



ANNE FARQUHARSON, LADY MACKINTOSH —
1745-6.

Historical Memoirs
OF THE
HOUSE AND CLAN OF MACKINTOSH
AND OF THE
CLAN CHATTAN

BY
ALEXANDER MACKINTOSH SHAW



MOY HALL, INVERNESS-SHIRE. WEST FRONT.

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TO

MISS EVA HERMIONE MACKINTOSH

OF MACKINTOSH

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THE AUTHOR.

*Only 300 copies of this work have been printed,
50 of these being on large paper.*

PREFACE.

THE germ from which this book has grown was a genealogy of my own family, written in a large Bible which had belonged to a great-grandaunt (see note on p. 111), and showing the steps of our descent from the early chiefs of Mackintosh through Shaw Mor, whose successful leading of the Clan Chattan champions at Perth in 1396 it duly recorded. This genealogy I copied more than twenty years ago, while still in my adolescence. Here and there I gleaned further particulars of the clan's history from such published books as fell in my way, and carefully made notes, for use as opportunity should offer, of other books and records which I judged would afford additional information. After taking up my abode in London fifteen years ago, I spent much of my spare time in the Reading Room of the British Museum, and my "Collections" increased rapidly. Becoming warmer in my pursuit of information as my store grew, I extended my researches to the Public Record Office in London and the Register House and Advocates' Library in Edinburgh; I

commenced the formation of a Highland library; and in 1869, by the kindness of the late Mackintosh, I made the acquaintance of the Kinrara MS. History of the clan. I had already arranged my notes and extracts in chronological order, and had written short connected histories of the Mackintoshes and Shaws, but this valuable MS. became the real groundwork of the book as it now appears, and in fact led me to the decision of writing it.

The greater part of the book was written and ready for the press seven years ago, but circumstances for a time delayed its completion. Experience subsequently led me to doubt whether in the present busy age such a book would have a chance of seeing the light—whether the Clan Chattan of to-day, for whom and for whose posterity my task was undertaken, possessed sufficient interest in the history of their forefathers to induce them to bear a share of the cost of production; and I gave up all thought of printing the book until I should be able to do so at my own charges. Lately, however, two or three zealous clansmen have urged me to make a trial of their brethren, and I must admit that the result, though perhaps scarcely so conspicuous as it should be, has surpassed my expectations.

To the members of the clan and of the general public who have responded to my appeal for assistance I desire now to express my thanks. Among those who have kindly seconded my appeal, to whom my warmest acknowledgments are due

and given, is one who I feel ought to have special and honourable mention here. But for the unsparing exertions of Mr. Alexander Mackintosh, Forfar—personally a stranger to me—and the constant encouragement he has given me, the book would not now be in the hands of subscribers. Mr. Mackintosh has proved himself a true Highlander and loyal clansman, and worthy his ancestor who at Culloden, with both legs carried away by a cannon shot, like Widdrington “fought upon his stumps” to his last gasp for the honour of his name and race.

A few words are needful in regard to the matter and arrangement of the book. In the first place, I have endeavoured as far as possible to give a history of the clan as a whole, not merely of individuals, although the actions of some of the chiefs and leading men are necessarily brought into prominence. Secondly, to avoid making the book cumbrous, and perhaps tedious to the general reader, I have as a rule contented myself with mere references to the numerous bands and other documents connected with my subject, or with brief extracts from them where such seemed to contain matter of interest or importance. Thirdly, it will be observed that particulars of the descent of only the leading families in the clan are given—the object of the book being history, not genealogy; to have given in a full and correct form all the genealogies which might be

obtained would have required years of research, and would have been of small interest to the clan at large.

The references to and extracts from State Papers, Privy Council Registers, and other records have as a rule been made from the originals in their various repositories. Since they were made, and even while this book has been in the press, some of these records—notably the Registers of the Scottish Privy Council in the 16th century—have been given to the public in a printed form, and I find that in my examination of the original documents, unaided as I was by indexes, I overlooked much interesting matter relating to the clan. This knowledge comes too late to be turned to account at present, but I may observe that the matter thus overlooked is not adverse to the correctness of the clan history given in these pages, or necessary to its continuity. Many other particulars of interest, being of comparatively trivial importance, have been omitted with the view of keeping the book within reasonable limits as to size.

I have to acknowledge with gratitude the assistance which has been freely and kindly rendered me from time to time by owners of documents relating to clan affairs and by gentlemen versed in Highland history. Among the latter I will only mention Mr. Charles Fraser-Mackintosh, M.P., to whose invaluable *Antiquarian Notes* and *Invernessiana*

I have been frequently indebted, and than whom I know no one more competent to write properly—as it is to be hoped he some day will—the history of Clan Chattan.

If the reading of my attempt at a History of this great clan prove as pleasant to others as the task of preparation has been to myself, I shall be amply rewarded for my labour. As concerns those readers who belong to the clan I have a deeper and closer interest. They will read of ancestors, loyal and true to their chief, their prince, and themselves, who stood manfully by each other in time of adversity as well as shoulder to shoulder in the battle-field, and who nobly did what they believed to be their duty. The knowledge that we are come of such ancestors should be an incentive to imitation of their virtues; and if my book have any effect in fostering loyalty and fidelity, self-respect and brotherly love, among the members of the now widely scattered clan, my chief object in writing it will be gained.

A. M. S.

CHIPPING BARNET, HERTS,
28 *October*, 1880.

[POSTSCRIPT.]

THE long-expected third volume of Mr. Skene's *Celtic Scotland* has just made its appearance; and in view of the nature of my remarks in chapters I., II., and IV. on that author's work of 1837, I have judged it only fair to him that I should see his new volume before issuing my own, in order that any change of view on his part in regard to the points on which I have ventured to join issue with him might be duly acknowledged.

I find that Mr. Skene's views on some of these points are considerably modified, as I expected they would be. For example, he appears to have abandoned his theories as to the "eldest cadetship" of the Mackintoshes and as to their acquisition of the headship of Clan Chattan in consequence of the fight at Perth in 1396, as well as his idea that the cause of this fight was a dispute for precedence between the Mackintoshes and Macphersons (see pp. 7, 121 of this work); in fact he now makes the Camerons, and not the Macphersons, the defeated party. But in other respects his views as set

forth in the new work are as open to objection as those in the old, notably in regard to the community of stock of Clans Chattan and Cameron. This community of stock he more than once affirms, apparently on no stronger evidence than that of the last sentence in the passage from Major given on p. 123, which sentence he quotes, but without reference to the context as in the original edition of Major. I have no wish to deny the *possibility* that the two clans were connected in their remote origin: all I say is, that no sufficient evidence of such connection has yet appeared, and therefore that no writer is justified in affirming the connection as a fact.

Mr. Skene's faith in the far-reaching MS. Genealogies of the clans by Irish and other seannachies seems scarcely less strong now than it was forty-three years ago, and he seems to have as great dislike to the genealogies or traditions of any particular clan when these and the MSS. are not in accord. By the aid of these Irish MSS., of the passage which I quote on p. 30 (*note*), and of a few references to individuals of the name of Mackintosh, he has compiled an account of the Mackintoshes and Clan Chattan which will—to say the least—be new to most of his readers (*Celtic Scotland*, iii. 357).

For a writer who takes a general view of the history of a country or people, it is of course difficult to examine carefully and in detail all the materials which are available, and there is a strong temptation

to generalise on solitary facts or insufficient data ; while, if such a writer happen to be prepossessed with “ theories ” in connection with his subject, he is apt to make all else subordinate to them, and to overlook or reject anything which may not fit in with them. Although grateful for Mr. Skene’s new contribution to the national history, as all students of that history must be, I cannot but feel that, so far as concerns the part of his work in which I have most interest, the difficulty just indicated has not been surmounted, and theories and prepossessions have been allowed too much sway.

19 *November*, 1880.

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NOTE.—The engraving of Moy Hall, the residence of The Mackintosh, is from a photograph taken in 1880; that of Anne Farquharson, Lady Mackintosh, is from an original painting by Allan Ramsay preserved at Moy.

Ben Davidson

THE MACKINTOSHES AND CLAN CHATTAN.

CHAPTER I.

Introductory Remarks—Tradition and Speculation—Early History of the Highland Clans; Mr. Skene's Speculations and the MS. of 1450—The Mackintoshes' account of their origin—The name "Mackintosh"—Shaw "MacDuff," founder of the family—Shaw, second chief—Ferquhard, third chief—Shaw, fourth chief—New Possessions; Rothimureus—Ferquhard, fifth chief—Troubles from the Comyns.

"THE first ages of Scottish history are dark and fabulous. Nations, as well as men, arrive at maturity by degrees, and the events which happened during their infancy or early youth cannot be recollected and deserve not to be remembered." The judgment contained in these words, with which Principal Robertson commences his History of Scotland, is on the whole both sensible and just. Any one who endeavours to gain an insight into the history of his country in the ages antecedent to civilization must feel, after a short time, the almost utter futility of his researches. His view seems bounded, perhaps

less than half way on the course he wishes to trace, by dense clouds of obscurity and doubt; and these, intensified by the course of time and augmented by the fables and wild speculations exhaled from the successive centuries, seem to defy any attempt to dispel or pierce through them. Here and there a rent in the cloud reveals to him the fact that the original inhabitants waged war or followed the chase armed with implements of stone or bronze, that they defended their country against Roman legions and Norse rovers, or that the doctrines of Christianity were from time to time preached among them; but little more than these and similar generalities does the most careful scrutiny succeed in bringing to light.

The student of Highland history finds comparatively the same obscurity and uncertainty enshrouding the origin and early existence of many of the clans, increased no doubt by the speculations and romantic fables which in the course of time, and with the sanction of tradition, have passed into the form of semi-historic dogmas. Tradition is admittedly liable to error, and speculation implies uncertainty; the *dicta* of neither therefore can be accepted as history, which is a record of ascertained facts. Their proper place is that of auxiliaries to history, and when restricted to this they are often of great value. But with regard to the origin and genealogy of the Highland clans it cannot be denied that much of the speculation bestowed upon the subject has succeeded only in making "confusion worse confounded,"

and in drawing closer that veil of cloud which it has been its professed purpose to remove. Nor is the evidence of tradition on the same subject more worthy in general to be relied upon. The accuracy of the accounts given by seannachies of the origin and descent of the clans is too frequently more than doubtful. A fondness for the distinction implied by ancient or noble lineage has always been a principle of human nature; and so, to flatter the pride of their patrons, and at the same time not unmindful of the due meed of their song—for “when the hand of the chief ceases to bestow, the breath of the bard is frozen”—the seannachies were wont to give their chiefs long descents from “great and glorious, but forgotten kings,” or from remote heroes who never existed save in fable or in their own imagination; and these fictitious genealogies in time assumed the shape of tradition. The historians of later years, again, have in some cases altogether rejected traditional evidence as being without an atom of truth, or have used it to prop up some theory of their own perhaps as unfounded and unreasonable as the most absurd fable ever invented. Those who have largely used tradition in support of their own ideas have as a rule taken an overstrained view of it; while those who have refused to acknowledge it at all have been monstrously unjust, for genuine tradition, however much it may alter and confuse the details of ancient events, is usually found to be accurate in its record of main facts. The only

course by which we can hope for plain sailing is that which, while not altogether independent of the aid of tradition and reasonable speculation, is indicated, in its main points at least, by written remains of contemporary or nearly contemporary date ; and the writer of early Highland or Scottish history must either be content to direct his researches according to the indications thus afforded, or grope half-blindly in the dark.

It is not until about the 12th century that the history of Scotland emerges from its state of dark chaos, and really begins to assume some degree of consistency and shape. Nearly all before that time is either a blank page or so obscure that but little can be deciphered. With the reigns of the immediate successors of Malcolm Cean-mor come light and civilization ; the art of writing begins to be more extensively known and employed, and lands are first held by written tenure. Religion, which since its first planting in the land has existed only as a tender herb in a dark place, now experiences a mighty revival ; churches and monasteries are built, particularly under the saint-king David, that "sore saint for the crown ;" and the monks, the only scribes and lawyers, become the historians of the period. The history written by these has come down to us in the deeds and other writings preserved in their abbeys and monasteries, and it is to them we owe most of our knowledge of early family history and genealogy, as well as of the manners and customs of their time.

Thus much for the dawn of civilization in the southern parts of Scotland; but new ideas of any kind have always required some time to pierce through the mountain barriers which separate the Highlands from the Lowlands, and we may pass on at least to the next century before we can arrive at any certain facts in the history of the Highland tribes and clans; even then our information is far from being full or precise. It is, however, at that period that we begin to gather knowledge as to the localities inhabited by the various clans, the names and succession of some of their heads, and, though only in a slight degree, their connection one with another. The race of the Gael, which had previously occupied nearly the whole of the country now called Scotland, had by the 13th century been finally hemmed within those mountain regions from whose recesses they defied their Saxon foes, and of which they have continued ever since in almost undivided possession. They had also been brought into connection with the throne, and even into some degree of subjection to it, by the establishment among them of sheriffdoms in the reign of Alexander II.; and many of the arts which had been brought into the country by the great Saxon tide of two centuries before, and had helped to raise the Lowlands from their original rude condition, had passed through the mountain defiles into the Highlands and begun their work there. The ecclesiastics, always the pioneers of civilization, had of course borne the chief share in

introducing these ameliorating influences among the half-savage tribes, and it is to their labours in the 13th century that we are indebted for the greater part of what little we know of the Highlands in and before their time.

Indeed, to the 12th and 13th centuries may be ascribed the beginning, not only of our knowledge of the Highlanders, but of most of the clans themselves as they were known in succeeding periods of history. By the middle of the 13th century the Gaelic race had settled down, so to speak, after the great shaking they had undergone in the devastating wars waged against them for nearly two hundred years by the Scottish monarchs from Edgar to Alexander II. The few great tribes into which they appear to have been previously divided had then become broken up into smaller divisions or clans, each of which had acquired a local habitation and a name, and dwelt in its own valleys under the rule of its chief. The history of the clans, therefore, in the majority of cases, properly commences at about this period, before which we know little or nothing of them individually.

The parentage and early settlements of the various clans have been treated *seriatim* by Mr. W. F. Skene in his work published in 1837, and entitled *The Highlanders of Scotland*; and whatever may be the opinion as to some of the deductions and theories of that gentleman, it cannot be denied either that his work, juvenile production though it be, testifies

to a vast amount of research, or that it contains matter of the greatest value and interest. The manner in which the subject is treated is original and ingenious ; but it can scarcely be held that the author's positions are all satisfactorily proved. This is not the place, however, to enter into any criticism of *The Highlanders of Scotland* further than our immediate subject requires. It is no more than a just tribute to Mr. Skene's well-earned reputation and prolonged labour as a Celtic scholar to state that his work has been the means of correcting many wrong impressions with regard to Highland history ; but at the same time, unfortunately, it has been the means also of introducing others, which the learned author himself, were he now to publish a second edition, would no doubt do his utmost to remove.

Among the erroneous impressions to which the speculations of Mr. Skene have given rise is one affecting closely the subject of these pages, concerning the parentage of the Clan Mackintosh. Backed by the doubtful authority of a MS. genealogy of the 15th century, supposed to have been compiled by one Mac Lachlan, Mr. Skene lays it down that the Mackintoshes are radically a branch of the great Clan Chattan, and that the proper position of their heads in relation to the rest of that clan is that of oldest cadets, as being sprung from Neill, second son of Gillicattan Mor, the alleged founder of the race of Clan Chattan ; the elder brother of Neill, by name

Neachtan, having been the progenitor of the Macphersons. On the assumption that all this is correct, Mr. Skene enters on the vexed question of the right to the headship of Clan Chattan, and proceeds to pronounce judgment on the rival claims of Mackintosh and Macpherson of Cluny to that distinction, by the statement that "the fact of the Macphersons being the lineal and feudal representatives of the ancient chiefs of Clan Chattan rests upon historic authority, and that they possess that right by blood to the chiefship of which no charters from the Crown, and no usurpation, however successful and continued, can deprive them." He further considers as established "the hereditary title of the Macphersons of Cluny to the chiefship, and that of the Mackintoshes to their *original position of oldest cadets* of the clan."¹ He brings forward, as strong presumptive evidence in favour of his theory that the Mackintoshes were originally oldest cadets of Clan Chattan, the circumstances of their using the title "Captain," and of their asserting a foreign origin and a marriage with the heiress of the old chiefs—these circumstances being analogous to those of the Camerons of Locheil, who he has little doubt were oldest cadets of the Clan Cameron, and had usurped the station of head of the clan on the decadence of the Macmartins of Letterfinlay, the old chiefs.²

¹ *Higl. Scot.* ii. 172-174.

² *Higl. Scot.* ii. 172, 195; also 22 and i. 177. With regard to the title of Captain see chap. ii. of this work.

This theory is certainly plausible, and many persons, having no particular interest in sifting the matter, or believing that whatever bears the name of so distinguished a Celtic scholar as Mr. Skene must necessarily be correct, have been led astray by it. But in the first place—without dwelling upon the entire absence of any satisfactory evidence as to the identity of the Macphersons and Mackintoshes with the persons named in the MS., or as to the identity of these persons with the early chiefs of Clan Chattan—there can be very little doubt that the MS. of 1450, however valuable it may be as a specimen of early caligraphy, is of small value as a record of genealogy. The very fact of its professing to give genealogies of *most* of the clans, and of its carrying back some of these genealogies to periods considerably anterior to the year 1000, almost amount to proof of its untrustworthiness. Mr. Skene indeed admits that the genealogy is not to be relied upon before A.D. 1000, but there is no good reason for believing it to be entirely correct a hundred or even two hundred years later. The genealogies of the clan seannachies are fully as much entitled to belief as those of this unknown scribe—perhaps more so, for the reason that they are generally confined to a single clan—and if their testimony be rejected, it is not easy to see why that of the supposed Mac Lachlan should be unreservedly admitted. Again, the genealogies which the MS. gives of the various clans often differ very considerably or altogether from

those held by the clans themselves, some of which are of as great antiquity, and are therefore entitled to as great regard, as the MS. itself. On the whole, then, it seems evident that too much value is attributed by Mr. Skene to this MS. of 1450; as Dr. Browne remarks, "whatever weight may be given to it when supported by collateral evidence, it is not alone sufficient authority to warrant anything beyond a mere conjectural inference."¹

In the second place, the argument derived by Mr. Skene from the analogous case of the Clan Cameron—analogous in respect of the use by its heads of the title "Captain," and the assertion of a foreign origin and a marriage with the heiress of the last chief—proves nothing, and Mr. Skene does not even speak with any degree of certainty as to the identity of the family of Locheil with the oldest cadets of their race; he is only "led to suspect" that such was the case.² To say the least, it is difficult to understand how he arrives at the conclusion (for his words intimate that it is nothing less than a conclusion)³ that the Mackintoshes were a "usurping *branch*" and the Macphersons possessed the sole right by blood to the headship of Clan Chattan, from the mere fact of the use of the title "Captain," and the assertions as to foreign origin and marriage already mentioned, by the Mackintoshes.

Much more might be advanced against the con-

¹ *History of the Highlands*, by James Browne, LL.D. iv. 472.

² *Highl. Scot.* ii. 194.

³ *Ibid.* 172.

clusions and speculations of Mr. Skene on this subject, but enough has perhaps been said to show that that author fails not only to prove the Mackintoshes to be cadets of the old Clan Chattan, but also to shake in the least the account they themselves hold of their descent from the Thanes of Fife.

This account, although rejected by Mr. Skene and ignored by the compiler of the MS. of 1450, can yet boast a respectable antiquity, having existed in a written form since the latter part of the 15th century—about fifty years after the supposed date of the MS. Independently of any weight or estimation to which its antiquity may entitle it, the account is in perfect keeping with the history of the times to which it refers, while the very simplicity of the facts which it states seems to convey an air of extreme likelihood, not to say of truth.

From the death of King Edgar in 1106 to the time of Alexander II., the Gaelic population of Scotland—by that time restricted to very nearly the districts which they now occupy—and especially that portion inhabiting the districts of Moray and Ross, were in almost constant rebellion, partly on account of their adherence to the Gaelic principle of succession to the throne, partly on account of their inveterate antipathy to the Saxon race and jurisdiction. Again and again did the various monarchs march against the rebellious tribes, each time devastating their country, and to all appearance

crushing them completely and finally ; yet no sooner had they recovered from each successive shock, and obtained some claimant of the crown for whom to fight, than they were again in a blaze of insurrection which vented itself in destructive flashes upon the neighbouring Saxon districts, and threatened the stability of the throne itself. In times such as these, when on the one hand expulsion and forfeiture were frequent among the conquered tribes, and on the other common prudence demanded that the disaffected districts should be kept in awe and subjection by the constant presence in them of royal garrisons—when also means were thus afforded by which the monarch could reward his followers by grants of land—it is natural to look for the foundation of new families. Accordingly we find that to this period many families which have made a name in the history of their country trace their settlement in the north. “The influx of Southern,” says Professor Cosmo Innes, “which was so remarkable a feature of Scotch civilization from the reign of Malcolm Canmore downwards, set most strongly over the wheat growing plain of Moray ; and before the end of the 13th century Celtic tenures and customs had disappeared ; all the great lords of the soil, all the crown vassals, all the recorded benefactors of the Church, were unmistakably Normans or Saxons, holding their lands for military service.”¹ Among

¹ Preface to *Book of the Thaness of Calder* (Spalding Club) ; *Sketches of Early Scotch History*, 395.

others, the Bysets were placed by Malcolm IV. about the Beaully Firth and the head of Loch Ness; the family of Innes was planted in what is now the shire of Elgin; and the Mackintoshes have always held that the original settlement of their family in the north took place on the grant to their founder of the lands of Petty and Breachly by Malcolm IV., and upon his being entrusted with the keeping of the Castle of Inverness.

Shortly after the accession of the youthful Malcolm IV., the Highlanders, having found a pretext for insurrection in the claim of William the "Boy of Egremont," great-grandson of Malcolm Cean-mor, to the crown, rose in arms, and besieged the king at Perth. No fewer than seven of the earls of the kingdom took part in this rising; among them were the powerful Earls of Strathearn and Ross. This was but the beginning of a series of rebellions and disturbances which continued for nearly the whole of Malcolm's short reign. In 1161-3 a rebellion broke out among the Moray tribes, who appear to have recovered from the effects of their overthrow by Alexander "the Fierce" forty years previously; this became so serious that the king, after the defeat of Gilchrist, Earl of Angus, went in person against the insurgents, whom he met near the Spey, and, according to some old historians, defeated and almost totally cut off in a great battle on Urquhart Moor. Other early authorities have it, however, that the king negotiated with them, promising them their

lives if they would submit; and that his offer being accepted, he kept his word, but required all engaged in the rebellion to remove to other parts of the kingdom. Neither of these accounts may be wholly incorrect; it is not improbable that a sanguinary battle was followed by negotiations, in the terms related, with the survivors of the vanquished tribes and others of their countrymen who had been absent from the field.

King Malcolm was attended on this expedition by SHAW, or SEACH, second son of Duncan Macduff, fifth Earl of Fife, who is said to have rendered such assistance as conduced in a great measure to the restoration of tranquillity. For his services Shaw was rewarded by a grant of some of the lands occupied by the rebels, and was appointed Constable or Governor of the Castle at Inverness. On account of his high descent, his father being at the time one of the principal persons in the kingdom, he is said to have been called *Mac-an-Toiseach*, "son of the foremost or chief man," which designation continued to be applied to his descendants as their patronymic, and remains to this day in the well-known name which stands prominent throughout these pages. Shaw Mac-an-Toiseach, as custodian of Inverness Castle and lord of Petty and Breachly and of the forestry of Stratherne,¹ remained in the north, where

¹ Petty is on the southern shore of the Moray Firth, about six miles from Inverness. Breachly is in the neighbouring parish of Cawdor. Stratherne, or Strathdearn, is the valley of the

his family took root, flourished, and soon became firmly established.

The Rev. Lachlan Shaw, in his *History of the Province of Moray* (p. 44), says, "No one questions that this (family of Mackintosh) is a branch of the Macduffs, Thanes and Earls of Fife;" and quoting from the Chronicle of Melrose he states, as confirming the probability of the account just given, that "when Prince Henry, only son of King David I., died anno 1152, and the king declared Malcolm, the son of Henry, successor to the Crown, he committed him to Duncan, Earl of Fife, to bring him through all the countries, and to have him proclaimed in all the Burroughs Heir of the Crown," and that in this tour "Shaw Macduff accompanied his father, and got into the favour of the young Prince, who afterwards preferred him as said is."

The fact that the inhabitants of Moray—Murrayes or Moravienses—were in frequent insurrection during the reign of Malcolm IV., and that their power was completely crushed by that monarch, is undoubted; and there is every reason to believe that in the array of chivalry which followed the king in his expedition against the insurgents would be found, in a situation of some eminence, at least one of the powerful and important family of Macduff.¹ It is also generally

Findhorn, but the name was probably applied at first to the lower part only. Petty, Brauchy, Stratherne, and the Moy (near Forres), are mentioned as in the occupation of the Ogilvies, being part of the lordship of Moray, in 1516.

¹ The importance of the family was at this time somewhat

admitted that, as a means of effectually curbing these troublesome men of Moray—" *homines inquieto semper ingenio*," as Buchanan speaks of them—the chief among them were compelled to remove to other parts of the country; and in assigning some of their lands to his follower Shaw Macduff, the king would be only acting in accordance with the course almost invariably pursued in similar cases, whether in Scotland or elsewhere. It appears therefore, on these grounds alone, that the account which has obtained for so many centuries among the Mackintoshes of the origin of their family, and which has been accepted by numerous heralds and genealogists both early and recent, contains a considerable amount of probability, and no sufficient reason has ever been given for doubting it.

The name "Mackintosh" is considered by some to mean "son of the *Thane*," by Mr. Skene to imply that its founder was son of the oldest cadet of the clan. The fact that some of the Macduffs bore the title of Thane has doubtless given rise to the former opinion, which is not altogether erroneous, inasmuch as a person possessing the power and dignity of a Thane would be the *principal person* in the district comprising his Thanedom. With regard to Mr. Skene's opinion I may remark that, although some of

augmented by its connection by marriage with the throne; Duncan, the sixth earl (Shaw's brother) having married Ada, daughter of King William, as appears from a charter of the lands of Strathmiglo, Falkland, &c. in 1159.

the functions of the oldest cadet of a clan may have given him a title to the designation "Toseach," there is no reason for supposing that the designation was peculiar to persons holding such a position ; and as there must have been an oldest cadet in every clan it seems strange, if Mr. Skene's derivation be correct, that the name Mackintosh should be altogether confined to the clan now before us. The simple meaning of the word "tus," "tos," or "tosich," is the "*beginning* or *first part* of anything, and sometimes the front of an army or battle," whence *foremost* or *principal*. Another opinion is that the name Mackintosh was first given to the son and successor of Shaw Macduff, the said Shaw, as the principal man in Inverness and the districts near, being the Toseach. This also is not devoid of likelihood, although it is perhaps not so likely to be correct as the opinion that the name originated in the exalted parentage of the founder of the clan. "The administrator of the Crown lands, the collector of rents, the magistrate and head man of a little district," says Professor Innes,¹ was "known among his Celtic neighbours as the 'Toshach ;'" taking "a charter of the whole district from the sovereign he became, under the Saxon name of Thane, hereditary tenant." These were no doubt the conditions under which Shaw Macduff occupied the lands assigned to him, for there is abundant evidence to show that the feudal tenure existed and that all real estate in the

¹ *Sketches of Early Scotch History*, 396.

more civilised part of the kingdom had its source in the Crown, even at the early period of Malcolm IV. ; and it may be remarked that the Mackintosh lands of Petty were for a long time afterwards known as "Crown lands." Shaw would thus be the "Toshach" of his district. But there were others who would have the same title and functions, also among the Gaelic speaking population ; and it is scarcely likely that a designation which must have been applied in several cases would become restricted to an individual or to a single family ; besides, the dignity being hereditary, there would be no necessity for the prefix "Mac." Clearly, then, there is something unsatisfactory in each of these opinions as to the origin and meaning of the name Mackintosh, and I feel justified in coming to the conclusion that it must have been obtained originally under some special circumstances. Such special circumstances are found in the settlement in the north of a son of the great and royally-connected Earl of Fife.¹

¹ Sir Æneas Macpherson says, "Mackintosh is in English 'son of a Thane,' and every other Thane's son was as truly M'Intoshe or Mackintosich as M'Duff's son, for which it was that the Lairds of Mackintosh were alwise in use to be called M'Intosich vich Dui." [*Vanitie Exposed*, or a Plain and Short Answer to a late peaper, Intituled the Genealogie of the ffarqharsons—In a letter to a friend." MS. in possession of Sir George Macpherson-Grant of Invereshie and Ballindalloch.] If there had been any real ground for supposing Mackintosh to be originally oldest cadet of Clan Chattan, we may infer, I think, that it would have been eagerly seized upon by Sir Æneas. But he does not even hint at the possibility.

It is worthy of note in connection with the foregoing remarks that the functions which, according to Professor Innes, pertained to the office of Toshach were actually performed by Shaw Macduff's son and successor, also named Shaw. The Mackintosh MS. History states that his father's grants were confirmed to him by William the Lion, and that he was made *chamberlain of all the King's revenues* in those parts for life.

The connection of the Mackintoshes with the Macduffs is shown heraldically by the *lion rampant, gu.* on a field *or* in the first quarter of their shield. This lion appears also in the arms of other families claiming descent from the old Earls of Fife, as Wemyss, Duff, &c., as well as in the arms of families descended from the Mackintoshes, as the Shaws and Farquharsons. Nisbet says, "The arms of M'Duff Thane and Earl of Fife most probably are originally in imitation of the sovereign bearing . . . the double tressure being only omitted to distinguish them from the Royal arms, to which they might have gone as near as any family in the kingdom."¹

The original seat of the Mackintoshes was, as we

¹ *Heraldry*, i. 281. If the Mackintosh MS. History is to be believed, the old Earls of Fife are represented in the male line not by the Earl of Wemyss, but by the chief of Mackintosh. It gives Duncan, Earl of Fife (speaking of him as third earl), four sons:—1. *Malcolm*, the representation of whom devolved on a female in the reign of Robert II. 2. *Shaw*, ancestor of the Mackintoshes, Shaws, and Farquharsons. 3. *John*, ancestor of the Earls of Wemyss. 4. *Duncan*. Old genealogists, however,

have seen, the district of Petty, in the north-east corner of Inverness-shire. This, with the neighbouring lands of Breachly and the forestry of Strathdearn, was at first their only possession in that part of the country. As their founder was Constable of the Castle, the connection of the family with the town of Inverness, which has continued close through all the vicissitudes of both down to the present day, is coeval with their residence in the north, and indeed with their existence as a clan. This was noticed at the banquet given in Inverness on the attainment of his majority by the late Mackintosh in 1868, when the chairman, Eneas W. Mackintosh, Esq., of Raigmore, remarked that "the modern history of the town and the clan began about the same time, and that Mackintosh's ancestor was that young soldier who was sent to take care of the Pictish capital, and who brought thither the civilization and arts of the more advanced districts of the south." The relations of the clan and the ancient burgh have always been of the most friendly nature; no record appears of any occasion on which the two were at variance, and it will be seen in these pages

are not always particular in giving the proper sequence of children, and our "far away cousins" of the noble family of Wemyss have worn the honour so long without dispute that they need now fear no attempt to deprive them of it.

