning, and following him, the said Lachlan Mackintosh, as their principal Captain and Chief by virtue of the said marriage,—The said Lachlan Mackintosh obliges him to assign, dispone, and to and in favours of the said Lachlan Macpherson of Clunie, his heirs and successors heritably and irredeemably, all and hail the dawoch and land of Gellovie, comprehending Kinloch, Muckoull, Innerviddan, Ardverkie, with the two easter ploughs of Gellovie now wadset, including the grazings of Loubain and Benclachan, with all the shealings, grazings, and universal pertinents belonging thereto, together with the three wester ploughs land of Lagganchynich, comprehending Aberarder, Tullochrom, and Strathcommackan, with grazings, parts, and pendicles, &c., all lying within the parish of Laggan and Sheriffdom of Inverness, with teinds both great and small, parsonage and vicarage, as also particularly all the woods growing or that shall grow on these lands above disposed, both Gellovie and Laggan, reserving power to himself and his successors to dispose of as much of said woods as he or his successors shall have occasion for to serve his lands in Brae Lochaber and his friends in the parish of Laggan, with full power to the said Lachlan Macpherson of Clunie and his foresaids to hold courts upon the said lands of Gellovie and Laggan, and enjoy all the privileges and emoluments of the same, as the said Lachlan Mackintosh might have done before the

* Granting that Cluny establishes his status as heir-male (and that is granting a great deal), he will not only be obliged to recall his published genealogy, and confess himself in error, but when the question comes to be argued on the proper principles (of which principles he and his supporters are profoundly ignorant), he will find that all his labour has been in vain, and that he is as far from his object as ever, nay farther, for he will find his pretensions totally annihilated, never to be listened to again by any individual who is in a situation to judge impartially."—(*Extract from the late Mr Gregory's Letter to the late Mackintosh.*)

granting hereof ; the said Lachlan Macpherson and all his tenants and possessors living on the said lands being always obliged to answer to the said Lachlan Mackintosh his courts twice a-year if cited thereto ; with power also to the said Lachlan Macpherson and his foresaids to redeem all the wadsets on these lands as the said Lachlan Mackintosh might have done himself before the granting of the said disposition ; and finally, the said Lachlan Mackintosh and his foresaids bind and oblige them not only to warrant the above-written disposition at all hands and against all mortals as law will, but likewise to warrant the said Lachlan Macpherson and his from all wards, non-entries, reliefs, &c., and of all private and public burdens preceding his entry thereto. On the other hand, the said Lachlan Macpherson of Clunie binds and obliges him, his heirs and successors, to pay yearly to the said Lachlan Mackintosh and his foresaids, their factors or chamberlains, in their name, at the term of Martinmas, the sum of one hundred and eighty-two pounds, thirteen shillings, four pennies Scots money, of feu-duty yearly out of the said davoch lands of Gellovie, beginning the payment of the first year's duty at the term of Martinmas seventeen hundred and twenty-five years, being forehand duty, his entry to the said lands being at the preceding Whitsunday ; as also to free and relieve the said Lachlan Mackintosh and his foresaids of whatever feu-duty is due, and payable to the Laird of Grant out of the three ploughs of the lands of Laggan, and of all others, public and private, burdens and impositions that does or may affect the said lands above disposed in all time coming after his said entry.

Likewise, it is specially provided and declared that it shall not be in the power of the said Lachlan Macpherson or his foresaids to sell or dispone the said lands, or any part thereof, to any person or persons, but to the said Lachlan Mackintosh or his foresaids, or any other than of Clan Chattan that shall embrace the samen, and that under the penalty of five hundred pounds Scots money by and attour performance, and further declaring any right made in the contrary or otherwise granted, void and null ;—as also in regard several scruples may offer in the nature and conception of the disposition above mentioned anent the securing Mackintosh by the said right of disposition, or by any other right lawyers see most secure and proper, for the foresaid end of Clunie and his friends there, and their posterities following. Therefore it is mutually condescended that the samen shall be done by the advice of lawyers, and in so far as the said Lachlan Macpherson of Clunie has be all the ties possible, bound and obliged himself, his heirs and successors, friends and followers, to follow and avow the said Lachlan Mackintosh, his heirs and successors, as Chief of the Clan Chattan ; so likewise the said Lachlan Mackintosh binds and obliges him, his heirs and successors, to support, maintain, and defend the said Lachlan Macpherson, his friends and followers, his and their successors, as his natural kinsmen, to the utmost of his power in all time coming.