Patten, in his *History of the Rebellion of 1715* (p. 58), says, speaking of Mackintosh's descent, "The Earl of Weems is descended from this same Thane of Fife, and it is disputed whether he or Macintosh are (*sic*) elder."

that they frequently acted in close concert. The early chiefs appear to have made their residence in the Castle, and it was no doubt their defence of the town against the frequent assaults made upon it by the marauding bands from the west which laid the foundation of the esteem and respect ever since entertained by the burghers towards their descendants.¹

The settlement of the family at such a distance from their kinsmen and friends, and from the Court, did not at once sever the ties which connected them with the south. The three successors of Shaw Macduff took to themselves southern wives, and several of his immediate descendants are said by the old family chroniclers to have been engaged in the Scottish wars with England, and even to have returned to reside in the Lowlands.

Little more than what has been stated has come down to us respecting the founder of the family, and the accounts of his immediate successors are but meagre. The wife of Shaw Macduff was Giles, daughter of Hugh of Montgomery, one of his brother captains in the expedition against the Moraymen. Their sons were *Shaw*, *Malcolm*, and *Duncan*. Of

¹ It has been the custom for the town to celebrate important events in the family of Mackintosh of Mackintosh, such as the birth of an heir or the marriage of a chief; and during the revision of these pages a public banquet took place in honour of the marriage of the present chief, 14th April, 1880. On the day of his predecessor's funeral, business was suspended in the town, and all the shops were closed.

these Shaw succeeded his father; the second, Malcolm, was in the army of King William the Lion in the expedition undertaken by that monarch in 1174 for the recovery of part of Northumberland which had formerly belonged to the Scottish crown; he was taken prisoner near Alnwick with his royal master, but was released after a brief detention—probably at the same time as the King, on the conclusion of the unfortunate treaty of Dec. 1174—and died soon after his return home. Duncan, the third son, was killed in 1190, while leading a party from the Castle of Inverness against a body of Islesmen under Donald Baan, who had ravaged the country almost up to the castle walls; an encounter took place at Torbhean, in which the invaders were completely routed and the leaders on both sides slain.

Shaw Macduff, or “Mac-an-Toiseach,” died in 1179, and was succeeded in the possession of the lands of Petty and Breachly, and in the governorship of the Castle of Inverness, by his eldest son.

(2) SHAW flourished in the reign of King William, and for his fidelity and bravery in the defence of Inverness Castle against the attacks of the Islesmen he received a confirmation of his father’s grants, and was made chamberlain or steward of the crown revenues in his part of the north. By his wife Mary, daughter of the lord of Sandilands, he had four sons—*Malcolm*, who died before his father, unmarried; *Ferquhard*, who became heir; *William*,

who is said by the MS. History to have accompanied Alexander II. to France in 1216; and *Edward*, who died in his ancestral Fife, leaving no issue.¹

Shaw died in 1210, and was succeeded by his eldest surviving son.

(3) FERQUHARD was brought up and spent a considerable part of his life under his kinsman Malcolm, Earl of Fife; he accompanied that noble in the expedition in 1211 against Guthred Mac William,² who with a large force collected in Ireland, the Isles, and Lochaber, had made an inroad into Ross and committed great devastation there. Guthred was betrayed and executed in 1212.

Ferquhard's name appears twice (at least) in deeds of the period, both bearing date 1234. In one—an agreement between Andrew, Bishop of Moray, and the Earl of Menteith—he is styled Fercard, son of Seth;³ and in the other—an agreement between the Chapter of Moray and Alexander de Stryveline⁴—“Fercard, Seneschalle de Badenach.” This is the first mention of any connection of the family with the district of Badenoch.

¹ Some accounts make Edward the progenitor of the family of Toshach of Monievard, but that family declare that they struck out from the Macduffs before these became earls.

² Although really the son of *Donald* Mac William, his patronymic is commonly taken from his grandfather.

³ *Spald. Club Misc.* iv. Pref. xxvii. *Seth* is the Gaelic form of Shaw, being pronounced *Shū*.

⁴ *Cartul. Morav.* 99.

The wife of this chief was a daughter of his patron Malcolm, Earl of Fife. His children by her all dying in infancy, he was on his death about the year 1240 succeeded by

(4) SHAW, son of his brother William by Beatrix Learmont. Two other sons of William are mentioned—Fergus and Alexander.

The family now began to extend their possessions. Shaw acquired the lands of Meikle Geddes and the lands and castle of Rait, on the Nairn—the latter famous in legendary history as the scene of a terrible tragedy. Before his accession to the chiefship he had obtained, in 1236, from Andrew, Bishop of Moray (the founder of Elgin Cathedral), a lease of Rothimurcus in Badenoch, “a great plain of firs”¹ (*Rathad-mor-guibhais*), watered by the rapid Spey and overlooked by the huge mass of Cairngorm. Rothimurcus, which will require frequent mention in succeeding pages, appears to have been held in feu from the Bishops of Moray for the occasional supply of wood for the repairing of Elgin Cathedral. It was afterwards held for nearly two hundred years

¹ Or perhaps the name may mean “the great fort of the firs”—Rath, Rait, or Roth, according to Robertson’s *Historical Proofs respecting the Gael of Alban*, being “a round earthen fort or stronghold.” A mound which has every appearance of having been used in ancient times for purposes of defence stands at the Doune of Rothimurcus, and is properly the *Downe*, or *Dun*; and it may be from this earthen fort among the firs that the name of the district is derived.

by the Shaws, and finally passed into the hands of the Grants, who still possess it.

While on the subject of Rothimureus, it may not be out of place to endeavour to correct a wrong impression which may be conveyed by a statement of the Rev. Lachlan Shaw as to the occupants of the district in the 13th and 14th centuries. This writer states,¹ on the authority of "unvaried tradition," that Rothimureus was possessed by the Shaws "long before" the year 1396, and was held by that family in lease from the Bishops of Moray "during 100 years (circa 1250 to 1350) without disturbance." The late Rev. W. G. Shaw, in his *Memorials of Clan Shaw*, also establishes the Shaws in the district during the same period, founding on the statement in the History of Moray and on the occurrence of the name *Seth* (i.e. Sha) in the deed of 1234 already referred to, and of the name *Scayth* in a charter of 1338.² But there can be no doubt whatever that the district was held by the Mackintoshes from 1236: the records of the family clearly show that Shaw, 4th of Mackintosh, obtained a right to it in that year; that the offspring of his second son, Duncan, tutor during the childhood of Angus, 6th of Mackintosh, "lived in Rothimureus

¹ *History of Moray*, 42.

² A charter by Alexander, Earl of Ross, confirming a grant of Delnafert and Kinrara to Malmore of Glencarny, in which is reserved an acre of ground near the Stychan of Delnafert "*in qua situm fuit manerium quondam Scayth filii Ferchardi.*"

successively until the fight at the North Inch (of Perth, in 1396), when Malcolm, *alias* Callum Mor, who then only remained of Duncan's posterity, was slain ;" ¹ and that William, 7th of Mackintosh, took a *new* lease on 19 March 1347 from John Pilmore, Bishop of Moray. Apart from this, it is impossible that the Shaws could have possessed Rothimurcus, or have had the feuds with the Comyns of which the Historian of Moray speaks as happening before 1396, as they then had no existence, not having branched off from the Mackintosh stem. The "unvaried tradition" of this historian as to a James Shaw said to have been killed in a conflict with the Comyns about the year 1350 no doubt really refers to James, son of Shaw Mor, who was killed at Harlaw. However "unvaried" it may be, tradition cannot with safety be relied upon for an accurate account of events happening at such a remote period, and we can scarcely wonder that after so long a descent it has placed the deeds of James Shaw of 1411 some

¹ *MS. History of the Mackintoshes*, by Lachlan Mackintosh of Kinrara. This will be referred to on subsequent pages as the *Kinrara MS.* It was written in Latin about the year 1670, and was partly founded on three earlier MSS., the matter of which it embodied. These were, 1st, a history of the family from the Earl of Fife to Duncan, 11th chief, who died in 1496, written by Ferquhard, 12th chief, during his imprisonment at Dunbar; 2nd, a similar history, by Andrew MacPhail, Parson of Croy, from the Earl of Fife to William, 15th chief, murdered in 1550; and 3rd, a history, by George Munro of Davochgartie, of Ferquhard, 12th chief, and his three successors. The compiler of the *Kinrara MS.* was brother of the 18th chief.

fifty years earlier than they ought to be. Then with regard to the mention of names equivalent to Shaw in deeds of 1234 and 1338, it surely does not follow from the existence of the name at these dates, either that Shaws then held Rothimureus, or that a *family* of Shaws was then in existence. The names Seth and Scayth are simply what we should now call Christian names, and there is no more reason for receiving the name of Shaw, on account of its occurrence in these deeds, among the roll of surnames of the 13th and 14th centuries, than there is for receiving that of Farquhar, which occurs in the same deeds, but appears to be regarded by the Rev. Mr. Shaw as a mere Christian name. Sir Æneas Macpherson in his "*Vanitie Exposed*" is "very positive that there never was a Shaw in Rothimureus till Robert III's time."

Shaw, the 4th chief of Mackintosh, was the first of his line who married into a northern family. His wife was Helena, daughter of William, Thane of Calder, and by her he had five sons, *Ferquhard*, *Duncan*, *Alexander*, *Shaw* "*Og*," and *Malcolm*. On his death in 1265 he was succeeded by the eldest of these.

(5) FERQUHARD, according to Douglas in his *Baronage*, was "a man of great parts and remarkable fortitude." Before he became chief he lived in Rothimureus, doubtless to watch over the interests of his family in Badenoch, and probably at the same time, by a wise piece of foresight on the part of his

father, to learn practically the arts and to acquire the confidence necessary for his future position in life. Here, with all the power and authority of a chief, at a considerable distance from home, and in a manner left to his own devices, the heir apparent to the Mackintosh honours received the only education which in those turbulent times could fit him to take his father's place. It was no doubt a rough school; in close vicinity to the proud and overbearing Comyns, the abode of untamed mountaineers, and the frequent highway of lawless caterans going to or returning from some foray in the rich Saxon districts,—but a school well fitted to develop and bring into play the energy and military genius required by one who might have to live a life of constant warfare. At any rate, our young chief seems to have profited by his schooling. When the country was threatened by the Norwegians under Haco in the reign of Alexander III., he raised a band of men in Badenoch, marched with them to the south country, and joined the forces which the King had summoned to repel the invaders. He performed “a valiant part” in the famous battle of Largs, fought in October 1263, when the Norwegians, having against them the rage of the elements as well as the desperate fury of a people struggling to preserve their freedom, suffered a signal defeat, and departed from the Scottish shores to return no more. In the following year he accompanied Comyn, Earl of Athole, in his expedition against the Northern and

Western Isles, which were at length, in 1265, ceded by the successor of Haco to the Scottish monarch.

In this last named year, when only about 25 years old, Ferquhard succeeded to the chiefship of his name, and brought to that station a character for military prowess and success which bade fair to equal, if not to eclipse, that of any other chief of his time and country. Such was the glory of his name among his clan that his descendants for several generations were proud to call themselves sons of Ferquhard; and this may account for the name "Scha Ferqwharis son" given in the Prior of Lochleven's chronicle to Shaw Mor mac Gilchrist, leader of the thirty champions of Clan Chattan in the notable fight on the North Inch of Perth in 1396.

Perhaps it was the brilliancy of the reputation won by the youthful chief which prompted Angus Mor of Isla to look on him with favour, and to select him for the honour of being his son-in-law. The circumstances attending his courtship and marriage are somewhat romantic, as given in the MS. History of the clan. It appears that Ferquhard's intercourse with the fair Mora of Isla was at first of an unauthorised character, and that, this being discovered, the lover fled to avoid the wrath of the powerful father. He took refuge in Ireland, but before he had been there long he was recalled, and on his return made Mora his wife. The circumstance is said to have been the means of establishing a colony of Mackintoshes in Ireland. On the flight

of Ferquhard, his uncle Fergus followed in search of him, and missing him, continued his unavailing inquiries for some time. On hearing the news of his nephew's death he vowed never to return to his native country, and accordingly he married and settled in Ireland, and was the founder of a family of Mackintoshes in that kingdom.¹

During Ferquhard's chiefship the clan received the first recorded accession to its strength from without in the person of Gabrai, Gillebride, or Gillebreac, the progenitor of the Clan Macgillivray, who put himself and his posterity under the protection of the Mackintoshes. The Macgillivrays have ever shown themselves zealous for the honour of the clan to which they joined themselves, never more so than in the last, fatal attempt of the Stuarts for the recovery of their throne, and on the disastrous field of Culloden.

Any hopes and expectations which his people may have nourished of the future renown of their young

¹ In the "Fragment of a MS. History of the Macdonalds," written in the reign of Charles II. (printed in the *Collectanea de Rebus Albanacis*), a garrulous incorrect narrative, the traditionary records respecting this circumstance and the origin of the Mackintoshes are jumbled up together in the following fashion:—"Angus of the Isles had by the daughter of John Mackay (Gruamach) the mother of the first laird of Mackintosh, for a son of Macduff Thane of Fife coming after manslaughter to shelter in Macdonald's house got his daughter with child, went to Ireland with Edward Bruce where he was killed, by which means Mackintosh is of a natural descent. Mackintosh in the ancient language signifies Thane's son. The boy was brought up by Macdonald, who in process of time procured a competent estate for him in the Braes of Lochaber and in the Braes of Moray."

chief were doomed to be blighted. In the ninth year of his chiefship (1274), when in the flower of his manhood and fame, and but a short time after his marriage, Ferquhard lost his life in a duel arising out of a dispute while playing at "tables" with one of the Islanders; his opponent being also killed. He left behind him two infant children, a son and a daughter, who remained with their uncle Alexander, eldest son of the lord of Isla.

The death of the warlike Ferquhard, the youth and absence of his heir, together with the commotions which towards the end of the 13th century rent the country, afforded to the enemies of the Mackintoshes an opportunity of evincing their antagonism too favourable not to be seized. Accordingly we find that a few years after Ferquhard's death the clan, which had hitherto, like a young tree, been gradually acquiring strength and striking its roots further into the land, underwent its first experience of the storm-shock. The experience was far from agreeable, and but for the sudden cessation of the storm might have been its last as well as first of the kind. In all probability the clan, having so many adverse circumstances to contend with, would have been borne down completely had it not been for the part which their most formidable foes took against the great Bruce. These foes were the Comyns, then in the zenith of their power and pride. Besides their considerable Lowland possessions, they held sway over the greater part of Badenoch and Moray, the

great lordship of Badenoch having been granted in 1230 to Walter Comyn, son of the Justiciar of the kingdom. "Pride goeth before destruction, and a haughty spirit before a fall;" never anticipating that the proverb was soon to be realised in their own case, their pride and arrogance were supreme. Confident in the power of their arms and numbers, and in the strength of their numerous fortresses, they kept down their vassals with an iron hand, and bade defiance to all around them. Among their neighbours both in Badenoch and Moray were the Mackintoshes, with whom they were at feud for a long period; but whether this feud had existed prior to the death of Ferquhard is not certain, though it is extremely probable that it is to be dated from soon after 1236, when the Mackintoshes acquired Rothimurcus, and the Comyns themselves had been only a few years in the district. It is certain, however, that during the minority of Ferquhard's successor they seized upon his lands of Geddes and Rait, and followed up this act by surprising and taking possession of the Castle of Inverness, which had continued in the custody of the chiefs of Mackintosh, its hereditary constables. In the short space of about thirty years the castle changed hands three times; first it was taken by the Comyns, from whom in turn it was taken in 1303 by the forces of Edward I. of England, who again lost it to the adherents of King Robert Bruce a few years later. The Mackintoshes did not regain either their position

as Constables of the Castle, or their lands of Geddes and Rait, until about a hundred years afterwards, when in consequence of their increased strength and the diminished power of the Comyns, they were able to cope successfully with their once powerful foes.

CHAPTER II.

The old Clan Chattan; Origin and name; Settlement in Lochaber; Succession of Chiefs—Marriage of Angus, 6th chief of Mackintosh, with Eva, daughter of the Chief of Clan Chattan—Mackintosh's claims to the lands and headship of the clan.

THE tide of our narrative now carries us into what has been not inaptly called "a whirlpool of opposing currents." There are perhaps few questions of Highland history upon which greater variety of opinion has been expressed than that concerning the origin and early history of the Clan Chattan; and in the absence of any early notices of the clan the question will in all probability ever remain open to dispute. Who the original Clan Chattan were, whether of the native Celtic race, or part of a Gothic or Teutonic migration from the continent of Europe—even the locality of their original seat in Scotland—is wrapt in uncertainty, notwithstanding the labours of antiquaries to give even thus much of fixity to their history. It can therefore be scarcely expected that I shall have the temerity to launch a new theory on the subject; all I can do is to lay some of the

conflicting opinions before my readers as impartially as may be, and leave each to draw his own conclusion.

As to the origin of the clan, one theory is that they were of the Scoto-Irish immigration, and that they settled in Badenoch and Moray from the western coasts and islands; another brings them from Germany soon after the commencement of the Christian era, and assigns them to the race of Gauls driven from their native land by the Romans. With regard to their name there is greater diversity of opinion. One says the name Chattan comes from the *Catti*, a tribe of the Gauls just referred to; another says it was obtained from Gillicattan Mor, founder and leader of the clan, and that he was "servant of St. Katan"; a third derives it from *cat* or *catai*, the name of a weapon; a fourth, bringing the clan from Caithness, says that that district obtained its name from the cats which infested it, and that the clan obtained their name either from these animals or from the district; while a fifth, also bringing them from Caithness, makes the name of a natural feature of the country the root from which are derived both "Caithness" and "Chattan."

The most deserving of consideration and most widely received among these several opinions are no doubt the two first-mentioned and the last; and these three have perhaps an equal amount of probability, so far as we are now able to judge. Although

it is impossible to determine whether any one is correct, it may be well to devote a few words to all.

Firstly—Although the Historian of Moray and other writers ridicule the idea of a German parentage for the clan, the idea does not seem so utterly devoid of likelihood as they would have it. It may have the appearance of fable, but its general features are far from improbable. Whether true or not, it is not more opposed to reason or probability than the generally received belief that the Saxons and Danes at an early period settled a portion of South Britain, and even rounded the Pillars of Hercules, or than that remarkable attempted exodus of the whole nation of the Helvetii which was frustrated and described by the great Cæsar. Both Tacitus and Pliny speak of the Catti in Germany—dwelling in and about Hesse—and the former mentions their expulsion from their country by Tiberius Cæsar. After this expulsion we hear no more of them from contemporary sources, but we learn from our early Scottish chroniclers that certain people from Germany arrived in Scotland during the Roman occupation of Britain, and settled there. “A people called Murreyes out of Almaine, put forth and expelled out of their native land, arrived in Forth between Louthean and Fiffe”; being “sworn enemies to the Romans,” they aided King Corbredus against those invaders, and received from him “all the lands betweene Spey and Innerness, which lands were called

after them Murray-land.¹ The Murreyes were then married unto Scottish virgins, and remained under one blood and friendship."² Mr. Skene seems to show that the Clan Chattan of the 10th and 11th centuries were a branch of the Moravian tribes, whose subsequent overthrow and dispersion in the 12th century have been detailed in the preceding chapter; and thus the advocates for the German descent of the clan have a continuous chain of evidence for the likelihood of their theory, although its completeness and stability depend upon the somewhat doubtful authority of the chroniclers. I may add that this view is favoured by Sir Robert Gordon and alluded to by Sir Walter Scott,³ and that the galley or lymphad in the arms of Mackintosh,

¹ A more probable derivation of the name Moray is from *Mor-thaobh* (Mor-av), "the sea-side."

² *Summarie of Scots Chronicles*, by J. Monipennie, 39, 41. See also an interesting account of the early settlements of the Northmen in Scotland in chap. x. of Burton's *History of Scotland* (1873 edit.).

³ Sir R. Gordon (*History of the Earldom of Sutherland*, 14) brings the *Catti* and *Usipii* from Germany in the year 811, and "rather inclines to their opinion who think that as Morayland was so called from the *Morrays*, even so was this cuntrey (*Catteynes*) first named *Cathey* from this people called *Catti*." Sir W. Scott (*Fair Maid of Perth*, chap. xxvii. note) says "The country of *Caithness* is supposed to have its name from Teutonic settlers of the race of the *Catti*, and heraldry has not neglected so fair an occasion for that species of painted punning in which she used to delight," &c. (alluding to the crest and motto of the *Mackintoshes* and other septs of *Clan Chattan*—the mountain cat, with the motto "Touch not the cat bot a glove").

Macpherson, and other families of the clan, is supposed by some to have reference to the passage across the ocean.

Secondly—The idea that the Clan Chattan was an indigenous Celtic tribe is perhaps as well supported and as well entitled to belief as that just stated. Mr. Skene¹ makes them the most important of the tribes descended from and owning the sway of the native Earls or Maormors of Moray, whose power extended from the eastern to the western sea, and from Inverness in the north to Cowall and Kintyre in the south. Mr. Donald Gregory² says their original possessions seem to have been in Lochaber; while the Rev. Lachlan Shaw³ says that they inhabited Caithness and Sutherland⁴ prior to their settlement in Lochaber, and that it is probable they came originally from Ireland. With regard to their name, the last-mentioned writer thinks that they either took it from or gave it to *Catav*, now Sutherland, their ancient residence—*catav* (from *cad*, “high,” and *taobh* “a side”) being the high side of the Ord of Caithness, in contradistinction to *Gualav* (from *guel* “low, plain,” and *taobh*) the low side. He also states, though only on the authority of tradition, that the great

¹ *Higl. Scot.*, ii. chap. vi.

² *Western Highlands and Isles*, 7.

³ *Hist. Moray*, 50.

⁴ A tribe called *Catini* is placed in these districts by Ptolemy and the pretended Richard of Cirencester.

Gillicattan was commonly called "Gillicattan Mor O'Gualav," implying that he came or was driven from Caithness; and mentioning the supposed derivation of the name from St. Katan, says that, if it be correct, the clan probably gave their name to the country.

Thirdly—Mr. Skene says that Gillicattan Mor was the founder both of the clan and of the name, and on this some writers have assigned to the clan an ecclesiastical origin, believing that Gillicattan, as his name seems to imply, was in the service of the Church. Mr. E. W. Robertson is of opinion that he was a *coarb*, or kind of hereditary abbot, of St. Katan.¹ But although it is possible that the name does mean "servant of Katan," it by no means follows that its bearer was actually a minister of religion, however secular his functions. The prefix "Gille" was originally used when a person was honoured by being named after some saint, and was simply an addition made to the name with the intention of denoting reverence and humility. All this, however, does not affect the alleged derivation of the name from Gillicattan Mor, and it is quite an open question whether this individual gave the name to his followers and descendants, or whether, they already possessing it as their tribal

¹ *Scotland under her Early Kings*, i. 241. That persons holding the hereditary position of abbots and lords of the abbey property existed under the Culdee foundation is tolerably evident from various early documents.

designation, he adopted the name Gillicattan as having at once the odour of sanctity and a resemblance to the designation of his tribe.

Each of these theories has supporters who, from their learning and their intimate acquaintance with such matters, are undoubtedly entitled to have their opinions received with the greatest attention and consideration. For my own part I am inclined to look upon that theory which derives the name of the clan from *Catav* (Sutherland) as the most reasonable and probable. It is, I think, greatly strengthened by the fact that in the northern Highlands there are other clan-names evidently derived from local circumstances; thus the Clan *Mörgan* (Mackays) dwellers by the sea: Clan *Ross*, from "ros," a promontory; and in all probability *Moray* (from *Mor-thaobh*), land by "the sea side."

It may not be amiss before proceeding further to give the following extract from a MS. "Memoir of the Family of Mackintosh," written in 1758,¹ containing the (so-called) traditionary account of the settlement of Clan Chattan in Lochaber. In the Introduction, "Of the Original and Rise of Clan Chattan," it is said:—"About the year 1010 King Malcolm II. called all the clans to attend his royal

¹ This MS. is in the possession of The Mackintosh. It is in the handwriting of the Rev. Lachlan Shaw, the Historian of Moray, and several expressions and views contained in it point to him as the author. It bears the same motto, "*Antiquam exquirite matrem*," as the *History of Moray*, and at p. 51 of that work reference is made to the account quoted in the text.

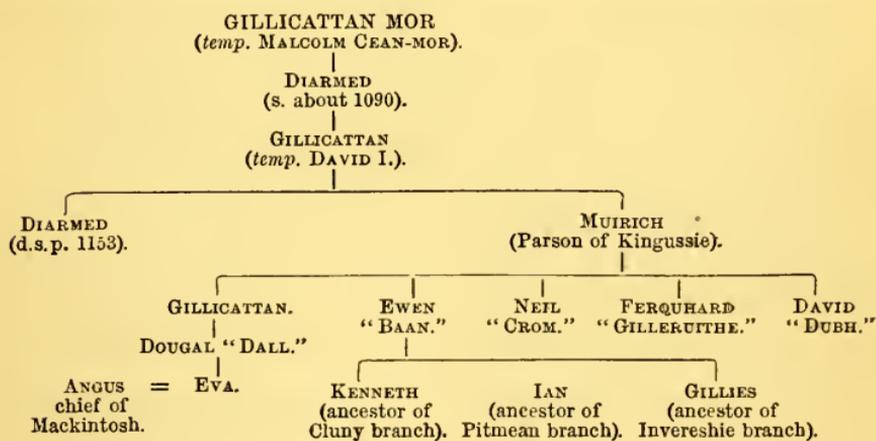
standard and to fight the Danes, who had taken possession of Moray, fortified a small promontory in Duffus called the Burry, and wasted the country around. Gillicattan Mor, at that time chief of the clan, excused his personal attendance, but his son Robert, being a younger son and inclined to arms, raised a battalion of young men of the clan, marched south, arrived at Burry, or Panbryde, the field of battle, where the Scots were hard pressed by the enemy. This reinforcement of fresh and brave men, and Robert killing Camus, the Danish general, obtained a complete victory to the Scots. King Malcolm justly rewarded the deserving son, but resented the disobedience of the father by dispossessing him of Sutherland and Caithness ; yet the regard the king had for Robert the son moved him to assign lands in Lochaber to his aged father. What renders this highly probable is that the family of Keith gives this account of their original, and our Historians and Heralds agree in the substance of it. Besides, Gillicattan Mor being famous for his personal valour, the king might have raised high expectations on the courage of such a man, and would proportionately resent the disappointment at such a critical time. The feudal law was not at that time well established in Scotland, and gentlemen had no written rights and charters ; yet this king is said to have shared all his lands among his subjects. And it is not improbable that in this distribution of lands he gave Sutherland to a son of the family of Moray, and

gave the lands mentioned in Lochaber to Gillicattan Mor. This is fortified by the name which unvaried tradition gives to Gillicattan, viz. Gillicattan Mor O'Gualav, which insinuates that he was the first representer or chief of the family that left Sutherland and Caithness, and came into Lochaber."

In spite of all the conflict of opinion as to the origin of the old Clan Chattan, it is clear that, whether they were originally foreign adventurers or native Celts, whether their cradle was on the banks of the Rhine or in the wilds of Caithness, the clan had by the close of the 13th century found a home in Lochaber. This is the only certain fact we know of them. Mr. Skene, as already mentioned, speaks of them as the most important of all the Moray tribes, and he shows from the MS. of 1450 that their chiefs at one time possessed, by their own descent, a right to the Earldom or Maormordom of Moray.¹ This, however, is by no means certain, and the same writer's further statement that at the time of the extinction of the native Earls of Moray by Alexander II. the clan occupied the whole of Badenoch, Strathnairn, and Strathdearn, with the greater part of Lochaber, is at once extremely improbable and wholly destitute of foundation.

¹ If Mr. Skene's deductions are correct, we have the curious fact that in the issue of the marriage of Eva, heiress of Clan Chattan, with Angus, chief of Mackintosh, the blood which flowed in the veins of the great Macbeth must have mingled with the blood of his great enemy Macduff.

Two different versions of the descent of the early chiefs of the tribe are extant ; one given and upheld by Mr. Skene on the authority of the MS. of 1450, the other given by Sir Æneas Macpherson, who wrote an account of his race in the 17th century. The first is as follows, going back from the end of the 13th century ;—Shaw, son of Ferchar, son of Gilchrist, son of Malcolm, son of Donald called “of Cowall,” son of Muirich, son of Swen, son of Heth, son of Nachtan, son of Gillicattan (A.D. 1004)—and back for several generations more. The following is the descent given by Sir Æneas Macpherson :—¹



¹ The two descents, it will be seen, are totally different. I have already expressed my humble opinion as to the amount of reliance which should be placed upon the genealogies in the MS. of 1450 ; and whatever may be the amount of estimation to which Sir Æneas Macpherson’s genealogy is entitled, it seems to be at least as worthy of belief as the other. It is, I am aware, held by some that the early part of the genealogy given by Sir Æneas is fictitious, but I can scarcely think that it is entirely fictitious when I find mention in the sixteenth century of three

Dougal "Dall" was at the head of the clan at the period to which we have arrived in the history of the Mackintoshes. To this history we now return.

We have seen that the young chief of the Mackintoshes, Angus Mac Ferquhard, remained during his youth in charge of his uncle Alexander, who became on his father's death, about 1286, lord of Isla and South Kintyre. Alexander had married a daughter of Ewen de Ergadia (or Argyle), otherwise Macdugall of Lorn, and probably on account of this connection he unfortunately for himself espoused with Macdugall the side of the Comyns in the great struggle between their faction and that of Bruce. He shared in the ruin which overtook the house of Lorn, and his whole possessions were transferred to his brother Angus Og, who had from the first pursued a contrary policy.¹ But it was before these troubles came upon him, and while he was in the full enjoyment of his power, that Alexander had the charge of his nephew, who, so far from following in the steps of his tutor, afterwards proved a staunch supporter of Bruce.

principal branches of the Macphersons called *Sliochd Kynigh*, *Sliochd Ian*, and *Sliochd Gillies*, after the three sons of the alleged Ewen Baan; although I am quite ready to admit the possibility that Sir Æneas has placed Kenneth, Ian, and Gillies at a period earlier than that at which they really lived. Tradition, which furnished him with their names, is very apt to make such mistakes.

¹ This Angus was the "Lord of the Isles" of Sir Walter Scott, who, however, *euphonia gratiâ*, changes his name to Ronald.

In 1291, when about twenty-three years of age, Angus Mackintosh was sent to herald an approaching visit of the island chief to Dougal Dall, chief of the Clan Chattan—perhaps on some matter relating to the great national question of the day. This circumstance was productive of important results in the fortunes of the young man and his clan. The Chattan chief was old and frail; his only child a daughter; and the cloud of troubles overshadowing other parts of the country was fast nearing his own district. It was therefore expedient that he should make provision for the future safety and welfare of his daughter, and that he should use every effort also to ensure the continued prosperity of his people by strengthening the ties between them and their powerful neighbour the lord of Isla. The arrival of Mackintosh, nephew and ward of the island chief, seemed to offer a favourable opportunity for effecting both objects; in those days not much time was lost in wooing, a marriage was soon arranged, and Eva, the Chattan chief's daughter, became the wife of the chief of Mackintosh.

This event carries us among more matters of dispute. According to the generally received account, Dougal Dall gave to Mackintosh along with his daughter his lands in Lochaber, and the station of head of the Clan Chattan. Possibly the fondness of an aged parent for his only child, and an idea of the paramount necessity for a close alliance of the clan with the chief of Isla, might have induced Dougal to

make this grant, but by the rules of Highland succession—as we now understand them—his clansmen might have refused to ratify or accept it, or to receive a stranger as their leader so long as a male descendant of their former chiefs remained. Whether such a male descendant existed or not, the majority of the clan, if not the whole, appear to have acquiesced in the arrangement, and Angus Mackintosh accordingly became lord of the Clan Chattan territory in Lochaber, and was acknowledged by its occupiers as their leader.

According to Sir Æneas Macpherson's genealogy, Muirich, grandfather of Dougal Dall, had five sons, the second of whom was Ewen "Baan" (the fair). Ewen, said to have been designated *Mac-in-Phairson* from the original vocation of his father, is stated to have had a son Kenneth, who on his cousin Dougal's death without male issue became the eldest male representative of the chiefs of Clan Chattan, and was adhered to by a portion of the clan as the proper chief. So the Macpherson traditions; but these seem to be somewhat at variance with a Macpherson genealogy of 1680, in which Kenneth is made to take part in the battle at Invernahavon in 1370; if both tradition and genealogy are correct, Kenneth must have reached a very advanced age indeed. That such a person actually existed there can be little doubt; but it seems very probable either that Sir Æneas has given him too early a place in his genealogy, or that the tradition is subsequent to the

genealogy. If he had lived at the time of the marriage of Mackintosh with the heiress of Clan Chattan, and had been supported as the tradition says, we should scarcely find him and his supporters side by side with the Mackintoshes in arms soon afterwards. The first occasion on which there is mention of dissension between the Macphersons of Cluny—the descendants of this Kenneth—and the Mackintoshes, was in 1591, when the former, prompted by the Earl of Huntly, declared themselves independent of Mackintosh, whom up to this date they had steadily followed; and there is no real ground for supposing that their action at this time had any connection with their subsequently alleged right to the headship of Clan Chattan. The tradition, therefore, which is the sole authority for the alleged adherence of part of the old Clan Chattan to a Kenneth Mac Ewen as male heir at the time of the heiress's marriage, seems to be defective and comparatively modern.

The account just given of the accession which the chief of Mackintosh received to his estate and power by his marriage with the daughter of the Clan Chattan chief, involves two questions, which it is necessary here to encounter. They are:— *First*, As to the original right of Mackintosh to the lands in Lochaber said to have been given him by his father-in-law; *Second*, As to whether Mackintosh or Macpherson of Cluny is properly head of the Clan Chattan.

I. With regard to the first, the fact that the Lochaber lands actually passed into the hands of the Mackintoshes, and were held by them without opposition from the members of Clan Chattan—though nominally only, in respect of the Camerons' occupation of them—for centuries after the time of Angus and Eva, admits of no dispute. This being so, the question arises, Had Angus any right to them in the first place? By those who uphold the fixedness of the institutions respecting succession to property among the Highlanders, even in the days when the feudal system was making rapid strides over Scotland, it is objected that Dougal Dall had no power to demise any of his lands either to his daughter or to her husband. By the Highland law or system, says Mr. Skene, contrasting it with the feudal law, "females were altogether excluded from succession either to chiefship or to property."¹ So far then the objection holds good. It is, however, a great mistake to suppose either that this Highland system was exclusively followed among the Highland clans, or that the feudal system obtained only in the Lowlands of Scotland at the period in question. The feudal law had a decided existence in the Highlands, although but the thin end of the wedge had as yet been inserted;² and there are cases, not only of the

¹ *Highl. Scot.* i. 163.

² "The royal prerogative, and the Norman feudal tenure of land," says Burton, speaking particularly of the tribes of the Western Highlands and Isles, "extended over their districts fleetingly and sometimes nominally only." *Hist. Scot.* ii. 361.

granting of feudal titles to Highland chiefs, but of the succession of females to property on the death of their father without male issue, and the transmission of their rights thereto to their husbands. Mr. Skene himself bears witness to this. He tells us that Allan mac Roderic of the Isles was succeeded in his lordship of Garmoran by his daughter Christina, to the prejudice of his son Roderic, who seems to have been considered illegitimate *by the feudal law*.¹ Alexander mac Angus Mor of Isla, already mentioned, “acquired a considerable addition to his territories by marriage with one of the daughters and *co-heiresses* of Ewen de Ergadia,”² about 1280; and it was only on acquiring the North Isles by his marriage with Amie, daughter and heiress of Ranald mac Ruari,³ little more than fifty years after the marriage of Angus Mackintosh, that the first Lord of the Isles was enabled to assume his proud title. Another notable instance, though occurring considerably later than any of the foregoing, is afforded by the circumstances which led to the battle of Harlaw:—Donald, eldest son by the second marriage of John, first Lord of the Isles, married Mary, sister of the Earl of Ross, and on his

¹ *Highl. Scot.* ii. 56. See also Gregory, *Western Highlands and Isles*, 24. “Roderick or Ruari mac Alan, the bastard brother and leader of the *vassals of Christina*, the daughter and *heiress* of Alan Mac Ruari of the North Isles.”

² Skene, *Highl. Scot.* ii. 59.

³ Gregory, *West. Highl. and Isles*, 27. See also Skene, *Highl. Scot.* ii. 56, 57.

brother-in-law's death with female issue only, he laid claim to the Earldom on the ground that the heiress, being a nun, was dead in law, and that he was entitled *in right of his wife* to succeed her.

Other similar cases might be adduced, as well as numerous instances in which property was held by a feudal title in the Highlands so early as in the 13th and 14th centuries; but those already given are sufficient for our purpose so far, and serve to show that the acquisition of the Clan Chattan lands by Angus Mackintosh is not a solitary case of the kind. Advancing a step further in the matter as it more particularly concerns us in these pages, we find, if we are to believe Mr. Skene, that some gleams of the feudal system had penetrated even into Lochaber, and into the Clan Chattan itself; for, that writer tells us,¹ the chiefs of the clan held Lochaber, Badenoch, &c., *direct from the Crown*. Although so positively stated, however, this is by no means certain, and I mention it only for the purpose of showing that the position here taken up on the feudal law as regards Mackintosh's right both to lands and headship is so far supported by Mr. Skene, who so energetically denies that right.

While, then, it is certain that some of the main features of feudal tenure existed in the Highlands prior to the 14th century, there appears nothing unreasonable in the account which has so long obtained of the acquisition of the old Clan Chattan

¹ *Highl. Scot.* ii. 170.

lands by the Mackintoshes. From the fact that the members of the clan who occupied the lands made no opposition on their transfer to Mackintosh we may infer that they did not hold such a transfer to be wrong; and the subsequent charters and confirmations both from the Lord of the Isles and from the Crown serve to show that in these high quarters also the lands were regarded as the rightful inheritance of the chiefs of Mackintosh.

II. The second question, affecting as it does the pride and consequence of two great families, as well as involving the consideration of laws, or rather customs, pertaining to an unsettled and only half-civilised state of society, is of greater delicacy and less easy of solution than the first. But if the foregoing answer to the first question be granted as satisfactory, the difficulty is lessened. Much has been said and written on both sides, but without advancing the controversy far from the point whence it first started. In the ensuing remarks I propose to show that the right of the chiefs of Mackintosh to be regarded as heads of the Clan Chattan, like their right to the clan property, is supported by the existence of parallel cases in Highland history, as well as by the circumstances generally advanced of unchallenged usage for a considerable period, and of charter evidence. And I may take this opportunity of observing that what I here say on the matter is dictated by no mere spirit of

partisanship, but is the expression of my views after a very careful study of the question, in which I have endeavoured to lay aside all clan feeling and to arrive at a conclusion solely on the merits of the case. Indeed I think it will be admitted that the evidences and proofs which I bring forward in support of the line I take are such as on thorough investigation might occur to any impartial judge, or even to those who from early clan prepossession might be inclined to the contrary view.

For the last two hundred years¹ the station of head of the Clan Chattan has been warmly disputed between various heads of the families of Mackintosh of Mackintosh and Macpherson of Cluny. The former have maintained that their ancestor, on his marriage with the only child of the last chief of the original clan, obtained the superiority over the clansmen as well as over the lands, and have brought forward deeds and royal charters, dating from the 14th century downwards, in which they have been styled captains and chiefs of Clan Chattan. On the other hand the Macphersons have maintained that they, being the lineal *male* descendants of the ancient chiefs, were by right entitled to the headship of the clan, and that Mackintosh could acquire no title to that station through a female.

¹ The claim of the Macphersons to the headship of the whole clan was first made in the time of Duncan of Cluny, to whom the Lord Lyon's letter which will be given presently was addressed in 1672.

Mr. Skene¹ has warmly, though unsatisfactorily, advocated the cause of the Macphersons, and on the testimony of tradition and the results of his investigations into the history of the tribes of Moray, he declares that “the fact of their being the lineal and feudal (!) representatives of the ancient chiefs of Clan Chattan rests upon historic authority, and that they possess that right by blood to the chiefship of which no charters from the Crown, and no usurpation, however successful and continued, can deprive them.” I pass by Mr. Skene’s investigations into the history of the Moray tribes, merely observing that my estimate of the worth of their main results as affecting our subject may be inferred from my remarks in the preceding chapter on the MS. of 1450, the lamp by whose light the investigations were made. The traditionary testimony for the descent of the Macphersons is, I conceive, much more important, and although it is entirely unsupported by any collateral evidence, I see no reason for totally rejecting it. The tradition of the Macphersons is positive that, so far as descent is concerned, the Macphersons of Cluny are the direct male representatives of the old chiefs; and this being the case, if the Highland system of succession—under which females are said

¹ *Highl. Scot.* ii. 170, &c. I forbear to enter into a full criticism of Mr. Skene’s remarks on this subject, but the careful reader of chap. vi. part ii. of his work cannot fail to see the weakness of his arguments and the frequent occurrence of the “*non sequitur*.”

to have had no right whatever to chiefship—had been uniformly adhered to, their claim would doubtless carry all before it, and the accession of the Mackintoshes to the chiefship would be evidently an unwarrantable usurpation. But—like almost every other rule or principle—the principle of Highland succession, whatever its fixity in theory, was sometimes departed from in practice, even among clans most eminently “Highland;” and, supposing that the circumstances narrated on p. 45 are correct even in their general features, it is evident, if the Macpherson tradition as to descent is also correct, that it must have been departed from in the case under consideration, and that with the concurrence of a large portion, if not the whole, of the clan. We have seen in several instances that in the 13th and 14th centuries this principle or law was broken through in regard to succession to *property*; there are also instances of its being set aside in regard to succession to *chiefship*. A notable one occurs in the history of the Island chiefs:—John, first Lord of the Isles, married twice and left three sons by each marriage; but although some of his possessions were distributed by the law of gavel among the sons of his first marriage, the hereditary dignity, with the superiority over the rest of the brothers, was given by the father to the eldest son of the *second* marriage—in other words, to his fourth son—and this disposition was not resisted by the clansmen. The instance of Christina, daughter of Alan Mac Ruari of the North

Isles, who appears to have been head of her tribe towards the close of the 13th century, has been already mentioned. Another example is found in the complicated train of events which succeeded the death of Alan Mac Ruari, chief of the Clanranald of Moydart, in 1509. In this we find both feudal and Highland laws set aside:—Alister, second son of Alan, about the year 1515, was chosen by the clan as their chief, to the exclusion of the grandsons of his deceased elder brother Ranald Baan, in accordance with the Highland law; but on his death the clan chose his bastard son John “Moydertach” as his successor, again ignoring the *feudal* claim of the grandsons of Ranald Baan, and also excluding Ranald Galda, *son* of the old chief Alan by his second marriage, and therefore *by the Highland law* the proper successor. And although on the imprisonment of John Moydertach in 1540, Ranald Galda, by the aid of his kinsmen the Frasers, was placed in possession of the lands and chiefship, he only retained them until John’s return from prison, when he was ignominiously expelled. This led to the famous battle of Cean-Loch-Lochy, or Blar-nan-leine, of which Gregory remarks that by it “the Clanranald maintained in possession of the chiefship and estates of their tribe an individual of their own choice, in opposition to one supported by all the influence of the feudal law.” He adds, “It is not unworthy of notice that John Moydertach, himself an elected chief, afterwards transmitted to his descendants,

without difficulty, the possessions that had been so hardly won.”¹

It thus appears, not only that the ancient law of Highland succession had already begun to give way, but also that the members of a clan occasionally exercised the power of *electing* their chief, even to the prejudice of those entitled to the station by either Highland or feudal law ; we see also, in the case last quoted, one of these elected chiefs in whom the Highland system of succession was abrogated handing down his acquired honours and estates to his descendants. Is it, therefore, unreasonable to conjecture that Angus Mackintosh — setting aside his feudal claim through his wife—was at his father-in-law’s desire elected by the clansmen to the post of head of Clan Chattan ? Their peaceable acquiescence in his assumption of the position certainly seems to warrant the inference either that they forsook the Highland principle of succession and looked upon him as their proper head *in right of his wife*, or that he became their head by *election*. The traditions on the subject, however much they vary in detail, generally speak of Mackintosh as being “received” by the clan as their chief on his marriage with Eva.

There is another consideration affecting this branch of the question, which seems in some degree still further to weaken the objections which have been

¹ Gregory, *West. Highl. &c.* 163. Query, In the first quotation, when Mr. Gregory speaks of the *feudal* law, does he not mean *Highland* law ?

raised against the claim of Mackintosh. When a clan, through losses in war or by gradual decay, became unable to maintain itself in a state of independence, its members generally joined themselves to some other clan able to afford them protection, whose chief they acknowledged as their chief. This fact is so well known that to quote examples seems almost a superfluous task, but it may be well to instance two. The first, taken from Skene's *Highlanders of Scotland*,¹ refers to the Macgillivrays and Macinneses, who on the disruption of their respective clans acknowledged and followed the Macdugall Campbells of Craignish as their chiefs. The second I give in the words of Professor Cosmo Innes² :—" Among these papers (Breadalbane Papers at Taymouth), there are none indicating that the native tribes, in making their submission, took the name of the dominant family either individually or by clans—a practice that greatly swelled the ranks of some names not more numerous nor more widely spread than the Campbells. Here, on the contrary, we find families and small *tribes* choosing Glenurchy for their chief, sometimes *renouncing their natural head, and selecting him as leader* and protector, yet retaining their own patronymical designations. These new subjects bound themselves not only to pay the allegiance of clansmen, but to give the 'caulp of Kenkynie,' " &c. &c.

We have now seen (1) that the Highland law of

¹ II. 115, 119.

² *Sketches of Early Scotch History*, 373.

succession was *not* inviolably and uniformly observed, even so early as the 13th century; (2) that the members of a clan, in at least one notable instance, exercised the power of *electing* their chief to the exclusion of the heir under the Highland system; and (3) that the allegiance of clansmen was sometimes transferred to one not of the stock of their chiefs, and even entirely alien to their race. Applying the principles of these facts to the question before us, the inference that the right of the chiefs of Mackintosh to the headship of Clan Chattan must originally have been founded upon them is at once perfectly reasonable and warrantable. We know that the Mackintosh chiefs were at the head of Clan Chattan in the 14th and succeeding centuries, and it is not likely that the members of that clan would have followed them or held their lands under them without dispute if they had not either wilfully set aside the Highland principle of succession, and allowed Angus Mackintosh and his successors to be their superiors in right of Eva, or else wilfully transferred their allegiance. And, let it be observed, there is not a single trace of any difficulty between the chiefs of Mackintosh and the tribes of the original Clan Chattan, not excepting even the Macphersons, until the close of the 16th century. The idea of usurpation, by which Mr. Skene says the Mackintoshes came to the head of the clan, is quite out of the question. It rests therefore with those who deny the original right of Mackintosh to the headship of Clan Chattan to prove not only

that the Highland system of succession was never departed from, but also that a clan had not the power either of choosing its chief or of transferring its allegiance to the chief of another clan.

If, then, the tradition on which the opponents of Mackintosh's claim found their opposition be true, it seems evident that for some reason the chiefship of Clan Chattan was actually withheld from those who according to Highland law had the right to it. What the reason was we can now only conjecture; special circumstances there no doubt were,¹ but neither by tradition nor writing has the record of them come down to us—unless we accept the simple record of tradition that Dougal Dall *willed* that his daughter's husband should be leader of the clan, and that he was *received* as such by the clansmen. It is not impossible that Kenneth mac Ewen Baan (if, as is doubtful, he lived at the time), with some of his immediate kinsmen, may have demurred to the arrangement by which he was deprived of the succession; but whether this was so or not, his adherents must have been too few to do more than protest, and it is even probable that his own brothers gave their assent to the arrangement, as in after years—when the breach had been made between the Macphersons of Cluny and

¹ I am inclined to think it extremely probable that the Clan Chattan was by no means in a flourishing condition at this time. It is not difficult to believe that the settlement of the Comyns in Lochaber and the Norwegian wars combined had had an adverse effect on both their power and numbers.

Mackintosh—we find their descendants frequently at variance with his, and generally friends to the Mackintoshes.

We have thus far confined our attention to the simple question of the *original* right of the chiefs of Mackintosh to the headship of Clan Chattan, comparing it in its various bearings with cases of a similar nature, and stripping it of the minor externals of unchallenged usage, charter evidence, &c., which are usually brought forward as the chief or only supports of Mackintosh's title.¹ Although perhaps the

¹ Thus Mr. Skene—"The Mackintoshes have triumphantly brought forward charters and *documents of every description in support of their alleged title*"; "they (the Macphersons) possess that right by blood to the chiefship of which no *charters from the Crown and no usurpation, however successful and continued*, can deprive them" (*Highl. Scot.* ii. 172). And Dr. Browne—"It is not very easy to see how so great a mass of *written evidence* can be overcome by merely calling into court tradition." "The original assumption of the title of captain implies that no chief was in existence at the period when it was assumed: and its *continuance unchallenged and undisputed* affords strong presumptive proof in support of the account given by the Mackintoshes as to the original constitution of their title" (*Hist. of Highlands*, iv. 471). Mr. Donald Gregory also lays stress on the continued usage of the title by the Mackintoshes. "It is well known and easily proved that the title of captain and chief of Clan Chattan has been enjoyed by the family of Mackintosh for at least four hundred years" (*Western Highlands and Isles*, 422).

In a long letter to the father of the present Mackintosh on the subject, dated 14 June 1836, Mr. Gregory, whose opinion must be admitted to carry great weight, says "I can imagine no case stronger or better supported by an incontrovertible array of

foregoing remarks may suffice to show that no such supports or props are absolutely necessary for the stability of this title, they are still useful and important in their way, and it may be worth while to bestow a brief glance upon them before we quit the subject.

As to *unchallenged usage*, it is only necessary to say that no attempt appears to have been made to resist the first assumption of the leadership of Clan Chattan by the chief of Mackintosh, and that for three centuries afterwards the Macphersons, with the other septs of the clan, acknowledged the Mackintosh chiefs as their superiors, and followed them in war. It was only by the intriguing of the Earl of Huntly in 1591-4 that a division at length took place, and the Macphersons of Cluny declared, not their right to the chiefship of Clan Chattan, but simply their independence of Mackintosh.

Numerous are the *charters* and *deeds* of almost every description in which, from the 14th century downwards, the heads of Clan Mackintosh are spoken of as *Captains*, *Principals*, and *Chiefs* of Clan Chattan; and numerous also are the references to them in contemporary history and correspondence at various periods as being leaders of the clan. The

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 assertion, than that of my friend Cluny."

first occurrence of the designation "Captain of Clan Chattan" is in a charter of Glenlui and Locharkaig, given in 1337 by John of Isla—afterwards first Lord of the Isles—to William, Angus Mackintosh's son and successor. It next appears in the confirmation of this same charter by King David Bruce, dated at Scone the last day of February, 1359.¹ In the next two centuries it occurs frequently in charters and confirmations. In 1543 some of the principal men of the clan give a band, dated at Inverness the 2nd May, in which they affirm that they will withdraw their allegiance from "Wilzeam M'Intosche (15th chief) gywe it hapins the said Wilzeam M'Intosche to failze and break" a band which he at the same time gives to the Earl of Huntly, "for hymself and ws his kyn of Clan Chattan."² Among the twenty-two names in the Band are those of three *Macfarsones*, Bean and two Donalds. This shows that the Macphersons in 1543 regarded Mackintosh as their superior, and although

¹ It must be stated, however, that neither the charter nor its confirmation is known to be now in existence, and the editor of the *Memoirs of Lochiel* (pp. 173, 355) states that their authenticity is considered dubious. They are mentioned by the author of the Kinrara MS., however, and he would scarcely speak of them as he does unless he had actually seen them and had been satisfied as to their genuineness. Some important papers were destroyed at Moy in 1746, and among these may have been the two in question.

² I should remark that the Band was made with no unfriendly feeling to William Mackintosh, but merely with the object of adding solemnity to his own engagement with Huntly. Several of William's own immediate kinsmen are among the grantors.

the territorial designations are not given, I have little doubt, on a comparison of the Macpherson genealogies, that one of the two Donalds was the then chieftain of Clan Mhuirich.¹

Lesley says that the Clan Chattan was also called Mackintoshes, from Mackintosh its head; "*tribus Clanchattana vulgo nuncupata M'Intoshiana principe M'Intoshio dicebatur;*" he also speaks of William, 15th of Mackintosh, as "*Clanchattaniæ tribus ducem.*" Buchanan calls the same chief

¹ It will be observed that this Band of 1543, in which we find three Macphersons—not to mention others who from their names appear to have been of the original Clan Chattan stock—owning allegiance to the chief of Mackintosh, was given *before* the Earl of Huntly had instigated the Macphersons to declare themselves independent. Mr. Skene, the zealous advocate of the Macphersons, admits that they *began* to assert their right to the chiefship in consequence of the countenance and support which Huntly afforded them in 1591, and accounts for their previous silence in the matter by the circumstance that they wanted the power, not the will, to assert their right with any chance of success. "Finding themselves in point of strength altogether unable to offer any opposition to the Mackintoshes, they had yielded an unwilling submission to the head of that family, and had followed him as leader of the clan; but even during this period they endeavoured to give to that submission as much as might be of the character of a league, and as if their adherence was in the capacity of an ally, and not as a dependent branch of the clan" (*Highl. Scot.* ii. 184). Mr. Skene, however, does not inform us on what grounds he thus speaks of *unwilling* submission, &c., and he is not correct either in stating that Cluny asserted his right to the chiefship during Mackintosh's feud with Huntly in 1591-1594, or in speaking of a *final* separation at that time.

² *De Origine, Moribus, et Gestis Scotorum*, lib. 9, 10.

“*Cattanae familiae princeps.*” Both these authors wrote in the 16th century.

In 1609 Andrew Macpherson of Cluny, deserted by Huntly when that noble became reconciled to Mackintosh in 1597, joined with other principals of the kin of Clan Chattan in subscribing a heritable band of manrent and service to Lachlan 17th of Mackintosh, and to his tutor for the time being. The band is signed and agreed to by several other Macphersons, but it should be stated that Cluny was the only one among the heads of the principal families of the Macphersons who had gone against Mackintosh in his quarrel with Huntly. In this band the subscribers engage to maintain and defend the chief of Mackintosh, and to be found loyal and true to him “likeas they to that effect has united, incorporated, annexed, copulate, and insinuated themselves in one band and perpetual amity to stand amongst them, *as it was of old according to the King of Scotland his gift of chieftainrie of the said Clan Chattan* granted thereupon, in the which they are and is astricted to *serve Mackintosh as their captain and chief.*” The royal gift of chieftainry here acknowledged by the clan in 1609 was granted in 1380–1 by Robert II. to Lachlan, 8th chief of Mackintosh, grandson of Angus and Eva.

In 1672 Duncan Macpherson of Cluny boldly declared himself independent of Mackintosh, and applied for and obtained from the Lord Lyon’s office the matriculation of his arms as “the Laird of Cluny

Macpherson, and the *only and true representer* of the ancient and honourable family of Clan Chattan." In the same year, on the occasion of an order of the Privy Council, he had himself bound for the good behaviour of his clan as "Lord of Cluny and chief of the Macphersons." Lachlan Mackintosh (19th chief) immediately made a counter-application to the Lord Lyon and the Privy Council, and the result in each case was a decision favourable to his claim, and adverse to that of Cluny, to the headship of the Clan Chattan. The judgment of the Privy Council ordained Mackintosh to give bond for "those *of his clan*, his vassals, those descendit of his family, his men, tenents, and servants, and dwelling upon his ground;" and ordained Cluny "to give bond for those of *his name of Macpherson descendit of his family*, and his men, tenents, and servants, *but* (i.e. without) *prejudice always to the Laird of Mackintosh.*" Cluny was ordered by the Lords of the Privy Council to return the letters of relief which he had obtained, together with such bands as had been given him by his friends in which he had been called *chief*, that they might be destroyed, and to procure new letters bearing only his name, surname, and place of designation in common form.

The Lords of Privy Council appear also on this occasion actually to have had a discussion on the question of the headship of Clan Chattan, though they came to no determination upon it. Mackintosh,

in addition to various bands of manrent and other documents confirmatory of his title, caused to be laid before the Council a band dated 19th November 1664, subscribed by Andrew, Lachlan, and John Macpherson, respectively of Cluny, Pitmean, and Invereshie, in which he was styled "Lauchlan Mackintosh of Torcastle *our chief*."

The Declaration of the Lord Lyon is more explicit than the Privy Council decision, and is sufficiently important to demand insertion in full. A letter from the Lord Lyon to Andrew of Cluny himself on the same subject and at the same time is also given.

DECLARATION BY THE LORD LYON.

"I, Sir Charles Areskine of Cambo, Knight Baronet, Lord Lion King at Arms, having perused and seen sufficient Evidents and Testimonies from our Histories, my own Register and Bonds of Manrent, do hereby declare, That I find the Laird of Mackintosh to be the only undoubted Chief of the name of Mackintosh and of the Clan Chattan, comprehending the M'Phersons, M'Gilvrays, Farquharsons, M'Queens, M'Beans, and others; and that I have given and will give none of these families any arms but as cadets of M'Intosh's family, whose predecessor married the Heretrix of Clan Chattan in anno 1291; and in particular I declare, That I have given Duncan M'Pherson of Cluny a coat of arms as cadets of the said family. And that this may remain to posterity and may be known to all concerned, whether of the said name or others, I have subscribed thir presents at Edinburgh the tenth day of November 1672."

LETTER FROM THE LORD LYON TO DUNCAN MACPHERSON OF CLUNY.

"Sir, I have given you a coat of arms as a cadet of M'Intosh his family, and yet you have (upon pretext of that) given yourself out for a chief of the M'Phersons, 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 (S^d.) Charles Erskine.

“P.S. I have ordered M^cIntosh to keep this letter after you have seen it.”

Coming down to more recent times we find the chieftain of Clan Mhuirich subscribing an agreement in which, on consideration of his receiving the davoch and lands of Gellovy &c., he renounces for himself and successors, in favour of Lachlan Mackintosh and his successors, “all and whatsoever pretension he had, has, or any way may have, to the chieftainry of Clan Chattan for now and for ever;” and “binds and obliges himself, his heirs and successors, friends and followers, to follow and own the said Lauchlan Mackintosh, his heirs and successors, as chief of the Clan Chattan.” This document—which will be more fully quoted afterwards—is dated at Moy Hall on the 15th Sept. 1724.

In spite of all these acknowledgments, declarations, and renunciations, the dispute again arose in the present century, and was only saved from being dragged through a lawsuit by the refusal of the Lords of Session to entertain it, on the ground that the rank disputed was but nominal. It was, however, the opinion of the lawyers who investigated the matter (two of whom were afterwards Lords of Session) that Mackintosh, in right of his ancestress Eva, was entitled to use the title of Captain

of Clan Chattan, and to bear the arms and supporters pertaining to that dignity.

There is one argument more in favour of the claim of the chiefs of Mackintosh to the headship of Clan Chattan. It is this,—The body known as Clan Chattan in the 14th and succeeding centuries was not of the same composition as that which had previously borne the name. It was a confederacy consisting of members of the original Clan Chattan, of Mackintoshes and their offshoots, and of other tribes and families not connected by ties of blood with either Macphersons or Mackintoshes. The latter of course became connected with the old Clan Chattan by the marriage of their chief with Eva; the other tribes alluded to—the Macgillivrays and Macqueens, for example—united themselves under Mackintosh for purposes of mutual defence and protection, and while retaining individually their own tribal names, they with the rest became known collectively as the Clan Chattan, the chief of Mackintosh, as their leader and head, having a designation—that of *Captain* of Clan Chattan—which comprehended all of them. The title of Captain was applied to the head of the Clan Cameron for a similar reason, that clan being also a confederacy of several tribes, as Camerons proper, Macmartins, Macgilonies &c., most of whom in course of time adopted the name Cameron. Such, then, being the composition of the modern Clan Chattan—the Clan Chattan of History—it can scarcely be held

that the chieftains of Clan Mhuirich have or have ever had any right to be regarded as its heads.

Those who have carefully and impartially perused the foregoing remarks must, I venture to think, admit that although the Macphersons of Cluny may be the lineal male representatives of the chiefs of the old Clan Chattan, the right to the headship of the clan belongs solely to the chiefs of Mackintosh, who possess it by inheritance from Eva, by the consent of the majority of the clan—of the whole previously to the last three hundred years,—and by continued usage for a period of nearly six hundred years,—not to speak of the authority of King and Government at various periods. But the headship of the clan exists now only in name; the law of the land recognises no such rank as that of chief or leader of a clan; the very *status* of a clan itself is abrogated, and “no definition sufficient for judicial purposes of what a clan is” can be found.¹ The statutes of the early Hanoverian reigns gave forth the death warrant to the system of clanship, the obligations and services of which were considered to be inconsistent with the allegiance of the subject

¹ In an Interlocutor given 22 Dec. 1860 in the case of the claim of Neil John Macgillivray of Dunmaglass to the lands of Faillie, founded on the limitation of the succession, in the original disposition, to “members of the Clan Chattan allenary,” the Lord Ordinary (Armillan) laid down that “the purposes for which clans once existed as tolerated, but not as sanctioned, societies, are not now lawful. To all practical purposes they do not legally exist. The law knows them not.”

to the Crown ; and the authority and power of the chiefs, derived either from their ancient patriarchal relations to their clans or from feudal inheritance, were for ever destroyed. But no legislation could at once undo the tie, "the filial band," which knit the heart of the clansman to his chief as closely as to his native mountains and glens ; it might indeed declare that he was absolved from all dependence on the head of his race, and that the latter had no right to demand his attendance in hunting or hosting ; but it could not suddenly eradicate from his mind the feeling that of all men his chief had the first claim upon his love and obedience. And although during the past century there has been such a wondrous change in almost everything changeable, there are to be found, even in these days, hundreds of men and women who cling to the ancient simple faith in reverencing and honouring the head of their race, for whose fathers their fathers fought and bled and died, and in whose long descended honours they can glory, being of the same blood and kindred.