And both parties oblige them and their foresaids to fulfil and perform the premises hereinto to each other, and extend the same in ample form on stamp paper, with all clauses requisite and usual, 'twixt the date hereof and the first of March, one thousand seven hundred and thirty-five, under the penalty of one thousand pounds Scots money by and attour performance, consenting to the registration hereof in the books of Council and Session, or other judges' books competent, that letters of horning and all others needful pass hereon in form as effers, and thereto constitute their procurators, &c. In witness whereof (written by Lachlan Mackintosh of Killachie, on stamp paper), day, year, and place foresaid, they have subscribed these presents on this and the two preceding pages, before these witnesses :—Farquhar Macgillivray of Dunglass ; Angus Macpherson of Kylyhunty ; Mr William Mackintosh of Aberarder ; John Macpherson of Banchar ; Lachlan Mackintosh of Strone ; John Macpherson of Crubine ; Angus Shaw of Torrdarroch ; Malcolm Macpherson of Phoness ; James Macqueen of Corrybrough ; John Macpherson of Strathmashie ; Shaw Mackintosh, younger of Borlum ; James Macpherson of Invernahaven, younger ; Donald Mackintosh of Dalmigavie ; John Mac-

pherson of Ovie ; Lachlan Mackintosh, merchant Burgess of Inverness ; Robert Macpherson in Dalmagerrie ; Lachlan Mackintosh of Knocknagail ; John Shaw of Craigfield ; Angus Shaw, servitor to the Laird of Mackintosh ; and the said Lachlan Mackintosh, writer hereof, witnesses and consenters, and witnesses also to the marginal note.

(Signed) L. MACKINTOSH.
 ,, LA MACPHERSON.

(Signed) Farquhar Macgillivray, witness and conserver ; Angus Macpherson, witness and conserver ; William Mackintosh, witness and conserver ; John Macpherson, witness and conserver ; Lachlan Mackintosh, witness and conserver ; John Macpherson, witness and conserver ; Angus Shaw, witness and conserver ; Malcolm Macpherson, witness and conserver ; James Macqueen, witness and conserver ; John Macpherson, witness and conserver ; Donald Mackintosh, witness and conserver ; Shaw Mackintosh, witness and conserver ; James Macpherson, witness and conserver ; Lachlan Mackintosh, witness and conserver ; J. M. P., witness and conserver ; Lachlan Mackintosh, witness and conserver ; Robert Macpherson, witness and conserver ; John Shaw, witness and conserver ; Angus Shaw, witness and conserver ; Lachlan Mackintosh, witness and conserver.

No. 11. (*See Page 31.*)

"CLUNY MACPHERSON" AS A TITLE.

There was lately some discussion in the columns of the *Inverness Advertiser* regarding the assumption of title by Scottish Bishops, and Colonel Macpherson of Cluny having written the following letter,

"DUNACHTON, PAST AND PRESENT."
TO THE EDITOR OF THE INVERNESS ADVERTISER.

SIR.—Having recently observed in the *Advertiser* newspaper articles under the above heading, I now address you, with reference to them, to say that, had your correspondent confined himself to the mere publication of documents, it was not my intention to have taken any notice of his narrative; but seeing that in the paper of the 9th instant insinuations are made, inferences and conclusions drawn (from a one-sided statement), adverse to my claim to the Chiefship of the Clan Chattan, and it being evident that "Dunachton, Past and Present" is neither more nor less than an attempt to reintroduce the vexed question of the Chiefship under a new phase, I deem it incumbent on me to say that the statements referred to could easily be refuted (as they have been on former occasions), were I inclined again to enter into a newspaper controversy. But in the present state of society, and having every objection to discuss questions of Chiefship, which might tend to alienate friendships at present existing, I think the subject would for the future be much better avoided in the columns of a public journal.—I am, Sir, your most obedient servant,

CLUNY.

was instantly pounced upon by some person familiar with the Scots Acts of Parliament, who wrote thus :—

ILLEGAL TITLES.
TO THE EDITOR OF THE INVERNESS ADVERTISER.

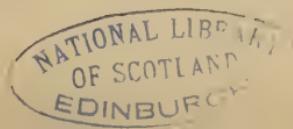
22d March 1860.

SIR.—A notice by a correspondent of the awkward position of our much-respected Bishop in Tuesday's paper induces me to point out a case of a somewhat similar though scarcely of so noteworthy a character. I refer to the case of the esteemed Colonel Macpherson of Cluny, whose ordinary signature of "Cluny" seems to be directly in the teeth of an Act of Parliament. In so doing, Colonel Macpherson, a commoner, violates the Act of Charles II., titled "Act concerning the privileges of the office of Lyon King at Arms," and has exposed himself to the consequences. I annex extract from that Act, and remain, yours, &c.,

A RESPECTER OF THE LAW.

EXTRACT FROM ACT OF 1672 :—

" And His Majesty with consent foresaid declares that it is only allowed for noblemen and bishops to subscribe by their titles ; and that all others shall subscribe their christened names, or the initial letter thereof, with their surnames, and may, if they please, addect the designation of their lands, prefixing the word 'of' to the saids designations. And the Lyon King at Arms and his brethren are required to be careful of informing themselves of the contravengers hereof, and that they acquaint His Majesty's Council therewith, who are hereby empowered to punish them as persons disobedient to and contravengers of the law."



About the middle of the seventeenth century, a vulgarism arose in the matter of designation, chiefly from Lowland sources, in *putting a man's property before his surname*. This was a solecism in language, and an error in grammar. It was chiefly used by the trading and humble classes, and with the progress of education has fallen almost entirely into disuse. It was not confined to any one surname, being, among Highland surnames, applied to Frasers, Grants, Mackenzies, Munros, Mackintoshes, Macdonalds, and others. "Cluny Macpherson" is supposed by some who ought to know better, to have a rank and significance of its own. At the time it was first used, the terms "Invereshie Macpherson," "Phoness Macpherson," "Pitmean Macpherson," "Killyhuntry Macpherson," &c., were also common; and a notorious rogue who commanded the Castle of Ruthven during the usurpation,—an open sorner and oppressor,—was well known as "Powrie Macpherson," though his proper name and designation was "Dougald Macpherson of Powrie."

In point of historic truth, the words "Cluny Macpherson" have no rank or real significance, having had their origin in vulgarism and error. To use them involves as much absurdity as if one said "Lochiel Cameron" or "Seaforth Mackenzie;" and the reader can imagine with what indignation these chiefs would resent such designations. "Cluny Macpherson" by itself is singly erroneous, when it is "Cluny Macpherson of Cluny Macpherson," it is doubly erroneous, and the climax was reached when the words "The Cluny Macpherson, Chief of the Clan," was written on a card left at St James's. "Ta Farson" of humorous song is nearer the correct thing; for among Commoners the only three distinctive terms of rank Colonel Macpherson could correctly use, if he had right to do so, are—1st, The Macpherson; 2d, Macpherson of Macpherson; and 3d, Macpherson of that Ilk.

No. 10. (*See Page 28.*)

RENTAL OF CLUNY'S LANDS IN LAGGAN, HELD OF
THE MACKINTOSH, 1864.

1. Aberarder	...	...	...	...	£550	0	0
2. Inn and Land, Loch Laggan	...	...	...	...	22	10	0
3. Laggan, Muckoull, and part of Loch Erricht Side	...	...	...	...	325	0	0
4. Lime Quarry, Loch Laggan	...	...	...	...	12	0	0
5. Shootings, Fishings, and Deer Forest—Gellovie, Benalder, and Loch Erricht	...	...	...	...	*1350	0	0
6. Shootings of Aberarder	...	...	...	...	150	0	0
					£2399	10	0

No. 12. (*See Page 33.*)

FAMILY CURSES—1. MACKINTOSH; 2. BORLUM.