Who then shall ridicule the spirit which may still glory in the possession of a title such as that of head of Clan Chattan, or which may still prompt those who believe it to be theirs to lay claim to it—mere *name* though it be, devoid of all intrinsic weight or authority ? A title, frequently a new one specially created, has been and often is the prize aimed at and struggled for through half a lifetime

with such constancy and persistence as would, if rightly directed, suffice to gain heaven. But here is a title, than which few in Scotland or England are more ancient, surrounded by the associations of centuries, and demanding the esteem and veneration of thousands of clansmen—a title which was historical long before the periods whence half our present noble families can count their ancestors. No wonder that, although its value is sentimental only, the contest for it has for two hundred years been kept up with so much warmth, and all honour to the spirit which has actuated those who have fought for and those who have defended it!

CHAPTER III.

Angus, 6th chief—Bannockburn—Expedition into England—Grant of lands in Badenoch; Benchar, &c.—Downfall of the Comyns—William, 7th chief—Commencement of the Feud with the Camerons; Battle at Drumlui—Acquisition of Moy—Second War of Independence—Clan Chattan at Neville's Cross—Lachlan, 8th chief—Prosecution of the Feud with the Camerons; Battle at Invernahavon.

RESUMING our narrative after the long but necessary digression of the preceding chapter, we now follow the fortunes of Angus, 6th chief of Mackintosh. We have seen that at the time of his union with the heiress of Clan Chattan, and for some years after that event, Angus was an exile from his ancestral home in the Castle of Inverness, as well as from some of his lands, but that his marriage had brought him new possessions. The chief of these were the "forty merk lands" of Glenlui and Locharkaig in Lochaber, in after years the subject of a long and fierce contention with the Camerons. These lands, the head-quarters of the Clan Chattan at that time, were at first the home of the young couple; from their marriage until 1308, according to the Croy MS., they resided in Lochaber—perhaps in Tor Castle,

whose ruined walls still overlook the Lochy, and from which some of the chiefs of Mackintosh were afterwards designated "of Torcastle." The cause of their leaving Lochaber is said by tradition to have been a dread of the displeasure of the lord of Isla, who had intended to wed Eva to one of his own family. At all events, at or shortly after the death of the old chief of Clan Chattan, Angus and Eva placed themselves at a distance from their kinsman of Isla by removing to Badenoch. The Kinrara MS. connects this removal with the expedition of Bruce against the Comyns; "the power of the Comyns increasing, Angus saw himself unable to oppose them, and remained in Lochaber till 1308, when King Robert Bruce surprised and overthrew the garrison of Inverness."

Their abode in Badenoch was Rothimurcus, the only one of Mackintosh's holdings which appears to have been at first available. A more pleasant home they could scarcely have chosen. The whole district of Rothimurcus abounds in grandeur and loveliness, but nowhere are these found in such profusion as about the Doune, where the Spey rolls rapidly along through pine-clad glades and verdant sward, and Loch-an-Eilan sleeps in wild beauty under the shadow of the giant Cairngorm. "The great magician himself, in his most imaginative mood," says one, "could not have conjured up a lovelier spot. Hemmed in by mountain, rock, and wood—the former towering to a great height, the latter dipping into the water—

Loch-an-Eilan truly realises the poetical image of a mirror set in a deep and gorgeous frame.”¹

Here, one would think, was a home which might almost have tempted the chief to accept with patience the adversities of his lot. But his mind seems to have been of that stirring warlike character indispensable in a chieftain of those days, and he could not long rest in slothful ease even among pleasant scenes and calm retreats such as those of Rothimurcus. His duty to himself, his children, and his clan, demanded that he should take steps towards recovering those portions of his patrimony which had been wrested from him; and his fealty to his king and country made it his bounden duty to assist in setting the one on a firm throne, and defending and preserving the other against foreign domination. He accordingly soon renounced his quiet life for one of active warfare, and joined the patriotic forces of the gallant King Robert Bruce, who were now recovering one by one the fortresses in the hands of the English, and driving those invaders out of the country.

Bruce's great enemy, Edward I. of England, when on his way to inflict a blow which he intended should crush to pieces the power of Bruce, and rivet the already half-made links which should bind Scotland to England, had been himself stricken down by the last enemy of all. In July 1307 he lay within sight of the country he had come to devastate, with the

¹ Carruthers, *Highland Note Book*, 209.

hand of death cold upon him. Yet even in his last moments his vindictive hatred of the Scots was so little mitigated that he gave to his son and successor strict injunctions not to rest till he had subjugated the hated race, and to carry his dead bones in front of the army as often as the Scots attempted to regain their freedom. How the son carried out his dying father's commands we know; instead of the horrible service he had been enjoined to perform to his parent's corpse, he had it decently buried, thereby performing one of the most sensible actions of his life. Whether or not he inherited his father's hatred for Scotland, the new monarch of England was decidedly lacking in the qualities which had brought his predecessor success and renown. What bravery he possessed was more than counterbalanced by want of energy and love of pleasure; and so, preferring a life of luxury and dissipation with his worthless favourites in England to the hardships of a campaign in Scotland, he gave up for a time any attempts to secure his father's conquests.

In the meanwhile Bruce and his companions in arms were steadily prosecuting their efforts for relieving their country from the yoke of the oppressor, strengthening their hands every day by the acquisition of friends and the conquest of English troops and garrisons. At last only one place of any consequence, Stirling, remained in the hands of the English, and this was to be surrendered if not relieved within a certain period. Edward was now

roused by the complaints of his nobles from his life of sluggish pleasure, and he determined to march in person to the north with an army which he fondly hoped would crush all opposition, and render the subjugation of the Scots a certain and easy matter. With a greater array of chivalry and yeomen than had followed any of his predecessors, he met the comparatively small army of Bruce near Stirling on the 24th June 1314, and the result was the "crowning mercy" of Bannockburn, which secured the independence of Scotland, and inflicted such a blow upon her enemies as they never before or after sustained.

The chief of Mackintosh had the honour of participating in this great victory, and in the list of Highland chiefs who were present, given by General Stewart of Garth, he is placed second. The MS. History speaks of him as one of Randolph's chief commanders in the battle. He also accompanied Randolph in the campaign of 1318-9 in England, when the English were defeated in several encounters, the most memorable being that fought near the Swale in Yorkshire on the 20th September 1319, which, from the number of ecclesiastics who fell in it, was called the "Chapter of Mitton."

For his services Mackintosh was rewarded in 1319 with a grant of the lands of Benchar in Badenoch, and of the country stretching about six miles between Benchar and the water of Goynach—the Comyns having been expelled from that district by Bruce

before the battle of Bannockburn. It was in all probability about this time, as Gregory thinks,¹ that the first large settlement of the Clan Chattan took place in Badenoch. Some members had no doubt settled there long before, but the attendant circumstances—the expulsion of the Comyns, the changes in the clan itself consequent on the marriage of the heiress to Mackintosh, and the fact that it is not until after this time that we find mention of any of its members as holding lands there—all seem to point to the inference that the early part of the 14th century was the period at which the clan obtained that hold in the district which they have since maintained.

Besides their possessions in Badenoch, the Comyns had also been deprived of the greater part of their estate in Moray, over which district Randolph was made lord, with the title of Earl of Moray. As his lordship included the Crown lands occupied by the Mackintoshes, he was in this respect their feudal superior, which may account for his being accompanied by the chief in 1318-9. Although the district had been assigned to him, Randolph had still to win it before he could call himself its sole lord, for the Comyns in Moray were able to hold their own against him and their other assailants for some time after the rest of their name had sunk, some indeed holding out until they made terms for remaining in their possessions. Thus the Mackintosh lands of Rait and

¹ *West. Highl., &c.* 78.

Geddes, which the Comyns had usurped, did not at once return to their rightful owners.

After a long chiefship, marked by important events in the history both of the clan and the country at large, Angus died in 1345, in the 77th year of his age. Besides his successor *William*, he had, with two daughters, six other sons,—*John*; *Angus* “*Og*” (ancestor of the Mackintoshes of Glentilt, afterwards of Dalmunzie); *Malcolm* (killed at Durham in 1346, and whose grandson William, having fled into Mar on account of a murderous outrage in which he was concerned, became the progenitor of some families of Mackintoshes in that district, as well as, it is supposed, of the Aberdeenshire Toshes); *Ferquhard*, also killed at Durham; *Duncan*, whose son Iver was killed at Drumlui; and *Shaw*.

(7) WILLIAM'S chiefship was signalled by the commencement of a long and bloody feud with the Camerons. The removal of his parents from their lands in Lochaber, and the reason for it, as detailed by local tradition, have already been noticed. The same authority adds that the lands thus vacated were taken possession of by the Camerons, who for some years occupied them without disturbance; that William, on attaining manhood, demanded the restoration of his inheritance, but that his claim was denied and his demand refused by the Camerons, on the ground that the lands had been deserted, and

now of right belonged to themselves, who had been the first to seize and occupy them. William is said to have then endeavoured to substantiate his claim by force of arms; the Kinrara MS. mentions a great battle at Drumlui in which William was victorious over Donald Alin vic Ewin vic Ian; and thus commenced the feud between the two clans which was not finally extinguished till near the close of the 17th century.

However much or little of truth is contained in this record of tradition, it seems certain that in 1337, during his father's lifetime, William Mackintosh obtained from John of Isla, afterwards Lord of the Isles, a right to the old Clan Chattan lands of Glenlui and Loch Arkaig¹—John having received the lordship of Lochaber, with other territories, from Edward Baliol in 1335. On the fall of Baliol from his brief elevation, and on his resigning the kingdom and crown to the King of England in 1356-7, Mackintosh, judging probably that a title so acquired would be insufficient under the new order of things, obtained from David II. a confirmation, dated at Scone the last

¹ This was probably one of the first charters given by the island lords to one of their followers. Mr. Burton seems to think that the feudal tenure began to obtain in the dominions of these lords about this time; after mentioning the "parchment submission" of the Lord of Isla to David II. he adds, "He bethought him of exercising the prerogatives of a sovereign in the Norman form, and executed charters to subordinate heads of clans, Mackintoshes, Mackenzies, and Macleans, who were to hold lands of him as their lord paramount." *Hist. Scot.* iii. 95.

day of February, 1359,¹ of the grant made by the lord of Isla. Whether the fact of his father's having deserted the lands in dispute was sufficient to annul the right of his family to them or not, William had thus a legal right to Glenlui and Locharkaig; but in the days when lands were acquired and held by

the good old rule, the simple plan,
That they should take who have the power,
And they should keep who can,

legal right was often of only secondary importance. Therefore, not possessing with his right sufficient might to dislodge the Camerons, and it being absolutely useless to invoke the law, which was powerless

¹ It has been already remarked that in the charters of 1337 and 1359 occurs the first mention of Mackintosh by the style of Captain of Clan Chattan. The fact that the earlier of these charters was given to William *in his father's lifetime* seems rather important. I am indebted to Mr. Fraser-Mackintosh for the suggestion that probably Eva, William's mother, was dead in 1337, and that the lands were granted by the superior to William as falling to him by right through his mother. The value of this suggestion is enhanced when we recollect that Robert Bruce was in possession of the Earldom of Carrick, *his mother's inheritance, during the lifetime of his father* the Earl of Annandale. "It is said that during his lifetime he" (the elder Bruce) "transferred his estate and title of Carrick to his son; but this was his wife's inheritance, and may have gone to her son by the nature of the investiture. The father is thus, in the narrative of the time, called Lord of Annandale, and the son Earl of Carrick until the father's death." Burton, *Hist. Scot.* ii. 286-8, 345. As already mentioned in chap. ii. the charters referred to in the text are not known to be in existence at the present time, but there seems no reason for doubting that they once existed.

in these remote districts, Mackintosh was compelled, however unwillingly, to behold this portion of his inheritance in the hands of strangers.

Such was the origin of one of the most remarkable of the many feuds which for centuries raged among the inhabitants of the northern parts of Scotland, and which, while useful in giving some relief to the industrious Lowlanders from the depredations of their wilder neighbours, were not only a constant bar to the progress of the Highland race, but a source of weakness to the country at large.

The MS. History relates that, in fulfilment of a vow, William spent Christmas for several consecutive years on the top of Turchionan in Loch Arkaig, and also desired that the island might be his place of burial. The reason for this curious proceeding is not given, but we may infer that it had some connection with the feud with the Camerons; and with regard to his wish to be buried in Loch Arkaig, perhaps the chief, with a kind of grim humour, was determined, as he could not enjoy his own land in his life, to have some of it for himself in death.

In 1337 William obtained the barony of Moy, now and for centuries past the principal seat of the chiefs of Mackintosh. He also, after his accession to the chiefship, obtained a new lease of Rothimurcus from the Bishop of Moray, John Pilmore, dated 19th March 1347-8.

Although apparently somewhat of a man of business, as is shown by the additions he made to his family

property and his carefulness to secure what he had by confirmation or renewal, this chief was not behind his predecessors in warlike exploits. While yet a young man, and during his father's lifetime, he had engaged on the side of David II. in the second war of independence. This, though perhaps inferior in lustre and interest to the first war, as lacking the exploits of Robert Bruce and his distinguished compatriots, partook much of the same character, and was as warmly prosecuted and contributed quite as much to the preservation of the liberties of the kingdom. The condition of the royal faction after the battle of Halidon Hill seemed as hopeless as that of Robert Bruce after the battle of Methven, twenty years before. The only places which held out for King David were the strong castles of Dumbarton, Lochleven, Lochmaben, Urquhart, and Kildrummie. The last-named stronghold, near the head of the Don in Braemar, was closely beleaguered by the Earl of Athole, a partisan of Baliol and the English, and was bravely defended by Christian Bruce, aunt of the young king and wife of the Regent Sir Andrew Moray. With all the force he could muster—not a large one—the Regent hastened to raise the siege, and among his hastily collected army were some of the Clan Chattan, under the command of the chief's eldest son. On St. Andrew's Day 1335, the Regent encountered his foes, and in the conflict which ensued, known as the battle of Kilblene, Athole's army was completely routed and himself slain.

Ten years later, the Clan Chattan took part in the disastrous battle of Durham, or Neville's Cross. Taking advantage of the absence of the English king in France, the Scots, although the kingdoms were at truce, marched into England, harrying the country through which they passed with great severity. They were brought to a check near Durham, and in the battle of Neville's Cross, 17th Oct. 1346, suffered a signal defeat, the king being taken prisoner. William Mackintosh, urged perhaps by zealous loyalty or by an eager appetite for warfare, had joined in this campaign with the clan, of whom he was now chief, and he appears to have been comparatively as unfortunate in the engagement as any other leader in the army. Besides considerable loss among the inferior members of the clan, no fewer than three of his own brothers were killed, and he himself was wounded.

His residence was at Connage in Petty, the original seat of his family in the north; which from 1314, when the crown lands in that part were assigned to the Earldom of Moray, was held as a fief under the Earldom, instead of as formerly direct from the Crown. He was twice married; by his first wife, Florence, daughter of the Thane of Calder, he had one son, who succeeded him, and a daughter, married to Ruari mac Alan mhic Ranald of Moydart; by his second wife, Margaret, daughter of Ruari Mor Macleod of the Lewis, he had, with four daughters, a son *Malcolm*, who eventually acquired the chiefship. He

had also a natural son, *Adam*, from whom sprang the Mackintoshes of Glenisla and Glenshee.

William died at Connage in 1368, and in accordance with his wish was buried in the island in Loch Arkaig. He was succeeded by his eldest son.

(8) LACHLAN was at the head of the clan for the long period of nearly forty years, and his chiefship is remarkable for the vigorous prosecution of the feud with the Clan Cameron, and for the occurrence of the notable fight at Perth in 1396 which has so greatly exercised modern antiquaries.

Tradition abounds in notices of the hostilities which raged between Clan Chattan and Clan Cameron in regard to the disputed lands of Glenlui and Loch Arkaig, and especially of the fight at Invernahavon, which some authorities think was the immediate cause of the combat at Perth. Each side occasionally carried the war into the other's country, harrying lands and lifting property after the usual fashion. In 1370, according to the Mackintosh MSS.—or, as other authorities have it, sixteen years later—the Camerons, to the number of about four hundred, made a raid into Badenoch, and were returning home with the booty they had acquired when they were overtaken at Invernahavon by a body of the Clan Chattan led by Mackintosh in person. Although outnumbering their opponents, the Clan Chattan wellnigh experienced a signal defeat in the engagement which took place, owing to a dispute such as that which in after years

contributed largely to the disaster of Culloden—a dispute as to precedence. Mackintosh was accompanied by Macpherson, head of the clan Mhuirich, and Mac Dhaibhidh or Davidson of Invernahavon, with their respective septs; and between these two chieftains a difference arose as to which of them should have the command of the right wing, the post of honour. It is said that Macpherson claimed it as being the male representative of the old chiefs of the clan, while Davidson contended that by the custom of the clans the honour should be his, as being the oldest cadet, the representative of the oldest surviving *branch*. Taking the literal application of the custom, Davidson's claim was perhaps justifiable; but the case was peculiar, inasmuch as Macpherson, his senior in the clan, did not hold the actual position of chief. As neither party would give way, the dispute was referred to Mackintosh, who decided in favour of Davidson, thus unfortunately offending the Clan Mhuirich, who withdrew in disgust. By awarding the command of the right to either chieftain, Mackintosh would doubtless have given offence to the other; but his decision against the claim of Macpherson, besides being somewhat unjust, was highly imprudent, as the Macphersons were more numerous than the Mackintoshes and Davidsons together, and without them, Mackintosh's force was inferior to that of the Camerons.

The battle resulted in the total defeat of the Mackintoshes and Davidsons, the latter being almost entirely cut off. But the honour of Clan Chattan

was redeemed by the Macphersons, who, generously forgetting for the time the slight that had been put upon them, and remembering only that those who had offended them were their brother clansmen and in distress, attacked the Camerons with such vigour that they soon changed their victory into defeat and put them to flight. The fugitives are said to have taken their flight towards Drummouchter, skirting the end of Loch Ericht, and then turning westwards in the direction of the River Treig. According to the Rev. L. Shaw,¹ the leader of the Camerons was Charles Mac Gilony, who was killed; but this is contrary to the tradition of the locality, which states that "Mac Dhomhnuil Duibhe," the chief, commanded in person. Charles Mac Gilony, however, figures prominently in this tradition as an important man among the Camerons, and a famous archer.²

¹ *Hist. Moray*, 216.

² The account given of this matter by Bishop Donald Mackintosh, embodying the local traditions, is somewhat at variance with that in the text, inasmuch as it attributes the interference of the Macphersons to a less lofty motive. The Bishop says that the chief of Mackintosh sent a minstrel to the encampment of Clan Mhuirich, who, feigning that he came from the Camerons, sang some lines reflecting on the cowardice of those who hung back in the hour of danger; and that this trick had the desired effect, for Macpherson, enraged at the Camerons for the supposed affront, attacked their camp the same night and put them to flight. But the account given in the text is obviously much more probable, as it can scarcely be supposed that the Camerons, considerably weakened as they must have been in the engagement during the day, would have lingered in a hostile country, or that the Macphersons would not have retired to

It is the opinion of the Rev. Lachlan Shaw and of some writers who follow him, that the dispute at Invernahavon between the chieftains of Clan Mhuirich and Clan Dhaibhidh led to the celebrated judicial conflict which took place in 1396 on the North Inch of Perth, in the presence of King Robert III. and his court. Dr. Browne¹ states that "the parties to this combat were the Macphersons, properly the Clan Chattan, and the Davidsons of Invernahavon, called in the Gaelic Clan Dhaibidh, commonly pronounced Clan Chai"; and that "these rival tribes had for a long period kept up a deadly enmity at one another, which was difficult to be restrained; but, after the award by Mackintosh against the Macphersons, that enmity broke out into open strife, and for ten years the Macphersons and the Davidsons carried on a war of extermination and kept the country in an uproar." For the first portion of this latter statement there is no foundation whatever; and with regard to the remainder it is only necessary to say that had any open strife or exterminating war been waged between the two septs, its limits would have been too confined, and its importance too small, to admit of its causing any material inconvenience to the country. Dr. Browne seems to have drawn largely on his imagination for this description, and to have applied to the

their homes. No doubt the second action followed immediately after the first. The traditionary story is given, in Gaelic, in the *Cuairtear nan Gleann*, iii. 331.

¹ *Hist. of Highlands*, i. 153.

Macphersons and Davidsons the circumstances related by the chroniclers who notice the combat at Perth, without fully considering whether these would suit their case.

It is indeed highly probable that the combat at Perth had some connection with that at Invernahavon, but such a connection seems from the circumstances much more likely to have had reference to the long standing feud with the Camerons than to an unimportant dispute between two septs of Clan Chattan. This point, however, will be examined in treating of the combat at Perth, which is of sufficient interest and importance to be entitled to a separate chapter for its narration and consideration.

CHAPTER IV.

The Clan Battle at Perth in 1396 ; its Causes, and an Identification of the Clans engaged in it—Alleged community of stock of Clans Chattan and Cameron.

THE fact that in the year 1396 a combat was fought at Perth, in the presence of the Scottish Court, between champions from two Highland clans, is so amply and clearly vouched for by History as to leave no room for doubt that such an event actually took place. It is mentioned, and the circumstances are detailed with apparent attention to exactness, by contemporary writers ; and although known to the world at large only in the guise of a historical romance, it is as certainly matter of history as the Battle of Bannockburn. Actual proof of this is found in the Chamberlain Rolls (*Rotuli Camerariorum Scotiæ*) preserved in the Edinburgh Register House, where, in the *Computum Custumariorum burghi de Perth*, 26th April 1396 to 1st June 1397, credit is taken for a sum equal to about £14 “*pro meremio ferro et factura clausure sexaginta personarum pugnancium in insula*”—for timber, iron, and the

erection of the lists for the sixty persons fighting on the Inch (or island).

Whether we regard it as evidencing the powerlessness of the arm of the law in the regions beyond the Grampians, or as illustrating the customs of the time and the ferocity of the feuds which raged among the Highland clans, the incident is one of the most remarkable in the annals of the age in which it fell. Thus it has been employed by Scott as a fitting scene for the grand *tableau* in "The Fair Maid of Perth," the centre round which turn the principal events and the fortunes of the principal personages described in that thrilling and tragical story. "The well-authenticated fact of two powerful clans having deputed each thirty champions to fight out a quarrel of old standing in presence of King Robert III. and the whole court of Scotland at Perth in the year of grace 1396, seemed to mark with equal distinctness the rancour of these mountain feuds, and the degraded condition of the general government of the country; and it was fixed upon accordingly as the point on which the main incidents of a romantic narrative might be made to hinge."¹

The proofs that the combat actually took place at the time and place alleged being so full and clear as to forbid any doubt of their genuineness and sufficiency, it only remains for us here to consider the circumstances of this hostile meeting, and to endeavour to ascertain the causes which led to it and to

¹ Preface to *Fair Maid of Perth*.

identify the actors in it. It will be well in the first place to see what are the main facts of the case, as given in the original authorities.

The account in the metrical "Cronikil" of Andrew Wyntoun (Book ix. 17) is as follows :—

A thousand and thre hunder yere,
 Nynty and sex to mak al clere—
 Of thre score wyld Scottis men,
 Thretty agane thretty then,
 In felny bolnit of auld fede,
 As thare fore-elders ware slane to dede.
 Tha thre score ware clannys twā,
 Clahynnhe Qwhewyl and Clachiny-hā.¹
 Of thir twa kynnis ware tha men
 Thretty agane thretty then :
 And thar thai had thair chiftanys twā ;
 Scha Ferqwharis son wes ane of thā,
 The tother Cristy Johnseone.
 A selcouth thing by tha wes done
 At Sanct Johnstoun beside the Freris,
 Al thai enterit in barreris
 Wyth bow and ax, knyf and swerd,
 To deil amang thaim thair last werd.
 Thare thai laid on that time sa fast,
 Quha had the ware thare at the last
 I will nocht say ; but quha best had,
 He was but dout bathe muth and mad.
 Fifty or má ware slane that day,
 Sua few wyth lif than past away.

¹ The "a" at the end of this word should, I hold, have the flat sound, thus, *hay*, not the open sound, as if *hah*. It rhymes with "twa," which in the south of Scotland is commonly pronounced and even written "twae," as in the well known Border rhyme on the drowning powers of Tweed and Till.

The next mention of the occurrence is in Bowar's Continuation of Fordun's *Scoti-cronicon*,¹ as follows:—

Anno Dom. millesimo trecentesimo nonagesimo sexto, magna pars borealis Scotiæ, trans Alpes, inquietata fuit per duos pestiferos Cateranos et eorum sequaces—viz. Scheabeg et suos consanguinarios qui Clankay; et Cristi-Jonson, ac suos, qui Clanquhele dicebantur, &c."

John Major or Mair, a doctor of the Sorbonne in Paris in the beginning of the 16th century, also has a notice of the battle in his History.² This agrees in the main with that of Bowar, and probably was taken from it.

A brief notice is also found in the Register or Cartulary of Moray, to the effect that the fight took place because a firm peace could not be re-established between the two *parentelæ* of Clan Hay and Clan Quhewyle. This, however, is apparently not entitled to be received as a contemporary notice. Sir J. G. Dalryell, an authority on such matters, states that, together with accounts of other events which happened about the same time—"differing in some respects from all the memorials preserved relative to the same transactions"—it was interpolated in the Register at a later date.³

¹ *Oxford Edition*, p. 1116. Walter Bowar was Abbot of Inchcolm down to the middle of the 15th century.

² *Historia Majoris Britanniæ* (Paris 1521—4to) lib. vi. cap. 6, fol. cxxii.

³ *Brief Analysis of the Ancient Records of the Bishopric of Moray*, by Sir J. Graham Dalryell, 26-28.

Hector Boece, born in 1470, and John Lesly, Bishop of Ross, born in 1527, also mention the battle. The former gives the name of the victorious clan as Clan *Quhete*, the latter as Clan *Quhattanis*; but as these writers flourished so long after the event which they describe their testimony is of slight importance. In Bellenden's translation of Boece published in 1530, the name *Quhete* is rendered *Chattan*.

Bearing in an important degree on the question of the names of the clans engaged, especially from its close connection in point of time with the battle at Perth, is the mention in an Act of Parliament¹ of a name which is evidently one and the same with Wyntoun's *Qwhewyl*. Among the persons put to the horn for taking part in the Raid of Angus in 1391—when a body of Highlanders under Duncan, natural son of the Wolf of Badenoch, defeated the forces led by the Sheriff of Angus and Sir David Lindsay of Glenesk—we find “*Slurach* and the hail Clan *Qwhevil*.” There can be little doubt that *Slurach* is a mistranscription of *Scheach*, i.e. Scha or Sha; while there can be no doubt whatever that the “*Qwhevil*” of the Act is the same as the “*Qwhewyl*” of Wyntoun. But more of this hereafter.

It is a curious illustration of the uncertainty which invariably attends the history of a country in its stage of unformed society and imperfect civilization,

¹ *Scots Acts of Parliament*, i. 217. See also *Wyntoun*, bk. ix. c. 14.

that an event such as this combat, attracting as it did great attention at the time, and taking place in one of the chief cities of the kingdom, during the lifetime of two historians, and but a few years before the time of others, should be wrapped in such obscurity that both the causes which led to it and the names of the combatants are open to dispute. The reasons are not difficult to be found. The two chroniclers of the period, Wyntoun and Bowar, are not in the habit of stating the causes of events; they simply describe occurrences as they took place or as they were communicated to them. Both were ecclesiastics and Lowlanders; to them, as to the generality of the Saxon population of Scotland, the region beyond the Grampians was a wilderness peopled by savage barbarians, of whose feuds and battles, so long as these did not disturb the Lowland districts, they knew little and heeded less, and whose names were, "on account of their barbarism, too tedious to any one ignorant of them"¹ for them to take any pains about spelling or assigning correctly. In addition to this ignorance and carelessness in regard to Gaelic names, there was the liability of the chroniclers or their amanuenses to errors in transcription;² they would have to convert a Gaelic word according to its sound into its nearest written Saxon equivalent, and

¹ Note in Cupar MS. of Fordun's *Scoti-cronicon* (bk. xvi. c. 15) containing mention of some Highland clans.

² For example the name *Stratberge* which Boece applies to one of the leaders; also Clan *Quhete* by the same writer.

even this might be materially altered in transcription ; as one of them remarks, “ *Brittannorum nomina Galli non optime pronunciant et syllabificant, postea, scriptorum vitio literas frangunt ; aliquorum tamen nomina, quia facilis est syllabificatio vel quia principes sunt viri, recte ponunt.* ”¹

Besides all this, there is little doubt that both Wyntoun and Bowar obtained their information, both as to facts and names, from hearsay, and that neither saw the battle. Wyntoun certainly in 1395 held the office of Prior of the monastery of St. Serf in Loch Leven—a dependency of St. Andrew’s Priory—less than twenty miles from Perth ; but it is not so certain that he was there at the time of the fight, or indeed at any other time. Besides being Prior of St. Serf, he was a canon regular of St. Andrew’s Priory, and in the Cartulary of this Priory are several deeds to which he was a party between the years 1395 and 1413 ; a great part of his chronicle, moreover, is actually compiled from the St. Andrew’s Priory Records.

Thus there seems large room for doubting whether Wyntoun (on whose record the subsequent accounts were in all probability founded) has given the names correctly. It is probable that the story of the fight

¹ *Major*. lib. vi. p. cxviii. “ Strangers do not pronounce or syllabicate well the names of the Britons, and besides this, they confuse and spoil the letters (in the names) by the mistakes of writers ; nevertheless the names of a few are given correctly, either because the pronunciation is easy or because they are principal men.”

in its course to St. Andrew's may have omitted the appellation of the vanquished leader altogether, and have divided that of the victor so as to make it do duty for both, as, according to the Mackintosh genealogy, the name of Sha's father was Gilchrist mac Ewen, which is equivalent to "Cristy Jonseone" (John's son). Wyntoun also appears to be in such a state of confusion that he is not even certain which side had the victory; for

"Quha had the ware thare at the last
(He) will nocht say";

and he seems to be somewhat diffident about assigning the leaders to the respective clans, although he may have named them in the way he has merely with an eye to his rhyme.

The obscurity in which the names are involved may also doubtless be ascribed to the unsettled nature of family and clan nomenclature at the period under consideration. Then, as a few centuries later, a clan was by no means limited to one distinguishing appellation; according to the variety in the names of chiefs who had won renown for themselves or their kindred did the names of the clan vary, the members of it being proud thus to keep in mind the greatness of their race. Thus a name by which a clan was known in Wyntoun's time might be out of use, or even entirely forgotten, by the beginning of the 16th century, and it may safely be concluded that this was the case with the names *Ha* or *Ay* and *Quhele*. No

clan-names resembling either of those used by Wyntoun are found at the present time—except of course that of Mackay, which in appearance, though not in sound, somewhat resembles the first; and it is tolerably evident that to endeavour to identify Wyntoun's names with the existing names of any clans would be lost labour.

No writer on the subject has as yet denied that the Clan Chattan was concerned in this famous fight, as having a quarrel either among some of its own septs or with another clan. The clan would almost seem to have been predestined to a career of which every important phase should become a matter of dispute. We have seen what diversities of opinion exist concerning its origin and race, its early history, and even its name; we have also seen what centuries of dispute were occasioned by the marriage of its chief's only child to Angus Mackintosh; and now we have another occurrence connected with it which has given rise to even greater variety of opinion than any of the others, or than almost any question in the whole range of Highland history. Nearly all writers on the Highlands have produced theories as to the cause of the fight and the clans engaged in it, but scarcely any two of these theories agree. The causes assigned vary according as such and such a clan is said to have been engaged as a principal; but the variety in the clans named is unnecessarily great, as a very little consideration ought to show that some—even the most obvious—of the circumstances

narrated by the authorities could not possibly apply to most of these clans. The fight has been variously said to have been fought by Clan Chattan against Clan Cameron ; by Mackintoshes against Macphersons or Camerons ; by Macphersons against Davidsons or Camerons ; by Davidsons against Camerons ; and lately, even by Shaws against Farquharsons, although neither of these two septs existed at the time.¹

The weight of evidence and opinion is perhaps in favour of the view that the contending parties belonged respectively to the Clan Chattan (comprising Mackintoshes, Macphersons, and others) and to the Clan Cameron. It will be my endeavour here to support this view, and if possible, in some measure to prove it correct.

We learn from Mr. Skene² that “there are but three clans in which any tradition of this conflict is to be found—the Camerons, the Macphersons, and the Mackintoshes.” We have already seen that the claim made by William Mackintosh upon the Clan Chattan lands in Lochaber was the spark which kindled a fierce and prolonged feud between his clan and the Camerons, and that some few years before this battle at Perth the Camerons had suffered a signal defeat at Invernahavon at the hands of certain of the Clan Chattan, chiefly the Macphersons. We have thus one important circumstance, on which

¹ *Notes and Queries*, 4th Series, vols. iii. iv. *passim*.

² *Highl. Scot.* ii. 175.

Wyntoun seems to lay stress, towards the identification of the contending clans ; Wyntoun's champions

“ In felny bolnit of *auld fede*,
As thare fore elders ware slane to dede,”

and an “auld fede,” or old feud, existed between the Mackintoshes, with the Macphersons and the rest of Clan Chattan, on the one side, and the Camerons on the other ; while there is no trace of such old feud between any of the other clans variously named as the combatants. It is natural to suppose that the encounter at Invernahavon, in which both sides suffered severely, would be succeeded by increased activity and ferocity in the prosecution of the quarrel between the two clans, whose mutual hostilities would keep the greater part of Badenoch and Lochaber, with a portion of Moray, in a constant state of disquiet and alarm. Thus we see a reason for the interference of the Government ; and it may be observed that this interference would scarcely have been thought necessary had the feud been limited to any other of the clans mentioned than the Clans Chattan and Cameron, both being considerable tribes, and both, especially the former, occupying large tracts of country.

The interference of the Government was apparently at first prompted by a desire to bring about a peaceable termination to the feud, by compromise or other means ; and the task of inquiry and settlement was assigned to Dunbar, Earl of Moray, and

David, Lord Lindsay of Glenesk,¹—probably for the reason that these nobles were supposed to be better acquainted with the “wyld Scottis” than others of the Court, as both held lordships in the Highlands, and had had frequent transactions, warlike and peaceable, with the inhabitants of those regions. But, as might have been expected, it soon became apparent that the benevolent intentions of the Government could not be carried out, and that there was no hope of inducing the clans to settle their differences by peaceable means. Their vindictive hatred of each other, fed by years of mutual aggression and bloodshed, had become too fierce to be so easily and suddenly extinguished, and Moray and Lindsay at last found it necessary to propose that the opponents should decide their quarrel by an appeal to what was in those days thought a special intervention of Providence for showing the right—the ordeal of the combat, or wager of battle; and that the party vanquished should accept the issue as final.

We may readily imagine with what eagerness both sides would acquiesce in such a proposition, each no doubt anticipating the satisfaction of a glorious and final triumph over their enemies. And although they may not have been actually imbued with the feelings

¹ Moray was son of the famous “Black Agnes” of Dunbar, Countess of March, and through her a grandson of the renowned Randolph. David, Lord Lindsay of Glenesk, afterwards 1st Earl of Crawford, was son of Alexander, who married the heiress of Glenesk.

which led the chivalry of those times to risk their lives for the sake of the mere glory and of the smiles and applause of fair ladies, the clans were perhaps not altogether insensible to the honour and *éclat* of exhibiting their prowess before the sovereign and his court. It was arranged that thirty of each clan—thirty being the maximum number of “compurgators” required by the law to clear an accused person—should fight at Perth, where Robert III. held his court, and should there bring their quarrel to an issue. On the North Inch of Perth, a field excellently adapted for the purpose, the rival champions faced each other one Monday morning about the end of September,¹ 1396—the Monday next before the feast of St. Michael—prepared to conquer or die. They were hemmed in on three sides by barriers, outside which were the crowds of spectators eager to see the day’s bloody work, while on the fourth side flowed the noble swelling Tay. The good, weak old king was there, with his queen and his clever, crafty brother, Robert, Duke of Albany. Perhaps, too, the unhappy heir-apparent, David, Duke of Rothesay, was present, for although Scott, in the *Fair Maid of Perth*, represents his death as being communicated

¹ Not Palm Sunday, as is generally said. Bowar expressly says “*die Lunæ proximo ante festum S^{ci} Michaëlis.*” This fight is frequently confounded with another in 1430, which according to Major was fought on Palm Sunday. Sir Walter Scott is no doubt chiefly responsible for the error. See *Fair Maid of Perth*, chap. xxxiv.

to his father immediately after the battle, that event did not occur until six years afterwards. Some visitors from France also attended;¹ and besides the crowd of nobles, knights, and churchmen attached to the court, there was an "innumerable multitude" of the ranks below them, decent burghers of the Fair City, followers and servants of the barons, craftsmen and apprentices who had made holiday, and churls from the country round who had left their herds and husbandry to witness the day's sport.

During the inspection of the champions, it was discovered that the Clan Chattan lacked one of their number. Bowar and Lesley say that this one, having become faint-hearted, had plunged into the Tay and escaped to the other side; but they have probably confounded him with the sole survivor of the defeated party, who, as the combat was to the death, no doubt did escape in this manner. The Kinrara MS. represents the absentee as being seized with sickness shortly before the fight,—a not unlikely occurrence, considering the temptations which a capital would offer to a semi-barbarous Gael. Whatever the cause, only twenty-nine instead of thirty Clan Chattan champions appeared in the lists, and as it seems that

¹ M. Michel, author of *Les Ecosais en France—les Français en Ecosse*, mentions the combat, and the presence of his countrymen, suggesting to Mr. J. H. Burton the possibility that the affair was "a showy pageant got up to enliven the hours of idle mirth—an act of royal hospitality, in short—a show cunningly adapted to the tastes of the day, yet having withal the freshness of originality." (*The Scot Abroad*, i. 132.)

none of their kinsmen were present, and their opponents would not consent to reduce their own number, the assembled crowds must have been disappointed of their spectacle had not a volunteer issued from their own ranks. This man, by trade a harness maker, or armourer smith, "not great in stature, but fierce" (*staturâ modicus, sed effêrus*), agreed for a sum of money and on the understanding, according to Bowar, that he should be maintained for life in case of his surviving, to take the place of the absentee. The number of Clan Chattan champions being now complete, the battle commenced. Its details must of course be left to the reader's imagination, or if that be unequal to the task of portraying the scene, I refer him to the vivid description in chap. xxxiv. of the *Fair Maid of Perth*, in which we almost see the rising and falling of the claymores and axes, and hear the groans of the dying and the shouts of the spectators. When at the close the only survivor of the vanquished clan leaped into the Tay, the victors were found to be reduced to eleven men, among them being the valiant harness maker, who had borne himself as manfully as the best, although he is said to have been unable to tell which side he had adopted, only that he had "fought for his own hand."

Tradition has a pleasing record that this man accompanied the remnant of the Clan Chattan champions to their country, was adopted into their clan, and became the progenitor of a family afterwards known as *Shiochd an Gobh Cruim*—the race of

the crooked smith.¹ This record is not incredible, especially as Bowar represents the smith of Perth as stipulating for his subsequent maintenance if he should leave the field alive.² The Gows or Smiths generally appear among the septs of which the Clan

¹ The epithet "Crom" is said to have been applied to him from his being bandy legged.

² "*Cum totum illud opus cessare putaretur, ecce in medio prorupit unus stipulosus vernaculus, staturâ modicus, sed efferus, dicens; Ecce ego! quis me conducet intrare cum operariis istis ad hunc ludum theatralem? Pro dimidia enim marca ludum experiar, ultra hoc petens, ut si vivus de palæstra evasero, victum à quocumque vestrum recipiam dum vixero.*" ["For half a mark I will try the game, asking this besides, that if I quit the lists alive I shall receive the means of subsistence from some of you as long as I live."] The conclusion of Bowar's account of the matter, as given in the Edinburgh edition of Fordun by Goodall, is as follows,—"*Iste tyro superveniens finaliter illæsus exivit; et dehinc multo tempore Boreas quievit, nec ibidem fuit, ut supra, Cateranorum excursus.*" The usual reading of this is that the volunteer finally left unhurt, the north was quiet for a long time afterwards, and the Caterans made no excursions thence as formerly. But by a slight alteration a different sense altogether may be seen, which it is not unlikely the writer intended to convey. By reading *Boreas* in the ablative case (it is "*borea*" in the Oxford edition) and construing *excursus* as a participle, we have this, "The volunteer in the end left unhurt, and thenceforth lived quietly a long time in the north, nor was he there forgotten (*excursus*—overlooked, passed over) of the Caterans, as above mentioned (— or, as he had stipulated before)."

As a commentary on the tradition referred to in the text I may quote the following from Mr. E. W. Robertson's *Scotland under her Early Kings* (i. 272). On occasion of wager of battle "by Welsh law, if an *Alltud* [*i.e.* stranger] joined in the combat to make up the necessary number of combatants, and escaped with life, he ranked as a full born member of the kindred for whom he had entered the lists."

Chattan of more modern times was composed, and which acknowledged the chief of Mackintosh as their captain. Many families of the name of Smith have the motto "*Marte et ingenio*," which is peculiarly appropriate if any of those bearing it are descendants of the renowned Smith of Perth.

The victory falling to the champions of Clan Chattan, the clan over whom they triumphed ought, according to the terms previously arranged, to have forborne any further acts of hostility, and the feud ought to have come to an end. But it is scarcely probable that the rage and hatred of the defeated clan could be so readily controlled, even though a solemn engagement had been entered into for the purpose of effecting such a result. On the contrary, it would be but natural to expect that these passions would rise in them with greater vigour than ever after their signal defeat, which they would regard as a disgrace to be wiped out by blood. And even although the heads of the clan, mindful of their agreement, might have felt themselves bound in honour to restrain their passions, their children might not unreasonably have refused to give up the feud, on the simple pretext that they were bound by no agreement, and that they had no voice or hand in what their fathers had done. More, when we consider that among these Highland tribes revenge was accounted a sacred duty, and was often solemnly bequeathed by a dying father to his successor, we find it almost impossible to believe that the clan

whose champions were defeated would be able to keep within their breasts the rage and hate which rankled there, or to still their craving for vengeance on those, their ancient foes, who had been crowned with laurels at their cost, and by whose hands their best and bravest had been taken from them. Therefore, although a temporary cessation of the feud may have ensued, the idea that it never broke out afresh cannot be entertained; and this is another circumstance which seems to point to the Camerons as the defeated clan, for although shortly after 1396 we find them apparently at peace with Clan Chattan, and even in 1429-30 pursuing the same policy as that clan in deserting the Lord of the Isles, yet in the last named year an outbreak took place in which many of them were slain by Clan Chattan, and the feud thenceforward raged as fiercely as ever.

Some writers insist that the defeated clan gradually diminished after the battle in 1396, until either it became extinct or its members became so few that it was not again heard of, even as a "broken clan." Such a decadence or extinction is not mentioned either by tradition or old history, and is not at all likely. It is tolerably evident that each of the contending clans was of considerable size and importance; and surely a clan which had been able to hold its own during a bloody and protracted quarrel could not have been so seriously affected by the issue of this limited battle as these writers would have us to believe.

I have so far spoken of the victorious clan in the combat by the name of Clan Chattan, as if there were no doubt on the subject; while I have abstained from giving any name to the defeated clan, only throwing out occasional suggestions that it was the Clan Cameron. My reason for this is that I have no doubt in my own mind, and hope to be able to prove, that the victors actually belonged to Clan Chattan; while I conceive that there are very strong reasons for the belief that the other party was of Clan Cameron. These proofs and reasons are as follows:—

I. "There are but three clans," says Mr. Skene,¹ "in which any tradition of the conflict is found—the Camerons, Macphersons, and Mackintoshes." It is therefore to be inferred that these three clans took some part in the conflict. As we know that the Camerons, shortly before and after 1396, were at feud with the two other clans—which formed the two principal branches of Clan Chattan—it is not likely that they assisted one of these against the other, and so it follows that they formed one party themselves. Mr. Gregory says, "Tradition mentions Allan Mac Ochtry as the chief of the Camerons in the reign of Robert II., at which time a deadly feud subsisted between them and the Clan Chattan, regarding the lands of Glenluy and Locharkaig. From the same authority we learn that the Clan Chameron and Clan Chattan were the tribes between whom was

¹ *Higl. Scot.* ii. 175.

fought the celebrated combat of thirty against thirty, in presence of King Robert III., at Perth.”¹

II. Wyntoun makes express mention of an ancient feud between the clans from which the champions were taken,—an “auld fede,” in which “thare fore-elders ware slane to dede.” A feud, attended with great loss on both sides, had subsisted between the Clan Chattan and the Clan Cameron since the beginning of the century. There is no record, traditionary or otherwise, of the existence of a quarrel between any others of the clans who are said to have furnished the champions at Perth—except only in the case of the Macphersons and Davidsons, who had the dispute at Invernahavon

¹ *West. Highl. &c.* 75. Mr. Gregory refers here to the MS. History of the Camerons, printed as an Introduction to the *Memoirs of Sir Ewen Cameron of Locheil*. In a note on p. 344 the Editor of the Memoirs writes as follows:—“The late Mr. Gregory has followed the author (of the MS.) in making the Camerons the unsuccessful party in this celebrated conflict; but Mr. Skene contends that it must have been fought between Mackintoshes and Macphersons. The Editor cannot pretend to throw any new light upon this subject, but it may be observed that the author wrote at a time when tradition was still universal in the Highlands; and the side allotted to the Camerons affords the strongest internal evidence of its correctness in the present instance. Had the Camerons been described as victors it would have been very different.”

I must not omit to mention that in the *Scoticronicon* the Clan Kay are described as following the Comyns. This with the chronicler may mean very little, but from Douglas's *Baronage* I find that Ferquhard Cumyng of Altyr (circa 1380) married a daughter of John, head of the Camerons—a connection which may indicate some ground for the expression in the chronicle.

already mentioned. Not only, however, was this dispute *not an old feud*, but the Davidsons appear to have been almost exterminated on that occasion by the Camerons, so that it is scarcely likely that in the short interval between the fights at Invernahavon and Perth they would so far recover themselves as to be able to throw the country side into confusion, or even to furnish thirty champions.

To the belief that Clan Dhaibhidh or Davidson was one of the two contending clans the testimony of the Kinrara MS. History of the Mackintoshes seems clearly opposed. The writer of this, in his account of the Invernahavon fight, speaks of "*Clan dai, a family of the Catani;*" but in his account of the Perth fight immediately following, he speaks of the vanquished as "*Clan cai or Clan Cauilli,*" thus evidently regarding clans *Dai* and *Cai* as distinct tribes.

III. A belief that the clans at feud were both large and powerful seems almost indispensable, seeing that their quarrel was of such magnitude as to demand the special interference of the Government. The Clan Chattan and the Clan Cameron were undoubtedly clans of considerable size and importance, which the Mackintoshes, Macphersons, and Davidsons individually were not.

IV. Considering the moral characteristics of the Highlanders of that time—and even of later times¹—it seems almost impossible to believe that the defeated

¹ See p. 105.

clan would accept the defeat of their champions as final and give up the quarrel. Early in the 15th century we find the Clan Chattan and Clan Cameron, who appear to have remained quiet for about thirty years, again engaged in hostilities, harrying and slaying as fiercely as in the century before.¹

V. It is reasonable to infer that, in his selection of the commissioners for settling the feud, the king was guided by his knowledge of some connection between them and the clans with which they would have to deal.² Such a circumstance is closely applicable to the Clans Chattan and Cameron. The Mackintosh section of the former held some of their lands in the north, Petty and others, under the feudal superiority of the Earl of Moray; while Lochaber, the seat of the Camerons, was one of the lordships belonging to the Lindsays of Crawford, and afterwards inherited by David Lindsay himself. Lindsay held, at this time, in right of his wife, a daughter of Robert II., the barony of Strathnairn, forming a portion of the Clan Chattan country.³

¹ *Major*, 302; *Buchanan*, vit. Jac. I.; *Bowar*, 1285; *Kinv. MS.*

² Mr. Skene makes a similar suggestion, using it to support his theory that the Mackintoshes and Macphersons were the contending clans. He states (on what authority I know not) that the Macphersons held Strathnairn under Lindsay. *Highl. Scot.* ii. 176. I am unable to trace any connection between the Macphersons and Strathnairn at this period.

³ Lindsay of Pitscottie's *History of Scotland*, *Dedication*, p. vi. Lord Lindsay's *Lives of the Lindsays*, i. 98.

The foregoing considerations have reference to both clans ; the following refer only to Clan Chattan :—

VI. Besides the testimony of the Mackintosh MS. History that the thirty victorious champions represented the Clan Chattan (not, let it be observed, the Clan Mackintosh alone), the various branches of the sept of Shaw of Rothimurcus—even those whose migrations carried them furthest from the cradle of their race—have a distinct tradition that their progenitor was the leader of the victorious party, and that this party belonged to Clan Chattan. The tradition held by my own branch,¹ that of Tordarroch, which is corroborated in its main points by the traditions of the Shaws in Strathspey and Forfarshire, is that Lachlan, chief of Mackintosh, being too old and infirm to take the field in person, deputed his kinsman Shaw “Mor,” a warrior of tried valour and established renown, to fill his place ; and that, as a reward for the victory which he obtained, Shaw was presented by the chief with the lands of Rothimurcus.

Here then we have clear traditionary evidence that the Mackintosh section of Clan Chattan participated in the fight, and this evidence is confirmed by the testimony of the MS. Histories. As the first of

¹ This tradition has come to me only at *second* hand from my great-grand-aunt, Margaret Shaw, wife of Farquhar Macgillivray of Dalcrombie, an old lady who I understand was regarded in her time as a living cyclopædia of Highland legend and tradition. Her husband was one of the three officers of the Mackintosh battalion who escaped alive from Culloden.

these Histories was compiled within a hundred years after the battle, the writer in all probability had seen and spoken with persons who had been alive in 1396, possibly even with some who had actually fought in the battle.

The name "Scha Ferqwharis-son" which Wyntoun, or the St. Andrew's Records, gives to one of the leaders, seems still further to strengthen this traditional evidence. Shaw is a name almost peculiar to certain branches of Clan Chattan during the 16th and 17th centuries, and was, there is little doubt, entirely confined to the Mackintoshes in the 14th and 15th centuries. Then with regard to the "Farqwharis-son," nothing is more likely than that the name of the great chief of the early Mackintoshes, Ferquhard, descended as a patronymic even as far down as to his grandson's grandson Shaw Mor,¹ who had an especial claim to it as having shown himself a worthy descendant of the distinguished chief.

VII. The possession of the *feadhan dubh*, the famous black chanter, by the Macphersons, and their traditions concerning it—traditions however wild and

¹ See above, p. 29. Mr. Skene (*Highlanders*, ii. 177) mentions the probability of this, although he assigns to the Macphersons names properly belonging to the Mackintoshes. "According to the MS. of 1450," he says, "the chief of the Macphersons was Shaw, and his great-grandfather's name is Ferchar, from whom he probably took the patronymic of Fercharson." I need scarcely remind the reader that it was a common thing in those days for a man to be designated as *son* of a remote ancestor.

improbable—testify that their section of the Clan Chattan confederacy was also represented in the battle; and thus we have evidence that both the great sections of the clan were engaged.

VIII. The mention in the Act of Parliament already referred to of *Slurach* (evidently a mistake for *Sheach*) and the whole clan *Qwhevil* among those put to the horn in 1392 for taking part in the Raid of Angus, is important, as furnishing additional though indirect evidence that the Clan Chattan was one of the clans represented at Perth. The *Sheach* and the Clan *Qwhevil* of the Act can be no other than the *Scha Ferqwharis-son* and the *Clannyhe Quhewyl* of *Wyntoun*. Although the Act referred to, and the chronicles of *Wyntoun*, *Bowar*, and *Major*—the only authorities for the name *Quhele*—give no further indication by which the particular clan meant may be identified, we may perhaps be able to effect this identification by an examination of the word itself, and by the mention of a word very like it some two hundred years afterwards. *Quhele* or *Quheuel*,¹ as written by a Lowland scribe, can only be pronounced in one way, that is, as if it were written *whale* or *wha-il*. In 1869 I conceived the idea—which I at once made public in the form of a suggestion in *Notes and Queries* for 29th May of

¹ For the sake of the uninitiated in such matters, I may mention that *v*, and sometimes *w*, was used in olden time for *u*—thus *Qwhevil* is *Quheuil*. *Qwh* was equivalent to *wh*—as *quhat* = what, *quho* = who.

that year—that the word might be the Lowland spelling of the Gaelic “*uail*” (proud, illustrious, &c.), and that this appellation might have been sometimes applied to or used by the Mackintoshes in allusion to their proud descent from the Thanes of Fife ; further that, being a name of the chief sept of Clan Chattan, it had been given by the early writers to the whole of that clan, in the same way as in Holy Writ Ephraim is put for the ten tribes of Israel. Since that time I have become inclined to attach greater weight to this idea, especially as I think it is supported by the subsequent mention of the similar name to which allusion has just been made. “*Uail*,” let it be observed, is equivalent to “*toiseach*” in some of its significations, and the name Mackintosh is of course *Mac-an-toiseach*, son of the foremost or principal. If such is its meaning, the name *Quhele*, as a clan name, is certainly of an exceptional class ; but it may perhaps be accounted for by the somewhat exceptional circumstances attending the origin of the Mackintosh clan.¹

Coming now to the mention of Clan *Chewill* (the

¹ Since this was written I have discovered what I take to be a corroboration of my view in the Mackintosh MS. History. On a reperusal of the MS.—or rather of a translation from the Latin MS., bearing date 1795—I was attracted by the following passage: “As this family is of noble descent, it is often in the Gaelic language called ‘*Fuill Vighkintoshick*’ to distinguish it from some vulgar families of the Clan Chattan.” The similarity of *Fuill* to *Quhele* or *uail* is apparent at once when we recollect that “*wh*” at the beginning of a word is frequently sounded as “*f*” by both Scots and Irish Celts.

name referred to as being like *Quhele*) in a Roll of Broken Clans given in an Act of Parliament of 1594,¹ it is scarcely likely that this name can be other than the same as that written *Quhewyl* by the early chroniclers. Its pronunciation as a Gaelic word is as nearly as possible identical with that of *Quhewyl* as written by a Lowlander. *Chewill* is pronounced *hw-il* or *whu-il*,² *Quhewyl* *wha-il*. The clans in the Roll are for the most part named in a kind of order, according either to *their connection one with another* or to their relative local situation. Thus the clans Gregor, Farlane, and Lawren, heading the Roll, were close neighbours about the head of Loch Lomond. The mention of Clan Ranald of Lochaber immediately after Clan Cameron, and of Clan Gun and Siol Phail immediately after Clan Morgan, may be accidental, but I think there is a reason for it. In the first case the Clan Ranald of Lochaber, from about 1550, had been closely connected with the Camerons, who had acquired nearly all their lands;³ the two clans acted together on several occasions, were both followers of Huntly and enemies of the Mackintoshes, and in two Acts of 1602 the names of M'Conillduy and M'Rannald are conjoined.⁴ In the second case, the Clan Gun had for a few years before

¹ *Scots Acts*, iv. 71, "Act for punishment of thift, reiff, oppression and soirning."

² *Ch* in Gaelic is sounded as *h* guttural—e.g. *clachan*, *loch*.

³ Skene, *Highl. Scot.* ii. 194-9.

⁴ 1. An Act ordering a levy of Highlanders to assist the

the date of the Roll been under the protection of the Mackays (Clan Mörgran),¹ while the Siol Phail were actually Mackays. What I would suggest is that the position of Clan Chewill immediately after Clan Chattan on the Roll may in like manner be taken as implying that it was dependent upon Clan Chattan.

But the "Quhewyl" of the chroniclers and the "Chewill" of 1594 being identical, why, it may be asked, if the clan bearing the name in 1396 was the Clan Chattan, are Clan Chattan and Clan Chewill mentioned separately in 1594? The only explanation I can suggest is that the Mackintoshes had in the meantime ceased to be known by the name, and that it had been retained by one of their offshoots. A late eminent writer on the Highlands² expressed the opinion that the Shaws of Rothimurcus are meant by the Clan Chewill of the Act; if he is correct—and the opinion is extremely probable—my idea is fortified, as the Shaws were an offshoot of the Mackintoshes and in 1594 were a broken clan.

The first mention in printed history of Clan Chattan as one of the contending clans is in Bellen-den's translation of Boece, published in 1530. It

Queen of England in her Irish wars. 2. An Act anent Wappin-schawings.

¹ Sir R. Gordon's *Earldom of Sutherland*, 170-190 *passim*.

² Col. J. A. Robertson, author of *Historical Proofs on the Highlanders; Gaelic Topography*, &c. See *Memorials of Clan Shaw*, by Rev. W. G. Shaw, 1st Edit. App. I.

has been said that this introduction of the name into the lists at Perth was owing to the accident that in Boece's original the "l" in Quhele being crossed appeared as "t," Bellenden on that account rendering it *Glenquhattaneis* or Clan Chattan. But I am inclined to think that Bellenden rendered the word thus advisedly, knowing that it signified the same people as Clan Quhele—this name having shortly before his time passed into partial oblivion, and that of Chattan having come into general use. Few of his readers would know who were meant by Clan Quhele, but most would recognise Clan Chattan.

IX. The last suggestion—I will not call it a reason—which I shall offer on this subject refers to the Camerons. After some hesitation I have decided to insert it here, in the hope that it may be of value, if not in indicating the presence of the Camerons at the Perth fight, at least in affording some clue to the hitherto obscure names Clan Ha and Clan Kay.

In the Band of Union entered into in 1609 by the various branches of Clan Chattan are the words "*Ay vic Bean vic Robert of Tordarroch for himself and taking the full burden upon him of his race of CLAN AY.*" During a discussion some years ago concerning the fight at Perth, it struck me as possible that this Clan Ay might have some connection with Wyntoun's Clachiny-ha; but failing to find any other trace of the name, I gave up the idea. On its recurring to my mind afterwards, I set myself to follow it up,

and succeeded in obtaining what I considered a clue, though a very different one to that which I had expected. The Ay Mac Bean of Tordarroch I knew to be my own ancestor, Angus Shaw son of Bean, whose name appears in several other documents of the period; but it did not at first occur to me that his sept might have been called after himself, its head at the time, as we not unfrequently find other families and clans similarly called after their actual leaders. I therefore had to give up all thought of this Clan Ay as one of the clans at Perth, and to direct my inquiries solely by the synonymy of Ay and Angus.

Mr. Skene's MS. of 1450 now came to my aid. Speaking of an Angus who held the district of Moray soon after 1089, Mr. Skene says, "by the assistance of the invaluable MS. we are enabled to discover" who Angus was, "for when Wimund, who claimed the Earldom of Moray in the reign of David II., asserted that he was the *son of this Angus*, he assumed in consequence the name of Malcolm *Mac-heth*."¹ Now let it be observed that the Gaelic names in this MS. of 1450 are not written by a Sassenach, but by a native Gael, and therefore we may assume that they are to be pronounced in the Gaelic fashion. Thus *Heth* is pronounced Hā—the *e* being sounded as

¹ *Highl. Scot.* ii. 162-3. Mr. Skene goes on to speak of this name Macheth as Angus's "family name"; but this is not called for nor does it follow, and "family name" is a strong term to apply to any name of the 11th century.

ā, the *th* silent—and is, there can be no doubt, the same word as Wyntoun's "ha."¹

We have now two names (Ay and Heth) similar to the "Ha" of Wyntoun—I say similar, because the slight difference in respect of aspiration will be admitted by all competent judges in such matters to be immaterial; and we see that both signify *Angus*.² But Bowar, the other original authority, writes Clan *Kay* instead of Clan Ha or Ay, thus apparently giving quite a different name. The difficulty at once vanishes, however, if we regard the initial letter of Kay as representing to a Sassenach ear the genitive of "mac"—*mhic* or *vic*, or as it is frequently sounded and written—*'ic*. This gives us Clan-'*ic*-Ay (Clan of the son of Ay), which Bowar not unnaturally transforms into Clan Kay.

Having thus shown to my own satisfaction that Clan Ha or Ay means Clan Angus, my next object was to identify the Camerons as Clan Angus or Ay, and I forthwith sought for some distinguished

¹ For remarks respecting the sound of Wyntoun's "clachinyha" see note on p. 91.

² The name Ay occurs also in the Act of 1392 already referred to in connection with the Raid of Angus. Among the Duncansons, Rolsons, &c. there put to the horn we find *Joannem AYSON juvenem* ("iuuenē"), probably a son of *Angus Og*, the third son of Angus and Eva and great-uncle of Shaw Mor, the "Slurach" of the same Act and the leader at Perth. An Aye son of Ian son of Thomas is mentioned in Clan Chattan's Band in 1543. This completes the list of *Ays* or *Has* which have come under my observation, but no doubt there are more to be found.

progenitor of Locheil prior to 1396 bearing the name Angus. My eagerness was at once rewarded. In the first page of the History of the Camerons prefixed to the *Memoirs of Sir Ewen Cameron* I found this,—“A learned antiquary informs us that Angus their (the Cameron’s) ancestour married Marion, one of the daughters of Kenneth III.” I need hardly repeat that it was no uncommon thing for a man or a clan to be designated after a remote ancestor, and whether the Angus just mentioned really lived in the time of Kenneth III. and married his daughter, or not, it seems clear, from the preservation of his name in his clan, that he actually existed at some early period; and this being so, there is no reason to doubt that his descendants at some time bore his name.

Whether these remarks are sufficient to show satisfactorily that the Camerons were Clan Ha or Kay of course remains to be seen. But although I am quite prepared to have both my philological deductions (as to Clan Quhele and Clan Kay) challenged, I think I have some ground for believing that my attempted explanation of the two obscure names given by the early chroniclers to the contending clans is neither improbable nor too far strained.