1. It is now impossible to get at a satisfactory solution of the story of the curse pronounced upon the Mackintoshes. It is difficult, in face of the inveteracy of the tradition, to resist the conclusion that the story had some foundation. The character of the various chiefs was by no means cruel, though some of them had an *acquisitive* reputation. According to Mr S. F. Mackintosh of Farr's Collections, the occurrence happened after the chiefs occupied the Isle of Moy, but this is certainly too recent a period. He says that Mackintosh, under guise of friendship, invited the lady whom he wished to marry, with his favoured rival, to his island keep; that he there caused his rival's head to be struck off, upon the knowledge whereof the lady became insane, "and roamed houseless round the country for a long time. At last she was found dead upon one of the wild mountains of Badenoch, where she was buried. The place is called 'Kist Maratt,' and is pointed out to this day as the resting-place of that unfortunate lady." He states also that Mackintosh having married, the maniac appeared an unbidden guest at the christening of his heir, pronounced the curse, and vanished.

* These subjects are held on a life lease by the Marquis of Abercorn; but if now in the market, would, it is understood, fetch upwards of £2000 per annum.

Consulting a witch, as the tradition goes, Mackintosh was told that if he repented and gave largely in charity, the curse would be suspended until several generations passed, but once operative would last until such time as the chief for the time should happen to marry a lady of the same name as the maniac. The name is lost.

2. Lachlan Mor Mackintosh, about whom so much will be found in the body of this work, had dealings with people over all the north—from Inveraray to Aberdeen. He seems to have been a good deal mixed up with the Innes's of Invermarkie, of good stock and large possession, but at this time in constant troubles and embroilments. Lachlan's second son, William, married Bessie Innes, sister of Robert Innes of Invermarkie, about 1599, and we have not found anything cruel in his recorded deeds. John Maclean, the Inverness Centenarian, relates a lot of rubbish about the oppressions of the Borlums *during the reigns of James V. and Queen Mary*;—whereas the historic family of Borlum, sprung from William before referred to, acquired the lands only about the year 1618. Before this time, William was styled of Benchar (see the Bond of Union among the Clan Chattan 1609.) Consistently with truth, we cannot say much in favour of our ancestress Bessy Innes, and at her door alone we fear must the murder of the Provost of Inverness be laid. At present we have to deal with the consequences of that deed. Mrs Junor is reported to have cursed the family, whose name would be lost on the earth. This grieved Borlum very much, and he took some steps not uncommon in these superstitious times to get the curse modified if not removed, and received for answer that if he sincerely repented, and lived thereafter a proper life, his family for several generations would thrive, but thereafter his descendants would sink lower and lower until their names were blotted out; not, however, in all time, for their latter days would be greater than their beginning. The first two parts of the curse have been fulfilled to the letter, and with reference to the third, as a hundred years nearly have elapsed since the last Borlum took flight, we hope the good time for those of that ill-fated house is not far distant. The landholders in the north of the house of Borlum are three in number—Mackintosh of Geddes, descended of John of Lynvulig, second son of Lachlan, 2d of Borlum; and Fraser-Mackintosh of Drummond, and Mackintosh of Raigmore, descended respectively of Duncan and Joseph, third and fourth sons of William, 3d of Borlum.

We are almost warranted in asserting Borlum's repentance, and his dying with an easy conscience, from the preamble of his will, which, as it is expressed in correct and touching language, is here given:—

"At Edinburgh, the sixth day of April, the year of God 1625 years, and of the reign of our Sovereign Lord Charles, by the grace of God King of Great Britain, France, and Ireland, Defender of the Faith, and of his reign the first year; the which day I, William Mackintosh of Borlum, being presently whole in spirit, mind, and body (praised be God), yet considering that there is nothing more certain nor death, and more uncertain than the time and manner thereof, by these presents makes my latter will and testament in case of my decease, in manner after following:—First, I recommend my soul to God, hoping in his eternal mercy to be saved through the precious blood and merits of Jesus Christ my Saviour, and ordains my body to be honestly buried in the kirk of Pettie as effeirs. Item—I, by these presents, makes, nominates," &c., &c.

Mr. 184



19 15



William Robert Reid