The foregoing reasons and facts, if properly and fairly considered, prove conclusively that one of the parties at the Perth combat was composed of members of the Clan Chattan; and if they do not prove that the other party belonged to the clan after-

wards known as Clan Cameron, they at least show a very strong probability that such was the case. It may be that there exists no actual proof of the identity of this other clan sufficient to convince all parties, and if so, it is to be expected that there will always be difference of opinion on the point. Where certainty in any matter is not to be attained to, the next best thing to lay hold of is the greatest probability; and I make bold to believe that the amount of probability which I have endeavoured to show belongs to the theory that Clan Cameron were the opponents of Clan Chattan is, to say the least, not smaller than is contained in any other theory which has been broached on the same matter.

Both Skene and Browne seem to imagine that the subject of the dispute which led to the battle was the headship of Clan Chattan. Thus Skene,—“Soon after this period (1396) the chief of the Mackintoshes assumes the title of Captain of Clan Chattan, but the Macphersons have always resisted that claim of precedence.” “They (Clan Chattan) became divided into two distinct factions; on the one side were ranged the Macphersons and their dependents, *together with the Camerons*; on the other side were the Mackintoshes with the numerous families who had sprung from that branch of Clan Chattan; and they were *about to settle* their difference by open war when the interference of Sir David Lindsay and the Earl of Moray produced the extraordinary conflict which

resulted in the defeat of the faction adhering to the family of the ancient chiefs, and the establishment of the Mackintoshes as Captains of Clan Chattan. In this manner the Mackintoshes became *de facto* chiefs of the clan, and *consequently acquired the title of Captain.*"¹ Thus also Browne, following Skene,—“The point in dispute was settled in their favour, the Mackintoshes were acknowledged as the chiefs of the clan, though under a different denomination (that of Captain), and from the date of the conflict at Perth they continued to be regarded as its heads.”²

On these statements I need say but little. It has been shown that there was no dispute concerning the right of the Mackintosh chiefs to the headship of Clan Chattan until some two hundred years after this event, but that the different branches acted together. As to the statements that the acquisition by Mackintosh of the title of Captain of the clan was *consequent* upon the result of the combat, I need only remind the reader that this title is given to Mackintosh so early as in 1337. Besides, when Mr. Skene says that the two factions were *about to settle* their difference by open war when the government interposed, he seems to be strangely forgetful of the testimony of all the authorities in regard to the existence of an *old* feud; was it not, rather, because the clans had already been engaged in open war for some time that Lindsay and Moray were sent to effect some arrangement for

¹ *HIGHL. SCOT.* ii. 177-8. The italics are mine.—A. M. S.

² *HIST. HIGHL.* iv. 474.

the purpose of restoring tranquillity to the country? And further, this author has certainly no grounds for stating as a positive fact that the Macphersons *and* Camerons were arrayed together against the Mackintoshes before the fight at Perth.

Mr. Skene, who has been blindly followed by most succeeding writers, also says, founding on a passage in Major's History, that the Clan Cameron were of the same stock as Clan Chattan, and that they formed part of that clan until the conflict in 1396, after which they separated themselves and declared their independence.¹ The passage in the Edinburgh edition of Major (pub. 1740), which was probably the one consulted by Mr. Skene, no doubt conveys this impression. It is as follows,—“*Duæ tribus sylvestrium, scilicet Clankatan et Clancameron, Alexandrum insularum relinquerunt, et partes regis et probe sequenti sunt. In festo palmarum sequenti usque adeo debacchatum est, ut totam progeniem Clancameron tribus Clankatan extinxerit. Tribus hæ sunt consanguineæ, parum in dominiis habentes, sed unum caput progenei tanquam principem sequentes, cum suis affinibus et subditis.*”²

¹ *Higl. Scot.* ii. 174, 193-4.

² *Major* (Edin. 1740) p. 302. The following is an almost literal translation of this extract, which relates to events in 1429-30. These events will be treated in the next chapter. “Two tribes of the forest people (or Highlanders), Clan Chattan and Clan Cameron, left Alexander of the Isles and followed the side of the king, not without effect. At the following feast of palms,

While I admit that Mr. Skene's deduction from *these* words as to the community of stock of the two clans is perfectly warrantable, and indeed obvious, I must say that it by no means follows that, even if the Clan Cameron were of the same stock as Clan Chattan, they had not separated long before 1396.¹ In fact, not only is there nothing whatever about separation in the passage, but the latter portion of it seems to imply that the two septs followed one chief at the time Major wrote. If any such separation had taken place, we might expect to find some trace of the circumstances attending it preserved in tradition; whereas there is no tradition—except in the case of the section originally known as Macgilonies²—of the Clan Cameron's having ever belonged to or been connected with Clan Chattan. On the other hand, there is ample tradition of their

there was such fury (between them) that the Clan Chattan destroyed a whole race (or sept) of Clan Cameron. *These tribes are of one blood, holding little in lordships, but following one head of their race as chief, with their friends and dependents.*"

¹ Gregory, more cautiously, says "*there is reason to believe*" that the two clans had a common origin, but he adds that they "have been separate ever since *the middle* of the 14th century, *if not earlier.*" *West. Highl.* 75.

² According to tradition the Macgilonies of Lochaber, whose name—like the names of other families incorporated into the Clan Cameron confederacy—has long been exchanged for that Cameron, were brethren of the Macbeans of Kinchyle, &c., and originally members of the old Clan Chattan. As they are said to have become one of the principal septs of Clan Cameron, the Camerons may perhaps be allowed in this restricted sense to have been of the same stock as Clan Chattan.

early feuds with that clan. But, to cut the matter short, I have no hesitation in expressing my conviction that Major had not the slightest intention of speaking of the two clans in question as being of the same stock and following one head of their race, and that those writers who have alleged such a connection could not have been aware of what he really said. In the original edition of his History printed at Paris in 1521, the tribes deserting Alexander of the Isles in 1429 are said to be Clan Katan and Clan *Kauel* (the latter of which names has unfortunately been altered to *Cameron* in the Edinburgh edition of 1740), while the tribe with which Clan Katan had the affray on the following Palm Sunday is said to be Clan *Brameron*—an evident misprint for *Cameron*.

The name in the almost unknown original edition of Major opens up an entirely new view of this question, a view which I shall proceed to lay before the reader. That the name *Kauel* is correct, and not *Cameron* as in the 1740 edition, is obvious, inasmuch as Major himself, who superintended the printing of his book in 1521, must have known what he wished to say much better than his editor two centuries later.

As has been already mentioned, the Clan *Cameron* was originally a confederacy of several distinct clans. The family which obtained the leadership of the confederacy, and to which pertains the line of *Locheil*, has long been known as “Clan *Dhomhnuill*” or “*Conuil*,” its heads bearing the title “*Mac Conuil*”

duibh," from Domhnuil Dubh, head of the clan in 1429.¹ One of the most frequent forms of this title of the heads of the clan, in old writings and histories, is "Mac COIL duibh,"² and although I must confess I am ignorant of any old writing in which the clan is similarly called "Clan Coil," yet the inference seems plain that if "Dhomhnuil" was abbreviated into "Coil" in the chief's name, it must likewise have been occasionally so abbreviated in the name of the clan, both patronymic and clan-name being derived from one and the same person.³ The Clan Kael of Major, then, I take to be Clan Coil or Conuil, by which name—originally belonging only to the immediate family of Donald Dubh—the whole confederacy of Clan Cameron was beginning to be known at the time Major wrote; thus Clan Kael would be equivalent to Clan Cameron.⁴ That this

¹ In more recent times the whole Clan Cameron is spoken of as Clan Conuil, but at first this name belonged exclusively to the immediate family of Donald Dubh.

² This form is of frequent occurrence in the MS. History of the Camerons. In the "Rentail of the Lordschippe of Huntlye" made in 1600 (given in *Spald. Club. Misc.* iv. 292) we read of "*Allane Camrone M'Ouildowj*," and in *Moysie's Memoirs* (98) of "*Allane M'Kildowie*."

³ Compare the name given in the Latin MS. History of the Mackintoshes to the defeated Clan at Perth—Clan Cai or *Clan Cauelli*. See above, p. 109. Lest the reader should feel inclined to think *Kael* another form of the disputed *Quhewyl*, I may observe that there is no connection between the two, one being pronounced *Kavel*, the other *wha-il*.

⁴ It is, however, not impossible that the Clan Kael deserting Alexander was the Clan Coil proper *alone*, *i.e.* the branch having

is so appears evident from the fact that Bowar, who wrote nearly a century before Major, and was alive in 1429, styles the clan which with Clan Chattan deserted Alexander of the Isles, Clan *Cameron*.¹ Nothing is more likely than that Major consulted Bowar's account before writing his own, and he would scarcely differ in such an important particular from one who had lived at the very time of the event which he describes. Besides this, although it would appear *primâ facie* from the passage quoted that the phrase "*tribus hæ sunt consanguineæ*" refers to Clan Katan and Clan Cameron, I think it really refers to Clan Kaul and Clan Cameron, two branches of the Clan Cameron confederacy—the former name either being applied generally to the whole confederacy, or else particularly to the branch to which the chief belonged; the latter to one of the families of Cameron proper. To make my meaning more clear—Bowar's Cameron first mentioned and Major's Kaul signify either the whole confederacy or the leading branch; while Bowar's second Cameron and Major's *Brameron* signify only a sept or family of Donald Dubh at its head; as it appears from Gregory (p. 77) that some of the Clan Cameron, the Macgilonies, were opposed to the rest of the clan at this time. I merely suggest this, and acknowledge that it will scarcely bear comparison with Skene's statement that Donald Dubh belonged to the Macgilony branch; but the fact that this statement depends on the MS. of 1450 may perhaps afford some ground for doubting its correctness, and I would rather believe that Donald and the line of Locheil are the real Camerons.

¹ *Scoti-cronicon, Bowar's Continuation*, 1285.

Camerons proper.¹ One reason against the Clan Chattan's being one of the "*tribus hæ*" is that it certainly could not be said of that clan, when Major wrote (about 1520), that it "had little in lordships," or that it followed the same chief as the Camerons.

The evident antithesis in the first two sentences of the passage in the original edition of Major seems to afford a presumption that "Kauel" and "Cameron," and not "Katan" and "Cameron," are referred to as the "*tribus hæ*,"—thus at one time Clan Coil (or Cameron) is to all appearance in perfect harmony with Clan Chattan, but soon after things rage so furiously between them that Clan Chattan cuts off a whole branch of Clan Cameron.

To sum up, the most likely solution of the apparent difficulty in this passage of Major's History seems to be this;—The chronicler follows Bowar's account of the desertion from the Lord of the Isles in 1429 and of the slaughter of a branch of Clan Cameron in the following year; but in the mention of the first event he uses a name, *Kauel*, properly belonging only to the chief branch of

¹ Mr. Skene (ii. 195) says there is reason to think that the Macmartins of Letterfinlay were originally the principal sept of Clan Cameron, and that they were superseded by the family afterwards of Locheil, the oldest cadets, about the period from 1396 to 1430. This being so, may not the Macmartins have been the branch cut off by Clan Chattan on Palm Sunday 1430? I may observe, however, that the Cameron MS. History is silent regarding such a position for the Macmartins, and there is no doubt that Donald Dubh headed the clan in 1429.

Clan Cameron—whether to indicate that branch only or the whole confederacy is immaterial here. In the mention of the second event he employs the name *Cameron*, but remembering that he is writing for readers who would have little or no knowledge of the intricacies of Highland family and clan names, and perhaps apprehensive that by using the name *Kauel* he may seem to differ from Bowar, he adds in explanation the few words “*Tribus hæ sunt consanguineæ, &c.*” to show that the two names *Kauel* and *Cameron* belong to the same body of people. These words would never have led to so much misconception had the editor of *Major* in 1740 been acquainted with a little of the history of the *Camerons*, and allowed the name *Kauel* to stand as *Major* himself wrote it.

On all this I submit, with due deference to the opinion of those better able than myself to decide the point, that the original reading of *Major* and the considerations suggested by it which I have just laid before the reader, afford very strong evidence that the statements of *Mr. Skene* as to the community of stock of *Clan Chattan* and *Clan Cameron*, and as to a separation of the latter from the former in consequence of the result of the combat at *Perth*, are in reality unfounded. The facts that they were ever made and that they have been taken for granted by almost every succeeding writer on the Highlands who has treated of the *Camerons*, thus vitiating the correctness of the history of that clan, show

how desirable and even necessary it is for anyone who makes statements or founds theories on the testimony of ancient authorities to be sure that he has the actual words of such authorities; not to be content with modern editions, quotations by other writers, or translations, but to go straight to the fountain head.¹

¹ This chapter, somewhat amplified, was printed separately in 1874, under the title *The Clan Battle at Perth in 1396*.

CHAPTER V.

Ferquhard, 9th chief—Malcolm, 10th chief—Battle of Harlaw—Feud with the Comyns—Custody of Inverness Castle—Malcolm's desertion of the Lord of the Isles—Conflict with the Camerons in 1430—Donald Balloch's Inroad—Glenroy and Glenspean—Prosecution of the Feud with the Camerons; Conflict at Craiggalloch—Battle with the Munroes at Clachnaharry—Duncan, 11th chief—Ferquhard, his heir-apparent—Lochalsh's Rebellion; Blair-na-Park—Dougal Mor Macgillichallum—Ferquhard's Imprisonment, and succession to the chiefship—Hostilities with the Camerons and their allies—Donald Dubh's Insurrection—Ferquhard's Release from Prison, and Death.

AFTER a chiefship of nearly forty years, Lachlan mac William died at a ripe old age in 1407, leaving by his wife Agnes, daughter of Hugh Fraser of Lovat, one son Ferquhard, who succeeded him, and a daughter, married to Chisholm of Strathglass.

(9) The chiefship of FERQUHARD was a brief one. Whether unfitted by infirmity of body or by disposition of mind for the active and often harassing duties incident to his position is not certain; but at all events, to quote the Kinrara MS.—which describes him as “of a sullen disposition”—“his

friends of the name of Clan Chattan, an active and stirring people at the time, were altogether dissatisfied with his way of managing affairs; therefore he willingly renounced his inheritance and birth-right in favour of his uncle Malcolm, and took himself to a private life." From the expressions here used it may be gathered that his tastes inclined more to the side of peace and quietness than was acceptable to his turbulent and warlike clansmen; and it is probable that his incapacity, from whatever cause it proceeded, furnishes a reason for his cousin Shaw Mor's being employed to lead the Clan Chattan champions at Perth in 1396, as Ferquhard himself was undoubtedly the person who should have taken his aged father's place on that occasion.

Ferquhard accordingly gave up a position which he had neither the ability to fill nor the wish to retain; his three sons—by Giles, daughter of Alexander Innes of Innes—at the same time being cut off from the succession. He gave up all title to the patrimony of the family, reserving only Killachie and Corrivory, to which he retired and where he died in 1417 at the age of fifty-six. His sons all had issue, and were the progenitors of several families bearing various names besides that of Mackintosh. His daughter was the wife of Duncan mac Kenneth vic Ewen, ancestor of the Macphersons of Cluny.

(10) MALCOLM, his successor, was the son of

William, 7th chief, by his second marriage late in life with Margaret Macleod. Malcolm's character was in every way the opposite to that given of Ferquhard. He was, says the Kinrara MS., "of a high and towering spirit, but of a middle stature, thick and square, able to endure all extremities of weather and scarcity or want of rest, fortunate in war and in every way accomplished, only by the fault of the times in which he lived he was not polished with letters." From his shortness of stature he received the cognomen "Beg."

His warlike qualities were not long suffered to lie dormant. Donald, second Lord of the Isles, having a quarrel with the Duke of Albany, Regent of the kingdom,¹ concerning the right to the Earldom of Ross, in the year 1411 invaded and took possession of the districts pertaining to the earldom. Accompanied by the Islesmen and most of the clans of the Western Highlands he proceeded to invade the Lowlands; and on his way from Ross through Moray he was joined by Mackintosh with the Clan Chattan. There can be little doubt that, just as was the claim of Donald upon the Earldom

¹ This was the Duke Robert, brother of Robert III., whose character is perhaps best known as drawn by Sir Walter Scott in the *Fair Maid of Perth*. Though ambitious and unscrupulous, he was doubtless one of the ablest governors Scotland has ever possessed. In the quarrel with Donald of the Isles he was clearly in the wrong, whether his object was one of personal aggrandisement or of political expediency. The grounds of Donald's claim have been briefly stated on p. 49, *ante*.

of Ross, his further action in raising the standard of rebellion against the governing powers of the country was carried out in fulfilment of an understanding with the English king. If his object had been simply to secure his earldom he might have held it against Albany without carrying the war into the Lowlands. He was on his way southward through Aberdeenshire when he was met by the Earl of Mar, at the head of an army inferior to his own in numbers, but superior in equipment and discipline. On the 24th July 1411 was fought the battle of Harlaw, indecisive at the moment, but so far to the advantage of the royal army that Donald was obliged to return to the Isles and leave the Earldom of Ross to be occupied by his adversary.

Of the chiefs assisting Donald at Harlaw, Malcolm Mackintosh and Hector Maclean were the most important, and both these are said to have lost their lives in the battle. Thus an old ballad, *The Battle of Harlaw*,—

“ Malcomtosh, o’ the clan head chief,
Maclean, wi’ his great haughty head,
Wi’ a’ their succour and relief
Were dulefully dung to the dead.”

Bocce also says that Mackintosh was killed, but two of the original MS. Genealogies of the Mackintoshes, says the Kinrara MS., “bear that Malcolm, who was chief and leader of the Clan Chattan at the

battle of Harlaw, died not till the year 1457, being forty-five years after the battle, and in this also the chronicle (*i.e.* Boece's) is faulty: first, because Mackintosh has charters as yet extant granted to the said Malcolm in the years 1443, 1447, and 1456; second, Major (lib. vi. cap. 10) says that '*campi ductorem Mac Gillean occiderunt,*' but makes no mention of Mackintosh in that place. And moreover the testimony of the MSS. is more to be regarded in deciding of controversies of that nature than that of the chronicles, as being more ancient and nearer the times wherein these things fell out. And further yet, suppose the Laird of Mackintosh was not killed at the battle of Harlaw, yet James Mackintosh, Laird of Rothimurchus, son to the prementioned Shaw that fought on the North Inch of St. Johnstoun, was slain there, who doubtless has been taken by Boetius his informer for the Laird of Mackintosh, so as the mistake doth plainly appear."

The MS. History of the Macdonalds already referred to, of which a fragment is given in the *Collectanea de Rebus Albanicis*, affords additional testimony (such as it is) that Malcolm survived the battle. The writer says positively that he was not killed, and as a proof that the victory was with the forces of the island chief he records the following:—"It happened that this same Callum Beg Mackintosh was with James I. after his releasment from captivity in England in the same place where the battle was

fought. The king asked him how far they followed the chase. Mackintosh replied that they followed it further than his majesty thought. The king riding on a pretty pace, asked Mackintosh if they came that length. He answering said, that in his opinion there was a heap of stones before them, and that he left there a mark to show that he followed the chase that length; and with that he brought a man's arm with its gauntlet out of the heap." The story goes on to say that the king ordered Malcolm to attend him to Aberdeen, but that on their arrival there Malcolm, suspecting treachery, took the earliest opportunity of making his escape. The same writer says that Donald of the Isles at Harlaw gave to "Callum Beg Mackintosh, who commanded the left wing, a right of the lands of Glengarry, by way of pleasing him for yielding the right wing to Maclean." But except this there is no record extant of the possession by Mackintosh of a right to Glengarry until 1467.

In the time of this chief, the feud with the Comyns, which had smouldered during the last century, only occasionally breaking out in fitful hostilities on either side, was finally quenched: at least we hear no more of it. It appears that soon after Harlaw, Alexander Comyn, who held possession of the lands of Rait and Geddes of right belonging to Mackintosh, caused several of Mackintosh's clansmen to be apprehended while passing through

his lands, and had them hung.¹ According to the Kinrara MS., Malcolm revenged this insult by surprising some of the chief men of the Comyns in the castle of Nairn, and putting them to the sword. On this the Comyns invaded his country, advancing to Loch Moy, where they were caught in an ambush and completely routed. We are told on the authority of tradition that the Comyns now made advances towards a reconciliation, all the while meditating a scheme of revenge. The circumstances under which this scheme is said to have been frustrated are so interesting and curious that I need offer no apology for inserting the narrative given in the *Statistical Account of Scotland*:—²

“The Comyns, conceiving they had received some offence from the Mackintoshes, were determined to be revenged, and concealing their bloody purpose, invited the Mackintoshes to the Castle of Raits, where all animosities should be buried in oblivion at the festive board. One of the Comyns, from compunction of conscience or regard for one of the intended victims, sent private notice to one of the Mackintoshes to meet him at the Grey Stone,³ to

¹ This incident is commemorated by the name “Knock-na-Gillan” (the young men’s hillock) given to an eminence below the site of the Castle of Raits said to have been the scene of the execution.

² Vol. xiv.—Account of the United Parishes of Croy and Dalcross, p. 449.

³ This stone is still pointed out, and is known as *Clach-na-seanais*, or the “listening-stone.”

which, addressing himself in the audience of his friend, he disclosed the bloody and treacherous intentions of his clan. The Mackintoshes being thus made aware of the design of the *rendezvous*, nothing daunted, repaired to the castle at the appointed hour, and before the Comyns could give the signal for attack each Mackintosh plunged a dagger into the bosom of a Comyn, and only saved the life of the man who communicated the treachery to the Grey Stone.”¹

With regard to the ambush in which the Comyns were taken at Loch Moy, it may not be amiss here to quote another passage from the *Statistical Account*,² relating to an alleged stratagem by which the Comyns were compelled to raise the siege of the island in the loch. With the usual looseness of traditionary record, neither the date nor a clue to it is given; but if the occurrence ever happened at all, it is likely it happened about this period:—“The traditionary history (of Moy) is principally taken up with the feuds of the Mackintoshes and Cummings, and many tumuli are pointed out as the graves of the slain. Some of these have been opened and bones found; stone arrow-heads and dirks have also been discovered. * * * During a long war between the

¹ Tradition also states that the invitation to the Mackintoshes was on the occasion of a marriage; and that the signal for the attack of the Comyns upon their guests was to be the appearance of a bull's head. See also the Account of the Parish of Auldearn, p. 9; and the Account of the Parish of Nairn, pp. 1, 2.

² xiv., 104.—Account of the United Parishes of Moy and Dalarossie.

two hostile clans, the Cummings had at length driven the Mackintoshes for refuge into the island of Loch Moy. Here they formed the resolution of damming the loch, where the Funtack issues from it, and thus by raising the water to cover the island and drown them (the Mackintoshes). They proceeded with their plan till the Mackintoshes were on the eve of destruction, when one of the latter offered, if allowed, to liberate themselves and destroy the Cummings. He accordingly got a raft made, and supplying himself with corks or wooden plugs, and twine, he descended in the dead of the night to the dam. This was lined towards the water with boards, through which the adventurer bored a number of holes with an auger, and in each hole he put a plug with a string attached. All these strings were attached to one general rope, which when all was ready he pulled. When the plugs were extracted the water rushed out with fearful force, carrying away the turf bank and the whole army of the Cummings who were encamped behind it. It is said that the daring adventurer perished with his enemies. * * *

That this event took place at Loch Moy is evident from uniform tradition, from the nature of the place where the dam was erected, it being a narrow gorge easily admitting of such a construction, and also from the fact that, in cleaning the mouth of the lake some years ago, a number of stakes and beams were discovered fixed about six feet under the surface of the ground, which were evidently fitted for cross

boards, and which from their appearance must have lain there from time immemorial.”

Whether this feud was really carried on as thus particularised by tradition, or not, the result of it was to give the last blow to the power and insolence of the Comyns, and to transfer to Mackintosh the lands of Rait and Geddes which had been withheld from his family for more than a century. Malcolm lost no time in establishing his title to these lands, obtaining the heritable right of them, from Alexander Lord Gordon, on the 5th October 1442.

The custody of the Castle of Inverness was also about this time restored to the family of Mackintosh. King James I., in 1427-8 visiting Inverness for the purpose of holding a Justice Court, and knowing the power and bravery of Malcolm, made him Constable of the castle. It was on this visit that the king induced a number of the Highland chiefs, among them the third Lord of the Isles, to meet him, under pretence of requiring their aid in deliberating as to the best means of preserving the peace of the north. His object, which he effected, was to make the chiefs themselves securities for the good behaviour of their clans; and on their arrival he had some executed and others imprisoned. Alexander, Lord of the Isles and Earl of Ross, who was one of the latter, no sooner found himself at liberty again than he proceeded to take revenge for the indignity he had been made to suffer, and in 1429 he attacked and burnt Inverness, but was

unable to wrest the castle from Mackintosh. On receiving intelligence that a large army was on the march against him, Alexander left the neighbourhood, and shortly afterwards was signally defeated by the king in Lochaber, being driven to such extremity that he was compelled to appear at Holyrood in the most abject manner and beg his life. This was granted him, but he was kept for some years in close confinement.

It was in the royal campaign into Lochaber against the Lord of the Isles that the Clan Chattan and Clan Cameron are said to have gone over to the king. From the commonly received account of the transaction, as in Gregory and Skene, it appears as though the Clan Chattan, with Clan Cameron, were actually in the ranks of the island chief at the commencement of the campaign against him ; and that they then and there deserted him. We have, however, just seen that the Captain of Clan Chattan was not only in favour with the king two years before, but in this same year had defended Inverness Castle in the king's interest against the Islesmen. There is thus, so far as the Clan Chattan is concerned, a contradiction between the account given by the early historians followed by Gregory and Skene, and that which makes Mackintosh to be on the side of the king in the early part of 1429 ; but the contradiction is perhaps more apparent than real, as in all probability the passage in Major (already quoted) simply means that the Clan Chattan, which had hitherto followed the Lord of the Isles, left his party about this time or

on the breaking out of his rebellion—not actually on the field of battle. If this is not the meaning of the passage, the only alternative supposition is that Mackintosh, up to the campaign in Lochaber, was trying to play a double game.

We have seen in the preceding chapter how the Clan Chattan and Clan Cameron, though apparently pursuing the same line of conduct in 1429 in espousing the cause of the king against the Lord of the Isles, were yet so far from being friends that within a year they had a fight which terminated in the almost total extirpation of a sept of the latter-named clan. This fight is alleged to have taken place in a church on Palm Sunday, and is mentioned by Bowar, Major, and Buchanan.¹ The Kinrara MS., which also notices it, states that the Camerons had just before taken a spreagh of cattle from Strathdearn.

In 1431 the Earls of Mar and Caithness, being stationed with an army in Lochaber for the purpose of acting as a check on the Islesmen, who were by no means daunted by the captivity of their chief and lord, were defeated at Inverlochry by Donald Balloch, a cousin of Alexander of the Isles. The army being in want of provisions, various parties had been sent to a distance to bring in cattle, and the consequent weakening of the Earls' forces afforded Donald a favourable opportunity for a surprise. Mackintosh, whose clan formed a portion of the royal army, had been

¹ *Scoticron. Bowar's Contin.* 1285; *Major* (Edin. 1740) 302; *Buchanani Vita Jacob. I.*

sent to Ardnamurchan, so that he was not in the battle. His lands suffered, however; for Donald Balloch, after his victory at Inverlochy, punished both Clan Chattan and Clan Cameron for their desertion of his cousin by invading and harrying their lands in and about Lochaber. After committing great devastation he was finally compelled, on the approach of King James in person, to flee to Ireland, and the vigorous measures taken by the monarch soon put down his followers. Mackintosh was compensated for the losses he and his clan had sustained on account of their loyalty to the king, by a grant of Glen Roy and Glen Spean, part of the lands of Alexander Carrach of Lochaber, uncle to the Lord of the Isles, who was deprived of his possessions for his share in Donald Balloch's rebellion. The island lord, as superior of these lands, was compelled by the king to bestow them on Mackintosh, who was so fortunate as to retain them after James's death, and even to obtain from his superior a confirmation of the grant (dated 21 Feb. 1443).

The Lord of the Isles, after his liberation and his elevation to the office of Justiciar of the kingdom north of the Forth, seems to have become thoroughly reconciled to Mackintosh, as is shown by his confirmation of the grant of Glen Roy &c. just mentioned, and by his grant to Malcolm in 1447 (23 Nov.) of the heritable right to the Stewartry and Bailliary of the whole lordship of Lochaber. This reconciliation is the more strange as he appears never to have

forgiven the Camerons for the part they had taken against him in 1429. The unvaried loyalty exhibited by the chiefs of Mackintosh to his family previously to 1429, and the good service done his father at Harlaw by Malcolm Mackintosh himself, no doubt went a great way in inclining him to show favour to the Clan Chattan; yet so far as former loyalty was concerned the Camerons were equally entitled to consideration. There must therefore have been some reason for the difference of conduct which Alexander pursued towards the two clans, for the munificence with which he treated the one, and for the rigour with which he persecuted the other. This reason may possibly lie in the fact that while Mackintosh had been openly on the side of the king for some time before Alexander's defeat in Lochaber, the chief of the Camerons had contributed in no small degree to that defeat by his desertion on the eve or after the commencement of the campaign. Another reason may be that Alexander hoped, by making the Clan Chattan his instruments in hunting down the Camerons, to obtain revenge on both clans at the same time by giving them a pretext for slaughtering each other. However this may be, one of his first proceedings on being made Justiciar of the North was to take measures against the Camerons.¹ He had an excuse for pursuing them ready to his hand in their resistance to Mackintosh's claims on the lands of Glen Lui and Locharkaig; and it was with

¹ *Gregory*, 39.

his connivance, if not with his authority, that the Clan Chattan began in 1441 to invade and harry the Cameron lands. In this year a sanguinary conflict took place at Craig Cailloch between the two clans, in which Mackintosh's second son, Lachlan "Badenoch," was wounded¹ and Gillichallum his brother killed. This was followed by a raid under Duncan, Malcolm's eldest son, in which the Cameron lands were harried. In the end Donald Dubh, then chief of the Camerons, was forced by the inveterate animosity of the Justiciar to flee to Ireland, his lands of Locheil being declared forfeited, and bestowed on John Garbh Maclean.²

When we see such instances as this of the way in which the power placed by the Scottish Government in the hands of its deputies was exercised, we can scarcely wonder that the great efforts made by the various kings to bring the Highlands into submission to the laws so long proved abortive. It could scarcely be expected that the clans would have much reverence for the law, or for the Government which pressed it upon them, when they saw that its administrators used it as a cover to their own designs, and perverted the authority given them for purposes of justice to the satisfaction of their own private animosities. To maintain tranquillity in the Highlands and to reclaim

¹ The account of the Camerons prefatory to *Memoirs of Locheil*, p. 21, says that Lachlan was mortally wounded. This is incorrect, as we find him alive and giving band to Huntly in 1475, as well as figuring at various other times subsequent to this fight.

² *Memoirs of Locheil; Author's Introd.* 19.

the inhabitants from their lawless and turbulent state was no doubt a task of supreme difficulty, and it was perhaps only the monarch himself—for whom alone the Highlanders seem to have entertained any degree of awe—who by his frequent presence and his energetic and impartial control could have completed this task. But as such a direct administration by the monarch was out of the question, the governor of the North must necessarily be either a Highland chief or one having no previous connection with the scene of his duties. If the former, there was the danger, almost the certainty, that family and clan prejudices would render him incapable of exercising his power impartially, or that he would use every means, whether lawful or not, to aggrandise his own clan. On the other hand, the Highland chiefs would have been almost unanimous in refusing to receive and obey a Lowland noble. This difficulty, arising principally from the peculiar character of the Highland tribes, was the great bar to the success of effort after effort made for introducing law and order into the North: and had it not been that while years rolled on civilization was advancing, carrying with it the arts of peace and the desire to enjoy them, the legislative acts of successive governments for pacifying the Highlands would to this day have been made in vain.

If the statement of the Kinrara MS. that the Malcolm Mackintosh who fought at Harlaw was the Malcolm who died in 1457 be correct, as no doubt it is, this

chief must have lived to an age considerably beyond the allotted span ; he must have been almost, if not quite, a centenarian.¹ That he lived to a great age—perhaps of “second childishness and mere oblivion”—is apparent from various circumstances mentioned incidentally in the MS. history. In 1452, five years before his death, we are told that Malcolm being “old and unable for public employment,” and withal being allied to the Earl of Ross, James II. on report of the confederacy between the Earls of Douglas and Ross (the latter John, Alexander’s successor)² gave charge of the Castle of Inverness to one Crichton.³ The new governor does not appear to have been so successful a custodian as the chiefs of Mackintosh, for three years afterwards the castle was taken from him by the Earl of Ross.

Another circumstance which seems to indicate the powerless condition of the chief in his old age appears in connection with the feud with the Munroes or Clan Roich in 1454. It is thus narrated in Anderson’s *Account of the Family of Fraser* (p. 54) :—“The Monroes, a distinguished tribe of Ross, returning from an inroad they had made in the south of Scotland, passed by Moyhall, the seat of Mackintosh, leader of the Clan Chattan : a share of the

¹ His father died in 1368, but the MS. says that his marriage to Malcolm’s mother took place late in life.

² Alexander, 2nd Earl of Ross and 3rd Lord of the Isles, died in 1449.

³ James, Lord Crichton, husband of Janet Dunbar, heiress of James, Earl of Moray.

booty or road collop, payable to a chief for crossing his dominions, was demanded and acceded to; but Mackintosh's avaricious spirit coveting the whole, his proposal met with contempt, and Mackintosh summoned his vassals to extort compliance. The Monroes, pursuing their journey, forded the river Ness a little above the island, and despatched the cattle they had plundered across the hill of Kinmylies to Lovat's province. Their enemy came up to them at the point of Clachnahayre, and immediately joined battle; the conflict was such as might have been expected from men excited to revenge by a long and inveterate enmity. Quarter was neither sought nor granted; after an obstinate struggle Mackintosh was killed. The survivors of his band retraced their steps to their own country. John Munro tutor of Fowlis was left for dead upon the field; his kinsmen were not long of retaliating. Having collected a sufficient force, they marched in the dead of the night for the Isle of Moy, where the chief of the Mackintoshes resided. By the aid of some planks which they had carried with them, and now put together, they crossed to the isle, and glutted their thirst for revenge by the murder or captivity of all the inmates."

The account given in the Kinrara MS. is far from being in harmony with this. It makes appear that the unreasonable demand and the pursuit of the Munroes were not the acts of the chief of Mackintosh, but of his "oy" or grandson, also named Malcolm.

This Malcolm was son of the chief's youngest son Gillichallum (killed at Craig Cailloch in 1441), and elder brother of the renowned Dougal Mor. "By the instigation of some evil-disposed people about him at the time—being young and ill-advised—he craves a part of the spreagh. John (Munro) offers twenty-four cows and a bull. Malcolm refuses the offer and will have no less than half the booty; which John refusing goes on his journey, with a resolution to give none at all." From the expression "*ill*-advised," it seems likely that the youth had become connected with a lawless set of companions, and a subsequent expression, "*un*advised," used by the MS. in respect of the enterprise, seems to imply that the measures taken were altogether without the chief's concurrence. However this may be, the chief himself was certainly not killed, nor present in the battle at Clachnaharry. The MS. goes on to say that on the refusal of his demand, young Malcolm at once sent fiery crosses to Petty, Strathnairn, and the neighbourhood to raise the clansmen there to oppose the progress of the Munroes until he should arrive with the Strathdearn men, but that the fight took place before he could come up. "Malcolm who occasioned this bloody fight came not at them till all was over, and went away sorrowful for what had come to pass through his hastiness." A few years afterwards, in order to effect a reconciliation between the clans, the youth Malcolm married a sister of the tutor of Foulis, "and so that unhappy engagement for the

hershship of Strathardle,¹ being but a rash and *unadvised* act, proceeding from passion and youthhood, and the loss being equal on both sides, was never looked upon thereafter as any cause of lasting feud." The alleged retaliation by the Munroes, involving as it does a passage through the town of Inverness, always favourable to the Mackintoshes, as well as through the most thickly populated part of Mackintosh's country, is scarcely credible.²

The ability with which Malcolm during his long chiefship had watched over the interests of his family and clan is thus testified to by the MS.,—"he had so composed and ordered his affairs in Lochaber and daunted his enemies there and elsewhere, that his son was not much troubled or disquieted on that account." Before he fell into the weakness of extreme old age, he was certainly a vigorous and successful chief, respected by both friends and enemies. It is evident from the favour shown him by James I. that he had considerable influence in the country,³ and

¹ A colony of Mackintoshes, descended from Adam, natural son of the 7th chief, was settled here and in Glenshee, and it is possible that some of these may have been sufferers by the inroad of the Munroes and have made the fact known to their kinsmen at Moy.

² In commemoration of the incident, Major H. R. Duff of Muirtown in 1821 erected a granite column on one of the rocks of Clachnaharry, bearing on the side facing the shore of Ross the word MONRO, and on the side towards the south the words CLAN CHATTAN, with the legend HAS INTER RUPES OSSA CONDUNTUR.

³ In a deed of resignation by John, 6th of Kilravock, in 1440, Malcolm is mentioned as "ballivus de Badenach."

from his conduct, or rather the results of his conduct, in the quarrel between the monarch and the Earl of Ross, that he was gifted with the prudence to see and choose the course most advantageous for him to pursue, and that he pursued it with tact and ability. On the whole, he seems to have been one of the greatest chiefs in every respect that have guided the fortunes of Clan Chattan.

In his time the Clan received further accessions from without. "Terlach mac Eachin vic Wolan, of whom *Clan Tearlich* [better known as the Macleans of Dochgarroch] are sprung," says the Kinrara MS., "gave his bond of manrent for his family and posterity to Malcolm. Also Revan mac Milmoir vic Swen, of whom *Clan Revan* [Macqueens], and Donald mac Gillandrish, of whom *Clan Andrish*, came out of Moidart with Mora nian Ranald, Lady Mackintosh. Sic-like also Gillemichael vic Chlerich, of whom the *Clan Chlerich*, lived in Malcolm's time and was his domestic servant."

He obtained, as already stated, the heritable right to Rait and Geddes dated 5 Oct. 1442; and in 1437 he obtained a new lease of the barony of Moy, dated 6 Feb., from John, Bishop of Moray.

Malcolm died in 1457. By his wife Mora, daughter of Macdonald first of Moydart, he had four sons,

1. Duncan, his heir.
2. Lachlan, surnamed "Badenoch," from his residence in that district. He died in 1493, and the chief line was afterwards

carried on in his family. He was married (1) to a daughter of the chieftain of the "sept Gillies," *i.e.* Macpherson of Invereshie ; (2) to Elizabeth, daughter of Hugh Calder, Parson of Kingussie, by whom he had a son, Malcolm, who died unmarried before his uncle the 11th chief ; (3) to Catherine, daughter of Sir Duncan Grant of Freuchie, by whom he had *William* and *Lachlan*.

3. Alan, who lived at Balliherranach in Stratherrick. He was progenitor of the Killachie branch, and died in 1476. By his first wife, Janet, daughter of Hugh, 3rd Lord Lovat, he had *Lachlan*, whose only son John Roy afterwards acquired an infamous notoriety ; *William Mor*, father of Donald, Tutor from 1550 to 1562 ; *John*, married to a daughter of William, Thane of Calder¹—contract dated 12th May, 1483 ; *Alexander* ; *Hucheon*, married to Marion, another daughter of Calder¹—contract dated 20th August,

¹ It seems to have been necessary in these cases to procure a dispensation to set aside the barriers of consanguinity between the contracting parties. Marion, one of the four sisters of Malcolm Beg, grandfather of John and Hucheon, had married Hucheon Rose of Kilravock, grandfather of the brides. The dowry given with the bride of Hucheon Alanson Mackintosh is "40 punds of the usuall mone off Scotlande," and her father is to pay half the cost of the dispensation. The parties to the

1490. By his second wife, a daughter of Forbes of Pitsligo, he had *William Og*, and *Alan Reoch*.¹

4. Malcolm, or Gillichallum, killed in the conflict with the Camerons at Craiggailloch in 1441. He had two sons, *Malcolm Og*, the cause of the fight at Clachnaharry, and *Dougal Mor* "Mac Gillichallum."

Malcolm Beg had also five daughters:—

Muriel, m. John Mor Grant of Freuchie; *Mora*, m. Hucheon Rose of Kilravock; *Janet*, m. Patrick Mac Ian Roy, brother of Sir Duncan Grant; *Margaret*, m. Hector Mac Tearlich, chieftain of Clan Tearlich (Macleans of Dochgarroch); and *Moniach*, m. Alexander Fraser.

(11) DUNCAN, 11th chief, is said to have been "of a meek and gentle disposition," which however did not prevent him from exercising the functions devolving upon him with prudence and vigour, at

contract, which is preserved at Cawdor, are the Thane himself, Duncan Mackintosh Captain of Clan Chattan, Farquhar his son and apparent heir, and the bridegroom Hucheon Alanson. The learned editor of the Cawdor Papers appears to have been ignorant of the cousinship between the contracting parties.—See *Book of Thanes of Cawdor*, 73.

¹ A comparison of the two *Williams* among Alan's sons with "William Allansone elder," in an Act of the Lords of Council of 5 Feb. 1492-3, affords an example of the minute way in which I have constantly found the MS. History corroborated by documents.

least during the earlier part of his chiefship. As we have seen, he had headed the expedition against the Camerons in 1441 ; and, also before he became chief, he had fought a successful battle at Culloden with Gillespie Macdonald, natural brother of the Earl of Ross, who had driven a spreagh of cattle out of Petty.

Throughout his chiefship he had almost undisturbed quiet, and was in favour both with the king and with the Lord of the Isles. He was one with whom James IV., with a view to the establishment of order in the Highlands by attaching the principal chiefs to his interest, kept up an intercourse. "With the Captain of Clan Chattan, Duncan Mackintosh, with Ewen, Captain of Clan Cameron, with Campbell of Glenurquhy, and the Earl of Huntly, &c., he (James) appears to have been in habits of constant and regular communication," says Tytler.¹ On the first forfeiture of the Lord of the Isles and the annexation of his Earldom of Ross to the Crown in 1475-6, James granted a charter of confirmation, dated 4 July, 1476, "dilecto nostro Duncano Mackintosh, Capitano de Clan Chattan, terrarum de Moymore, Fern, Clumglassen, Stroneroy, Auchenroy," and others in Lochaber. In 1466 Duncan obtained from John, Lord of the Isles, a charter² to the lands of Keppoch and all the Brae Lochaber

¹ *Hist. Scot.* iv. 367.

² In this he is styled "Duncanus M., consanguineus noster, capitanus de Clan Chattan." John, 4th Lord of the Isles, and Duncan Mackintosh were second cousins.

lands; and in 1493 this was confirmed by the king in a charter "*terrarum de Keppoch, Innerorgan, &c., cum officio Ballivatus earundem.*"¹ This was on the final forfeiture of the Lord of the Isles, when Duncan and others who had been vassals of the island chief met the king and formally made their submission to him. From the island Lord Duncan also obtained in 1467 a right—which does not appear to have been acted upon—to the lands of Glengarry.

Duncan also seems to have been on excellent terms with his neighbours. He passed an indenture of friendship (9th Aug. 1467, at Forres) which the MS. gives *in extenso*, with William, Lord Forbes, Rose of Kilravock being included.² This bore early fruit, for when in 1479 a dispute arose between Mackintosh and Huchon Rose of Kilravock respecting

¹ *Reg. Great Seal*, xiii. 96, 114-6.

² This contract is also given in *Coll. de Reb. Alb.*, p. 80. It is between "William Lord Forbes, Alexander Forbes of Pitsligo, Alexander Forbes of Tolquhoun, Arthur off Forbes, and Johne off Forbes off Brux, on a pairt, and rycht honourable men Duncan M'inToshe Cheiff and Captane of Clan Chattane, Huchon Ross, Barron of Kilrack, Allan M'intoshe and Lauchlane M'intoshe, brether to said Duncan, on the tother pairt." Mackintosh and Kilravock "keep their allegiance to the Aarle of Ross." The penalties denounced for breach of contract—which is to be "leallie and trewlie keipit, and till endure for evermair"—are curious:—"Quhasoevir brakis in onie of thir conditiones sall be halden infamous, mansuorne, and renunce the faith of Chryst, and nevir to be hard in pruiiff no witness, na ly in kirk nor Cristin berrial." See also *2nd Report of Historical MSS. Commission*—Papers at Castle Forbes, p. 194.

the duchus of Urquhart and Glenmoriston,¹ the two lairds, instead of flying to arms or invoking the law, agreed to settle the matter peaceably by submitting it to arbitration; and Kilravock being adjudged in the right the dispute was happily ended. Two years later, on 25th July, a band of amity was executed by Duncan Mackintosh and Kilravock, referring all debates to George, Earl of Huntly; a similar band being given on 23rd Sept. following by Ferquhard, Duncan's son and heir-apparent. In 1490 (17th Sept.) a more stringent band was entered into by Duncan and Ferquhard with Kilravock, an engagement for a marriage between Ferquhard's daughter (should one be born to him in marriage) and Kilravock's son Hucheon being added "for the mair inressing of kyndnes and renewyng of thair blud to be amaingst them in tyme to cum."²

¹ Mr. Cosmo Innes, editor of *The Family of Rose of Kilravock*, in his note on the instrument relating to the settlement of this dispute (p. 139), says that Urquhart and Glenmoriston were apparently held as part of the lordship of Badenoch, to which Huntly had recently acquired a right, and suggests that the Mackintoshes may have been its old kindly tenants, whom Huntly wished to displace in favour of the Roses. There is, however, no mention in the Mackintosh records of any such occupation; but it is likely that Mackintosh had taken some action on behalf of the Clan Tearlich (Macleans of Dochgarroch), who had been admitted into the Clan Chattan confederacy in his father's time, and who had occupied part (at least) of Glen Urquhart for two generations.

² All these bands are given in *The Roses of Kilravock*, 139-153.

This friendship on the part of the chief of Mackintosh towards the Roses does not appear to have been participated in by some of his family, for on 15th May 1482, at Inverness, an agreement was made between Lachlan "Badenoch" ("Lauchlan M'Intosche of Galowy," *i.e.* Gellovie), brother of the chief and of Hucheon Rose's wife, and "Donald M'Intosche Angusson," to the effect that, it being presumed and in some part known by the eldest of the land that Hucheon the Rose, baron of Kilravock, had no title of right to the Castle of Kilravock or to the ground on which it stood, Donald should take the said castle or tower and hold it as constable under Lachlan, and that Donald should have as a reward some of the lands to himself, with Lachlan's daughter Margaret for his wife and 40 merks of tocher. Donald accordingly surprised the Castle of Kilravock, killing the constable and watchman, and doing considerable damage. Neither the exact date nor the moving cause of this act appears, nor can the Rev. Hew Rose, who mentions it in his *Genealogical Deduction of the Family of Kilravock* (written in 1683-4), say how the Mackintoshes were ejected; but he refers to a royal summons against Donald and his accomplices obtained by the next Kilravock in 1498. The Donald Angusson was probably a grandson of Angus Og, third son of the 6th Mackintosh, and it may be that the affair was the cause of the removal of Angus's

descendants into Athole. [See MACKINTOSHES OF DALMUNZIE.]¹

Though at peace with his neighbours and in favour with the king, Duncan was not wholly free from trouble, and that of a serious nature. His son and heir-apparent, Ferquhard, was of a bold stirring disposition, restive under the restraints which the peaceable and friend-acquiring policy of his father imposed upon him, and eager to seize any opportunity of displaying his talent and fondness for war. He seems indeed to have been the very *beau idéal* of a Highland chieftain of those days: having plenty of stomach for fighting, fertile in expedients and daring in their execution, yet withal amiable and generous, and polished — even “with letters.” A character such as his was more in accordance with the inclinations of the clan than that of Duncan; so that when in 1491 Alexander of Lochalsh, nephew of the aged John of the Isles, made an attempt to regain possession of the Earldom of Ross for his

¹ *Roses of Kilr.* 10, 52, 146, 166. It is possible that Lachlan Badenoch's action was taken on account of some dissatisfaction with the arrangement come to respecting the duchus of Urquhart. He and his brother Alan had both joined with their brother the chief in referring the dispute with Kilravock to arbitration, as appears from the instrument, dated 26th March, 1479, in which Huntly approves the decision of the arbitrators. The agreement between Lachlan and Donald Angusson is given in full at p. 146 of *The Roses of Kilravock*. Donald, “having no seyll propir of his awn,” procures the seal of William, Thane of Calder.

family, Ferquhard had no difficulty in persuading a considerable body of the Clan Chattan, contrary to the will of his father, to follow him to the aid of the insurgents. These at first comprised the Clan Ranald of Garmoran and of Lochaber and the Clan Cameron; in Badenoch they were joined by the Clan Chattan men, and marched northward, Ferquhard Mackintosh storming and taking possession of the Castle of Inverness on the way. The castle had been taken by the Earl of Ross in 1462; but on the defeat of his insurrection in 1475, it had been re-occupied by Crichton, the governor appointed by James I. to supersede Malcolm Beg Mackintosh. The Kinrara MS. relates that Ferquhard obtained possession of it by means of an "engine called *a sow*," and by undermining so as to throw down part of the wall.

The forces of Lochalsh first ravaged the fertile lands in the Black Isle of Ross belonging to Urquhart, Sheriff of Cromarty, and proceeded thence to the Mackenzies' country about Strathconan. Here they were surprised by Kenneth Mackenzie, with his clan, at a place called Park; and in the battle of Blair-na-Park were utterly routed. The matter did not end here. Lochalsh's insurrection was certainly quelled, but a train of events proceeded from it which brought disaster on both the victorious Mackenzies and those whom they had defeated. Rose of Kilravock was keeper of the Castle of Ardmanach in Ross for the Earl of Huntly, and his son Hugh had joined the

insurgents with his friend Ferquhard Mackintosh. The Mackenzies followed up their victory at Park by ravaging the lands of Ardmanach, as well as those of Munro of Foulis. This was alone sufficient to bring down Huntly upon them, but they appear to have gone to such undue lengths—either in their zeal for the royal authority or in their desire to make the most of a troublous time for their own benefit—that Huntly, as Lieutenant in the North, had to proceed against them as rebels and oppressors of the lieges. He gave a commission in 1492 to Duncan Mackintosh, John Grant of Freuchie, and Kilravock, to proceed against the Clan Mackenzie, “the king’s rebels and at his horn for the slaughter of Harrald of Schesheme (Chisholm) dwelling in Strathglass, and for diverse other herships, slaughters, and spulzies committed on the king’s poor lieges and tenants in the lordship of Ardmanach.” Mackintosh and Kilravock made a similar error to that of the Mackenzies; they wasted the lands of Urquhart of Cromarty, which were not included in their commission, and on Urquhart’s appealing to the law they were sentenced to give compensation in the sum of 800 merks.

It is in connection with these events that we first have record of Duncan’s nephew, Dougal Mac Malcolm, a renowned character in his time. He was distinguished by the epithet “Mor,” and is commonly styled Dougal Mor MacGillichallum. On 5th February 1492-3 the Lords of Council decree

that Hucheon the Ross, baron of Kilravock, and Hucheon the Ross his son, shall restore, content, and pay to Master Alexander Urquhart, Sheriff of Cromarty, and his tenants 600 ky, 100 horses, 1000 sheep, 400 goats, 200 swine, and 400 bolls of victual, and for certain goods and insight of household 200*l.*, and 100*l.* for the mails of the said sheriff's lands held waste by the said Hucheon younger and his complices, these goods having been spulzied by the said Hucheon and his complices, and his father having become surety. The Lords go on to decree that Hucheon Alanson, William Alanson elder, his brother (both sons of Alan Mackintosh), Dowll Malcomson (Dougal Mor) and Eachin Roryson, shall release and keep scathless Hucheon the Ross, borgh (*i.e.* surety) for his said son, at the hands of Urquhart and his tenants, of the payment of the goods and sums recovered on the said Hucheon the Ross by the said Urquhart, the said Hucheon and William Alanson, Dowle and Eachin *being at the said spulzie and principal doers thereof*, as was sufficiently presented before the said Lords.¹

On 26th June 1493, the Lords Auditors decern Ferquhard, Duncan's son, and his cousin "Dowll Makgillicallum," to desist from occupying the lands of Torcherokane and withholding the mails thereof from Lord Fresale (Fraser of Lovat). Ferquhard is also to pay and content Lord Fresale for occupying

¹ *Acts of Lords of Council, 1478-95*, p. 273.

the third lands of Strathnairn which the said Lord holds in tack of the Countess of Crawford.¹ On 16th December 1494, the Lords Auditors decree that Doule McGillicallum shall restore, content, and pay to Hew, Lord Fresale of the Lovait, 400 ky at 20s. each, 36 horses at 26s. 8d. each, 900 sheep and goats at 2s. each, and for certain goods and insight of household 15 pounds, all which were spulzied from Hew and his tenants of the Ard and Easter Fernua by the said Doule and his complices; and because the said Doule was "oftymes callid to this action and not comperit," he, his lands and goods, are to be "distrenzed."²

The rebellion of Alexander of Lochalsh, and the supineness or complicity of his uncle in regard to it, resulted in the final forfeiture of the Lord of the Isles. As has been stated, the king in 1493-5 received the submission of the chiefs who had been vassals of the island princes, giying them charters direct from himself of the lands they had held from the Lord of the Isles. His object appears to have been to strengthen his own power in the hitherto troublesome Western Highlands by destroying that of the house of Macdonald, and by taking away any ground of excuse the Macleans, Camerons, Mackintoshes, and others might have had for joining in any future rebellion of the Islesmen. In 1495 he apprehended Ferquhard Mackintosh and Kenneth Og Mackenzie (heirs to the chiefship of their respective clans), and

¹ *Acts of Lords Auditors*, p. 184.

² *Ibid.* p. 206.

had them committed to the castle of Edinburgh. "This may have been partly owing," says Gregory (p. 91) "to their lawless conduct in 1491; but was more probably caused by a dread of their influence among the Islanders, for the mothers of these powerful chiefs were each the daughter of an Earl of Ross, Lord of the Isles."

Ferquhard's subsequent career may be mentioned here. After an imprisonment of two years, he and Mackenzie made their escape together from Edinburgh Castle, the latter laming himself in descending the wall. Being overtaken in the Torwood by the Laird of Buchanan, Mackenzie was killed and Mackintosh recaptured. The Applecross MS. History of the Mackenzies says that Buchanan was at the time an outlaw, but that his activity in this matter was the means of procuring his reconciliation with the Government. Ferquhard Mackintosh was now confined in the castle of Dunbar, where according to the Kinrara MS. he remained sixteen years, until the battle of Flodden in 1513. The Rev. Lachlan Shaw, in his MS. History of the Mackintoshes, doubts that his imprisonment was so long, and says he must have been at liberty in 1499, as there is a contract between him and Sir James Dunbar of Cumnock dated 20th June of that year. It is, however, more likely that the original MS. is correct; as, if he had been at liberty at the time of Donald Dubh's insurrection in 1503, something would no doubt have been heard of him in connection with it, especially as his lands

suffered considerably from the insurgent forces. From circumstances which it is unnecessary to detail here, it seems probable that his confinement was not a severe one, and that he was under no greater restraint than sufficed to keep him from doing harm ; the king's object being not so much to punish him as to secure him and his clan from taking part in any unlawful proceedings of the Islanders. There seems to be no reason why he may not have concluded the contract referred to while still at Dunbar.

That the chief of Mackintosh had no part in the lawless proceedings of his son in Lochalsh's insurrection is tolerably apparent from the fact of his remaining in the good graces of the king in 1493 : but the Kinrara MS. makes the curious statement that, as Crichton's second occupation of the castle of Inverness was without the royal authority, Duncan repaired it and established himself in it on its capture by Ferquhard in 1491, remaining undisturbed till 1495, when the governorship was bestowed by the king on Alexander Lord Gordon, with the Sheriffship of Inverness.

In 1496, the year following his son's first imprisonment, Duncan died at the age of eighty-four years in Inverness, and was buried in the Grey Friars Church there. Of several children by his wife Flora or Florence, second daughter of Alexander 3rd Lord of the Isles and Earl of Ross,¹ his son

¹ The elder sister of Florene was wife of John, 12th Earl of Sutherland.

Ferquhard, who now succeeded him, was the only survivor.

(12) FERQUHARD. During the years of his chiefship which Ferquhard spent in confinement, the affairs of the clan were ably administered by his cousin William, eldest son of Lachlan "Badenoch." Ewen mac Alan, Captain of Clan Cameron, had in 1492 given a strict band of manrent to Ferquhard, then only "apparent heir" to his father, in which he engaged to assist and defend Ferquhard against all men, not excepting even his lord and master Alexander of the Isles, in case the latter having ground of dispute with Ferquhard should refuse to come to terms. But in 1497, two years after the imprisonment of Ferquhard, and immediately after the death of his father, the Camerons, first refusing all acknowledgment to the chief of Mackintosh for his lands which they occupied, broke through this band, invading the braes of Badenoch and Strathnairn, and harrying the Clan Chattan lands in those districts. They were aided by some of the Macgregors and by the Clan Ian (Macdonalds of Glencoe), upon which clans William Mackintosh first proceeded to take revenge. After an expedition to Rannoch and Appin¹ against the Macgregors, and to Glencoe against the Clan Ian, he turned his attention to

¹ In this expedition William is said by the Kinrara MS. to have taken under his protection a bard of the name of Macintyre, from whom the Macintyres of Badenoch are descended.

the Camerons in Lochaber. His cousin Dougal Mor Mac Gillichallum offered to "daunt the Camerons for some time" if he were allowed thirty fighting men and the use of the lands of Borlum for a year. His offer being accepted, he set about carrying out his plan, which was to sail up Loch Ness in the night-time and surprise and lay waste some part of the Cameron lands, returning to his head-quarters before the invaded country could be raised against him. He was completely successful, making several of these inroads at unexpected times to the no small disquiet of the Lochabrians.

In the insurrection of Donald Dubh in 1503 the Clan Chattan adhered to the royal side, and assisted the Earl of Huntly in his endeavours to reduce Lochaber. In the winter of this year, the rebels under Donald wasted Badenoch, which was under the feudal superiority of Huntly and was occupied chiefly by the Clan Chattan, with fire and sword. The Clan Chattan, as Gregory (p. 103) says, were peculiarly obnoxious to the large section of the rebels composed of Lochaber Macdonalds and Camerons, "as having, in order to save the life of their captive chief, shaken off all connection with the other vassals of the Isles, and as still claiming extensive possessions in the heart of Lochaber. It is not wonderful then that they, whose lands of Glenlui and Locharkaig in Lochaber had been for some years forcibly occupied by the Camerons without acknowledgment, should have suffered severely from the plunder and devastation

of the lands of Badenoch by the rebels." The insurrection originated by Donald Dubh was so extensive and well arranged that three campaigns had to be made in as many years before it could be quelled; but in 1506 the energetic measures taken by the king were crowned with success; Donald Dubh became a prisoner, his principal supporters were convicted of high treason, and a decree of forfeiture was issued against them. The Camerons, their constancy to the race of the island chiefs in no way weakened by the severity with which the third Lord of the Isles had treated them some years before, had espoused the cause of Donald Dubh from the first, and their Captain had been forfeited in 1504.¹

Soon after the breaking out of the rebellion, the king, James IV., had begun to take steps, as part of a general measure for the improvement of the condition of the kingdom, towards securing the peace of the Highlands by making better provision for the administration of justice. He had rearranged the sheriffdoms, which were too extensive to be easily managed, and he now proceeded to subdivide these into districts, to be administered by deputies appointed by the various sheriffs. Two of the chiefs of Mackintosh had held under the island lords the office of Steward of Lochaber; we shall see how they afterwards held the more important position of deputy to the sheriff, with considerably extended powers. James IV.

¹ *Gregory*, 99.

certainly laboured hard to put an end to the disorders which rent the country beyond the Grampian line, and to bring the clans more fully under the power of the law ; but his endeavours had not the success they deserved, the country during the troublous reigns of his three successors being allowed in a great measure to lapse into its former turbulent and lawless condition.

After the death of the king at Flodden, Ferquhard Mackintosh was released from his long imprisonment—during which he had compiled a history of his family from the time of his ancestor's arrival in the north—and was allowed to return to his clan. We learn from the Kinrara MS. that on his arrival at Inverness he was received on the haugh by 1800 of the Clan Chattan, mustered there by his cousin William. This affords some idea of the great extent of his following, as the 1800 were probably drawn only from the northern part of his country. We may imagine how Ferquhard, unless he had been greatly softened during his long confinement, must at the sight of this body of men have cursed the ill-fortune which had kept him from their head in the many encounters they had been engaged in, and how he would long for some opportunity to arise which should enable him to lead them again to the field. But such felicity, if he desired it, was denied him. On the 8th October of the following year (1514) he died at Inverness, having been only a few months in the actual and free enjoyment of his position at the head of the clan ; his life

altogether wasted, unless his adversity had worked a change in his nature, and taught him to seek happiness in higher and nobler things than the slaughter of his fellow-men.

Ferquhard's wife was Giles, daughter of Fraser of Lovat.¹ By her he had a son, who died in infancy, and four daughters, married respectively to Guthrie of that Ilk, Strachan of Glenkindy, Alaster mac Alan, Captain of Clan-Ranald, and Alan mac Ian Shaw of Rothimureus. He had also two natural sons by a lady of Dunbar,—*Hector*, who afterwards rose to eminence in the clan, and *William*, afterwards executed at Forres.

¹ *Kinr. MS.* In the *Hist. Account of the Family of Fraser*, by John Anderson, p. 63, she is called Alison, and is stated to have died young. The author, however, in a note, mentions the fact that in a *MS. Hist. of the Frasers* in the Advocates' Library she is called Giles, wife of Ferquhard Mackintosh, Captain of Clan Chattan. Her father was Hugh, 2nd Lord Lovat.

CHAPTER VI.

New Troubles—William, 13th chief—John “Ruaidh” Mackintosh—Acquisition of Gellovie and Dunachton—Lachlan, 14th chief—Gordons of Lochinvar—Dougal Mor Macgillichallum; his Death—John Malcolmson—Lachlan’s Bands of Amity, &c.—William, 15th chief—Hector, temporary Captain of Clan Chattan; Hostilities with the Earl of Moray—William’s dealings with Huntly—Expedition against John Moydertach—Rupture with Huntly; William’s Trial and Execution.

FROM the accession of the energetic and fortunate Malcolm Beg to the death of Ferquhard the Unfortunate the progress of the Mackintoshes in power and estimation had been great and rapid. Their most troublesome enemies of former years, the Comyns and the Camerons, had been either entirely quelled or rendered incapable for a time of any great mischief; while the proceedings taken by successive monarchs against the Macdonalds had relieved them from all dependence on the chiefs of the Isles, with whom their relations were now those of friendship and alliance rather than of vassalage. They had also, by the prudent conduct of Malcolm and his son Duncan, secured the favour of the several kings who occupied

the Scottish throne during the century,—a favour which was not withdrawn even when they were brought into collision with the royal authority by the rashness of their young chief Ferquhard. Both kings and island lords had contributed to the enlargement and confirmation of their possessions, and had sought their friendship and co-operation ; while with the principal families and clans around them, as well as with some of the great nobles of the kingdom, they were on terms of goodwill and amity. Altogether they appear to have been in a fair way towards obtaining the foremost place among the northern clans ; and in all probability such a pre-eminence would in time have been theirs but for the adverse circumstances which now began to close around their fortunes.

The difficulties by which the Mackintoshes were attended during the whole of the next century arose from two principal causes ; one being the jealousy and dissension prevailing among some of their leading men, by which two worthy and able chiefs were in the space of a few years violently cut off, and a long and troublesome minority was occasioned ; the other being the antipathy entertained towards them by the ambitious and unscrupulous family of the Gordons, Earls of Huntly, who since the marriage of the second earl to a daughter of James I. had been gradually increasing in consequence and power, the death of James, Earl of Moray, in the middle of the century, leaving them in the undisputed position of “Cocks of the North.” The internal troubles of the clan occupied

the earlier portion of the century, while the troubles proceeding from the enmity of the Huntly family immediately succeeded them, commencing about 1548-50.

(13) WILLIAM. The dissensions in the clan commenced with the death of Ferquhard in 1514. William (eldest surviving son of Lachlan Badenoch, by Catherine, daughter of Sir Duncan Grant), on whom the succession to the chiefship fell, assumed on his own account the duties which he had so long and well performed on behalf of his cousin. The new chief had been married for some years, but was without issue; his brother Lachlan was as yet unmarried. These circumstances seem to have raised in the mind of their near kinsman, John "Ruaidh," grandson of Alan mac Malcolm Beg, the hope of becoming in his turn head of the clan, a position to which, failing issue of William and Lachlan, he would in due course be entitled to succeed. Desire and longing took the place of hope, and these soon produced in John a resolution to take measures for their gratification. The probabilities were great that, could he have waited, he would in time ascend honourably and peaceably to the coveted place; but he could not wait. To secure "that which he esteemed the ornament of life," he was not one "to live a coward in his own esteem" by shrinking from any means which would serve to remove from his path the obstacles between him and his desire.

It is not often, however, that such designs are permitted entirely to succeed; "vaulting ambition" generally, sooner or later, "o'erleaps itself, and falls on t'other side." John Ruaidh offers a striking illustration of this truth. Beginning by hoping for, then coveting, the position of his kinsman, he collected a faction, the principal members of which were some of his cousins the Frasers, and endeavoured to pick a quarrel by disputing William's right to the whole of the clan lands, and by demanding for himself the lands of Meikle Geddes. This demand being refused, he was preparing to take forcible possession or to lay the lands waste when he learned that the chief was lying sick and but slightly attended at a house in Inverness. Gaining entrance into this house, he removed one obstacle to the advancement he desired by murdering his cousin and chief in bed on the 22nd May 1515; but being discovered as the assassin he had to seek safety in flight with his companions. They were followed by a party under Dougal Mor Mac Gillichallum and his son Ferquhard into Caithness, thence through Strathnaver, Assint, Lochalsh, Abertarff, Strathspey, and Strathdee to Glenesk, where, after a pursuit of some months, they were overtaken and cut to pieces.

The possessions of the family received two important additions in William's time. He had succeeded in 1502 to the heritable right of Gellovie in Badenoch, which his father had obtained from George, 2nd Earl of Huntly in 1481 (1st Oct.). In December of the

same year he had acquired the barony of Dunachton, which had fallen to two sisters as co-heiresses—one of these being Isabel Macnevan or Macniven, whom William had married in 1497. From this barony the chiefs of Mackintosh have been frequently styled “of Dunachton.”

The circumstances of William’s marriage and acquisition of Dunachton are somewhat curious. By an “Indenture” made 23rd Sept. 1475, and preserved among the papers at Gordon Castle, George, Earl of Huntly, as superior lord of the barony of Dunachton, makes over to “Lauchlane McKintoche of Banaquhar” the gift of marriage of both the heiresses (“*airis*”) together with all the lands which fell to himself in ward on the baron’s death, on condition that Lachlan gives him a band of manrent for himself and all his heirs who should possess the lands. Lachlan is to marry the heiresses to sons of his own; “the said Lauchlane promytis will God to mary the said *airis* on his sonis procurit of his body be the aviss and consell of the said lorde; and gif the said Lauchlane can be ony just wayis bryng al the said landis to ane of the said *airis*, and spouss her with his eldest sone, procurit betuix him and his spouss umquhile Elisabeth of Caldor, it sall be lefull to him and the forsaid lorde to ressave thame as tennandis, and failzeand the said sone procurit betuix the said Lauchlane and Elisabeth of Caldor forsaid, to his secunde, threde and ferde sone, or any ane of thame, ay and quhil the mariage with

the said aire be complet as said is." On William's marriage to Isabel Macnevan in 1497, he accordingly renewed in his own person the band given by his father; in this renewed band, dated 3rd April and given to Alexander, Lord Gordon, afterwards 3rd Earl of Huntly, William is styled "son of umquhile Lachlane Mc anetosche of Galowye."¹

The lands did not, however, come finally into William's hands without trouble. After his wife's death, according to the Kinrara MS., he retained possession of them by "the law of courtesy," but his sister-in-law, perhaps in some irritation at not having been provided like her sister with a husband, opposed him and endeavoured to procure his ejection. The matter ended by her transferring her right over the lands to Huntly, who sold it to Mackintosh, reserving to himself the superiority. William's first appearance as "of Dunachton" is as witness to a band given on 10th March 1510 by Macdonald of Eilantyrum to Huntly, where he is styled "Wilyem Lauchlansone of Dunnathane."²

¹ *Spald. Club Misc.* iv. 189.

² Connected with the Macnevans and Dunachton is the mention, in an Act of the Lords of Council dated 21 Oct. 1495, of two Mackintoshes whom I am unable to identify. On this date appears before the Lords, John, Lauchlan Mackintosh's son, and presents a bill of complaint upon Donald, Angus Mackintosh's son, and Alexander Lord Gordon, that they vex him "wraig wisly" in certain lands called "Dallynwart and Dunauchtanebeg and the fourth part of Pitwery pertaining to umquhile Issobell Macknevin his spous heritably." John claims the lands "in liferent by the courtesy of Scotland, and . . . plainly confesses

The only occurrence of importance which marked William's short chiefship, besides that which brought about his untimely end, was the first of the two insurrections which had for their object the re-establishment of the dignity of Lord of the Isles in the person of Sir Donald of Lochalsh. This broke out soon after Flodden, and under the Act of Council appointing certain influential chiefs guardians or deputy-lieutenants of particular districts, he was made co-guardian with Ewen Allanson, Captain of Clan Cameron, of Lochaber. The insurrection was almost entirely confined within the Isles. In the commission of lieutenancy over the Isles and adjacent mainland granted to the Earl of Argyle after the suppression of Sir Donald's second insurrection in 1517, the part of Lochaber belonging to Mackintosh is excepted, together with the parts belonging to Huntly and the Captain of Clan Cameron.¹

William appears to have been vigorous and successful in war, as well as politic and able in matters in judgment that the said Isobell his spouse was deceased but (*i.e.* without) any bairnes gotten of her body betwixt her and him." It is possible that this Isabel was the widow of the deceased baron of Dunachton, and mother of the two heiresses; but neither John nor Angus Mackintosh appears at this time in the family genealogy. Malcolm, son of Lachlan Badenoch by his wife Elizabeth Calder, was never married, but he had a natural son John, who may have made use of his grandfather's name and have been the claimant in this case. (*Acts of Lords of Council*, p. 397.)

¹ *Gregory*, 115-120.

pertaining to peace. "Even his failings leaned to virtue's side," for if the Kinrara MS. is to be believed, "his greatest human frailty was that he was too liberal, but his liberality and sweetness of nature endeared him to all." He seems to have been a special foe to oppression and injustice. On two occasions he employed his power to secure the estates of neighbouring chiefs from the intromission of traitors. One of these chiefs was the young Grant, his foster-son, and grandson of Duncan Grant of Freuchie and Muriel, daughter of Malcolm Beg Mackintosh. Grant's uncle of Ballindalloch having possession of his estate asserted a right to it and his intention of retaining it, on which William—then only tutor during his cousin's imprisonment—sent Dougal Mor with two hundred chosen men to put young Grant in possession. Dougal found the majority of the Grants glad to receive their chief, and Ballindalloch, having no other course left, gave up his claims. With the aid of Dougal Mor, William afterwards did a similar service to John Mackenzie of Kintail, whose uncle, Hector Roy, had seized his estate. Hector was captured by Dougal Mor in Killin castle, Strathpeffer.¹

William had no legitimate issue, but had two natural sons, from one of whom, Donald Glas, descended the Mackintoshes of Strone.

(14) LACHLAN. The chiefship now devolved upon

¹ *Kinr. MS.*

William's brother, Lachlan Beg, "a verrie honest and wyse gentleman," says Bishop Lesley,¹ "an barroun of gude rent, quha keepit hes hole ken, friendes, and tennentis, in honest and guid rell"; and according to Sir Robert Gordon,² "a man of great possessions and of such excellencies of witt and judgement that with great commendation he did conteyn all his followers within the limits of ther dueties."

In 1517 Lachlan sent one hundred men to assist John and Donald Mackay, sons of Y (Aoidh or Hugh) Mackay of Strathnaver, who were engaged in disputing with their uncle Neill the succession to the chiefship of their clan. The feud was a brief one, and was nearly over when the Clan Chattan men arrived, as during the time John Mackay was away treating for the assistance of the Mackintoshes, Mackenzies, and others, his brother Donald had surprised the two sons of Neill and slain them with most of their men. The right to the chiefship of Clan Mörrgan certainly seems to have belonged to John Mackay rather than to his uncle, who was prompted by the Earl of Caithness and Adam Gordon, Earl of Aboyne (afterwards Earl of Sutherland), to dispute it on the ground of his nephew's illegitimacy. The historian of the Mackays, however, says that although John and Donald were born out of wedlock, their father had married their mother "in order to legitimate them," and had afterwards (in 1511)

¹ *Hist. Scot.* 137.

² *Earldom of Sutherland*, 99.

obtained from the King a precept of legitimation in their favour. Neill Mackay fell into his nephew's hands—given up, some say, by the Earl of Caithness—and in spite of his near relationship was beheaded by their orders.¹

In 1520 Lachlan married Jean Gordon, daughter of Sir Alexander Gordon of Lochinvar. The writer of the *Kinrara MS.* states that this marriage was brought about by the Earl of Moray, Jean Gordon's half-brother, for the purpose of attaching Mackintosh to his faction and thereby of strengthening his own power in the north. The Earl, James Stuart (called the Little Earl), was son of Lady Jean Kennedy, daughter of Lord Kennedy and sister to the 1st Earl of Cassilis, his father being James IV. He was created Earl of Moray, and had the estates of the Earldom conferred upon him, in 1501. Lady Jean Kennedy about the same time married the knight of Lochinvar, and the only issue of this marriage was a daughter, who became the wife of the chief of Mackintosh. The connection which the Mackintoshes thus formed with the Kennedys explains the warm interest which the 3rd Earl of Cassilis afterwards took in regard to the murder of Lachlan's successor by Huntly in 1550. On the death of Sir Alexander Gordon of Lochinvar at Flodden, his estate had been claimed for his daughter, but her claim had been set aside by the Lords of Council

¹ *Kinrara MS.*; *House and Clan of Mackay*, by R. Mackay of Thurso, 99-101; Sir R. Gordon's *Earldom of Sutherland*, 90.

in 1516 in favour of her uncle Sir Robert Gordon, from whom descended the Earls of Kenmure. Thus the only advantages accruing to the Mackintosh family from the marriage were those derived from their becoming so nearly connected with the powerful Earl of Moray¹ in the north and the powerful family of Cassilis in the south, and the addition to their armorial bearings of a "*boar's head, coupéd, or, on a field azure,*" which the son of Lachlan Mackintosh and Jean Gordon quartered as heir of line of the family of Gordon of Lochinvar, a family known by name all the world over in connection with the

"Young Lochinvar who came out of the west."²

The peace-loving, law-abiding character of Lachlan, as described by Lesley and Sir Robert Gordon, could scarcely be expected to harmonise with that of many of his followers. The clansmen in his time seem in nowise to have been of less "active and stirring

¹ Holding a great part of their property under the superiority of the Earl of Moray, the Mackintoshes were of course already attached to that noble independently of their connection by marriage, and in some of Lachlan's bands of manrent, he excludes "the King's grais and the Erle of Moray" from those against whom he promises to assist and defend the grantee of the band.

² See "Lady Heron's Song" in Scott's *Marmion*, Canto V. xii. It is perhaps a question whether this famous song was founded on fact, but it is curious that in the present century the descendant and heir of line of the Gordons of Lochinvar took a wife from Netherby Hall. The late Mackintosh married, on the 5th May, 1875, Margaret Frances, daughter of Sir Frederick Graham, Bart. of Netherby.

disposition" than their forefathers who a century before had deposed their chief simply because he was unable or unwilling to be continually engaged in broils and feuds. Accordingly the restraints imposed upon them by Lachlan produced in some a restiveness and spirit of mutiny which could not long be prevented from breaking out. They objected to being kept "in honest and guid rell," had no regard for "vertuous living," and longed for the free exercise of their talent and courage in making raids and herships, as they had been accustomed. But in Lachlan they had not the same order of man to deal with as their fathers had in Ferquhard; his energy in suppressing disorders and punishing evil-doers showed that he was not one who could with impunity be called upon to resign his authority. Thus, while his efforts to maintain order, and his virtues generally, were fully and properly appreciated by the great body of his clansmen, there were not wanting those who looked upon them with repugnance, and were not unwilling to take means for putting an end to them.

One of these malcontents was the renowned Dougal Mor Mac Gillichallum, Lachlan's first cousin, some of whose exploits have been already noticed. On the release of the 12th chief from prison in 1513, and during the confusion of the kingdom consequent on the disaster at Flodden, he had taken the opportunity of recovering for the Mackintoshes their original possession of Petty, which, since the annexation of

the Earldom of Moray to the Crown about the year 1455, had been held from 1495 by the Gordons, and afterwards by Sir William Ogilvie of Banff. The latter had only held it for two years when, in 1513, the castle of Dalziel in Petty, or Hall Hill,—which he had just before erected—was besieged and burnt by a force under Dougal, who established himself in the neighbourhood and chased the Ogilvies away. A decree of Council was issued against him and his companions for “the masterful destruction and downcasting of the house of Petty, called Hall Hill,”¹ but he appears to have escaped punishment for some years, though Petty was afterwards restored to the Ogilvies.

Dougal’s zeal for the interests of his family appears next to have impelled him to take the castle of Inverness, which he and his sons occupied for a short time. This was during the chiefship of Lachlan, and it is likely that the chief disapproved of this proceeding, which brought Dougal and all who countenanced him into direct antagonism with the royal authority; for Dougal now (1520) broke out in open mutiny, and aimed at nothing less than the chiefship itself. “Calling to mind the former

¹ A copy of the charge is preserved in the Kilravock Charter Room. The persons named in it are Lauchlane Mc Kintoshe of Dunachtone, Doule More M’Gillecallum, Ferquhard his sone, Robert Stewart of Clavalge, Hucheon Ross of Kilravok, Henry Dolace of Cantray, Walter Ross of Kinstary, and Donald Glasche M’Kintosche. The occurrence is mentioned in a MS. History of the Roses of Kilravock, as well as in the Kinrara MS.

services he had done," says the Kinrara MS., "he became so insolently arrogant and presumptuous that he was heard to vaunt and brag that he was grandchild to the Laird of Mackintosh as well as Lachlan Og himself, that he had acted more for the credit of the family than Lachlan Badenoch and both his sons, and deserved to have the Lairdship more than any man living, and therefore that he would endeavour to have it time about." But he was unable to carry out this design, for in the succeeding year he and his sons Ferquhard and Donald were killed in Inverness Castle, on its being retaken by the forces of the Earl of Moray, the governor.

Thus perished Dougal Mor Mac Gillichallum, whose many and great deeds for the honour of his family entitle him to a distinguished place in its annals, even though his character is tarnished by the mean jealousy and arrogant self-estimation which he latterly displayed. He was emphatically of the warrior order; and in the warrior capacity had sufficient grounds for his boast as to his actions. Indeed his great fault was that he was too anxious to find occasion for vindicating the credit and upholding the name of the family, and that in his blind zeal he took such courses for asserting what he considered its honour as brought discredit rather than credit upon it. Had he obtained the chiefship it is more than probable that the clan would have been dragged into proceedings which would have exposed it to the hatred

of its neighbours, and at the same time have crippled it for many years. As a leader in time of war he was invaluable, but he would probably have been unable to pilot the clan in safety among the many troublous political events through which it had to pass in his time. He appears to have been a perfect type of the class which includes such men as John Macdonald of Moydart in his own time, and Sir Ewen Cameron of Locheil in later years,—an enthusiastic lover of fighting, and a Highlander to the backbone.

Another malcontent, more dangerous, because of a less brave and generous spirit, was John¹ Malcolmson, a natural son of the chief's deceased elder half-brother. The chief appears to have acted towards this man in an exceptionally kind and considerate manner, little imagining the extent of the ingratitude of which he was capable. In 1522 he gave him the occupation of Connage in Petty, "that thereby John might get the marriage of Effie Dunbar, relict of Andrew Munro of Muiltown, thinking thereby to reclaim the said John from his loose and wicked courses, for he was much given to robbery and oppression; but this favour did not tame him but rather made him the more insolent."² From the

¹ He is incorrectly called *James* by Sir James Balfour in his *Annales of Scotland*, (i. 259):—"This ziere lykways *James* Malcolmsone kills the Laird of Malcomtoche, and thereafter he and his associatts fleis to the Ile of the Loche of Rothemurchus."

² *Kinr. MS.*

MS. it appears that he was strengthened in his animosity against the chief by the latter's foster-brother and attendant, one Milmoir Mac Dhaibhidh (Davidson), who, imagining that Lachlan had assisted in frustrating a scheme he had for wedding "a rich widow at Brin," prevailed on John Malcolmson to aid him in taking revenge.¹ On the 25th March 1524, the two, with a few accomplices, treacherously murdered the chief while hunting at Ravoch in Badenoch. The grief and rage of the clan at this event testify sufficiently to the estimation in which the murdered Lachlan was held, and show that the conduct which he had pursued was disliked only by the bad characters amongst them. The murderers immediately sought refuge in the fort in Loch-an-Eilan (Rothimureus), and here they were captured three months later by Donald Glas, natural son of Lachlan's predecessor, and Donald mac William, grandson of Alan, aided by the chief of Macgregor, who had married a sister of the deceased. John Malcolmson and his two principal associates in the crime, Milmoir and William Mac Dhaibhidh, were kept in chains in the fort until 1531, when they were formally tried by the Earl of Moray, and being found guilty, Malcolmson was beheaded and

¹ The rich widow had been carried off by Dougal Macqueen. Davidson easily roused John Malcolmson's resentment against the chief by declaring that the latter had sneered at John's birth and called him "*Mac Kynich Grogach.*" John's mother was the wife of a peasant of Nuid Mor called Kenneth Grogach, and had been taken from her husband by John's father.

quartered, and the two Davidsons, after being tortured, were hanged and their heads fixed on poles at the scene of their crime.¹ Some accounts, however, make no mention of the imprisonment in Loch-an-Eilan and of the trial by the Earl of Moray, but make it appear that the murderers were cut to pieces immediately on their capture.²

During his chiefship Lachlan entered into bands of amity and manrent with Campbell of Calder,³ Kilravock, Foulis, Macdonald of Sleat, Colin Earl of Argyle, and others. Besides being connected by his own marriage with the Earls of Moray, Cassilis, and Argyle, he was also connected with several important families of the Highlands through his sisters, who were married as follows:—*Mora*, to John Macgregor of Glenstrae, afterwards to Stuart of Kincardine; *Marjory*, to Ewen Cameron of Locheil (Ewen Allanson); *Catherine*, to Alan Mac Ranald of Knoydart; *Jean*, to one of the Calder family, afterwards to Donald Maclean of Kingairloch.

By Jean Gordon his wife, Lachlan had one son, William, who at his father's death was but three years old. He had also, with three natural daughters,

¹ *Kinrara and Rev. L. Shaw's MSS.*

² *Tytler*, ii. 34; *Browne*, i. 184; Sir James Balfour's *Annales*, i. 259; Gordon's *History of Gordons*, i. 137.

³ Aug. 10th 1521. This band was entered into in consequence of some debates and controversies betwixt them concerning the right to Raits and Meikle Geddes. It was decided by mutual friends that Calder had the better right to the 'lands, but that Mackintosh should hold them during his life.

two natural sons, *John*, ancestor of the Mackintoshes in Dunachton, and *William*, ancestor of the Mackintoshes in Kinrara and Pittourie.

(15) WILLIAM. The minority of the infant successor to the honours and estates of Mackintosh brings another famous character on the scene, in the person of Hector, natural son of Ferquhard, 12th chief. After the murder of Lachlan Beg, Hector, "for his actions, courage, and strength of body," says the Kinrara MS., was chosen by the clan as their captain,—probably only as *locum tenens* of Lachlan's infant son during his minority, although it is not unlikely that, as in the case of John Moyder-tach and the Clan Ranald, he was chosen head of the clan without regard to William. In the various documents in which he is mentioned he is designated *Captain of Clan Chattan*, without any qualification to indicate that he was merely the acting or temporary holder of the title. "Some say," remarks the author of the Kinrara MS., writing about 150 years afterwards, "that Hector was declared legitimate by James V. and disputed the chiefship of the Clan Chattan." But be this as it may, he was placed at the head of the affairs of the clan, and held his authority for several years, using it on the whole with moderation and prudence.

It would appear that at first his authority was not universally acknowledged by the clan, some members of which might have considered their own claim to

the tutorship much superior to that of Hector. There were among them not a few turbulent spirits, who had indeed during the life of their late chief succeeded in forcing themselves to concur in his peaceful policy, yet whose warlike and predatory instincts it had required all the weight of his authority to keep within bounds. Now that Lachlan's firm hand was removed, they seem to have been unable to resist the temptation to indulge their passion for warring on and spoiling their neighbours. It was perhaps on this account, coupled with apprehension of foul play on the part of the tutor, that the Earl of Moray, as one of the nearest of kin to the infant chief, judged it expedient that he should be withdrawn from his father's relations and placed more immediately under his own influence. He accordingly, having obtained the gift of William's ward and marriage, had him and his mother removed to his own house. In 1527 he caused the latter to marry James Ogilvie of Cardell,¹ in conjunction with whom he undertook the education of his nephew. In this proceeding, although a perfectly natural one, the leading men of the clan, the newly elected captain with the rest, saw an insult to themselves and a

¹ James Ogilvie of Cardell was son of Alexander Ogilvie of Deskford and Findlater, by Jean daughter of Lord Saltoun, and is sometimes called Laird of Findlater, though he did not enjoy that title until many years later. His father was persuaded by his second wife, Elizabeth Gordon, of the Huntly family, to disinherit him in favour of her own daughter's husband, a son of the 4th Earl of Huntly.

design on the part of the earl to mould their young chief according to his own desires and on the obnoxious Sassenach model; while no doubt some among them had been friends or adherents of Dougal Mor, and had not forgotten that it was by the earl's means he had lost his life. The removal of the chief was therefore resented by them; and while the more politic Hector at first endeavoured by expostulation and other peaceable means to obtain the restoration of the child to his charge, they invaded Moray's lands in and about Brae Moray—Donald Glas and others of the Mackintoshes from the one side, the Farquharsons and Mackintoshes of Braemar and the upper districts of the Mearns from the other. During the year 1527, the tenants of the earl in the fertile and prosperous Braes of Moray were in a perpetual state of alarm; they constantly beheld their homesteads and crops in flames, their goods and cattle "lifted," and their own numbers diminished by the sword. In the words of the royal mandate of extermination issued against them, the invading Clan Chattan committed "daly raising of fire, slauchtir, murther, heirschippis, and waisting of the cuntre, sa that owre trew leigis in thair pairtis about thaim may nocht leif in peace and mak ws service."

This mandate of extermination was issued on the 9th November 1528, the sixteenth year of the reign of James V., and addressed to the "Shirrefis of Kincardin, Abirdene, Banf, Elgen, Fores, Narne, and Invernyss, and to our dearest bruthir James Erle

of Murray, our lieutenant general in the north partis of our realme, and to our louittis cousingis [] Erle of Suthirland, Alexander Maister of Suthirland, Johne Erle of Cathnes, Johne Lord Forbes, Hew Lord Fraser of Lovat, Johne Grant of Freuchy, Ewin Alansone capitane of the Clan Cammeroun, Johne McKainzie of Kintail," and to all the barons and chiefs within the several sherifffdoms mentioned. These persons are commanded "to pass all at anys upon the clanquhattane and invaid thame to thair uter destructioun be slauchtir, byrning, drowning and uther wayis, and leif na creatur levand of that clann except priestis, wemen, and barnis." They are to take to themselves "all thair gudis that may be apprehendit and hauld the samyn to thair awin use." The lives of the "wemen and barnis" are mercifully to be spared, because it were inhumanity to put hands in their blood; but they are to be shipped out of the country to Jesland, Zesland, or Norway.¹

Had this mandate been acted upon by all the persons to whom it was addressed, the history of the Clan Chattan would most probably have ended here. But whether owing to the friendly efforts of the chiefs and barons in the north, or to the natural unwillingness of Moray to proceed to extremities against a clan hitherto friendly to him, and in the continuance of whose existence he had

¹ See *Spalding Club Misc.* ii. 24, where, however, the wrong date is given, as will be seen by the preface to the volume.

a deep interest, it was used only to be held *in terrorem* over the unruly clan. It had perhaps been granted only with this object, but at all events its publication seems to have had the effect of inducing the invaders of Brae Moray to desist from their depredations and to continue quiet for some time.

It is to be observed that these letters of extermination contain no mention of Hector Mackintosh, although there is no doubt that he was in 1527-8 at the head of the clan. This circumstance seems to show that he took no part in the disturbances, and goes far to corroborate the statement in the Kinrara MS. that at first he employed peaceable means to gain his object. The only persons mentioned by name are John, Thomas, and Ferquhar McKinla (Farquharsons from the Mearns), Donald Glas (a natural son of the chief's uncle, and already mentioned as one of the principal avengers of the late chief's murder), and Angus Williamsons, apparently a nephew of Donald Glas. I infer therefore that there was at this time a split in the clan consequent on the elevation of Hector to the tutorship, and that Donald Glas was at the head of a faction and had stirred up the distant members of the clan in Aberdeenshire and Kincardineshire to assist him.

Finding argument and expostulation unavailing, Hector at length resolved to take other means for gaining his end. He accordingly, in 1530-1, rushed into active hostilities against the Earl of Moray and

the Ogilvies. With his brother William and at the head of a large force, he invaded the county of Elgin, where Moray's lands were for the most part situated, and after overthrowing the fort of Dyke proceeded to lay siege to Tarnaway Castle, and to harry the surrounding country. After a brief and unsuccessful siege he withdrew from Tarnaway and turned into the district of Petty. Here he besieged Hall Hill, which soon fell into his hands—twenty-four of the name of Ogilvie being put to the sword.¹ He returned to his own country with immense booty, but without the youthful cause of all this work, who had been sent south to the care of the Earl of Cassilis.

In the meantime the Earl of Moray was not idle. Acting on the commission given two years previously, he marched with a considerable force into the Mackintosh country, surprised the following of Hector, and took upwards of 300 prisoners,² among them William the brother of their leader. Many of these prisoners were at once executed. William was hanged at Forres, probably by way of giving the people in the neighbourhood of Dyke and Tarnaway some satisfaction for the injury he had done them; his head was fixed on a pole at the kirk of Dyke,

¹ This assault and capture of Hall Hill in 1531 is sometimes confounded with that in 1513 under Dougal Mor.

² Sir Robert Gordon says 200, but 300 is the number given by Bishop Lesley, who lived about a century earlier than Sir Robert.

and his body was quartered and distributed among the towns of Elgin, Forres, Aberdeen, and Inverness. It appears from the Kinrara MS. that he had been betrayed to the earl by a Dougal Bain mac Farquhar vic Coil, who had married the widow of John Malcolmson, and who was rewarded for his treachery with a five years' lease of Connage. Hector Mackintosh effected his escape and remained for some time in concealment.

The earl now took up his quarters in Inverness, sending out parties to bring in all the participators in the late disturbances who could be found. He appointed a meeting of the clan at Tordarroch in Strathnairn, avowedly for the purpose of consulting as to the interests of their young chief, but with the real object of obtaining some clue to Hector's place of concealment. Here eighteen of those concerned in the raid into Elgin, commonly called the "hershship of Dyke," were hanged "over the balks of the house where the court was holden"; and although tempted by a promise of pardon if they would disclose the secret of their leader's hiding-place, all stoutly refused to accept their lives at the price of their fidelity and honour. "Ther faith wes sua true to ther captane that they culd not be persuaded, either by fair meanes or by any terrour of death, to break the same or to betray ther master."¹

¹ Sir Robert Gordon's *Hist. of Earldom of Sutherland*, 100. See also Gordon of Gordonstown's *Hist. of Gordons*, i. 138-9.

Numerous instances of heroic fidelity such as this—which surely deserves our highest admiration and praise—are related of the Highlanders. They themselves, in their noble simplicity, did not consider that they were doing more than their duty in sacrificing their lives in such a cause. Fidelity to his chief was regarded as one of the first duties of a clansman, and he who lacked the fortitude to be faithful unto death would have been scouted from the society of his kinsmen as a coward and disgraced man. Still it was not altogether fear of the contumely of their brethren that produced the acts of self-sacrificing heroism so common among the race; these were the effects of the higher principles of reverence for the chief as for a father, devoted attachment to his person, and strict regard for his honour—principles which prompted the clansman to receive in his own breast the arrow aimed at his chief, or to suffer a painful lingering death rather than that his chief should come to harm.¹

¹ The Earl of Moray's court at Tordarroch was held ostensibly in the name and interests of the young chief of Mackintosh, and the circumstance that such a large number of executions took place during its session is said to have given rise to the common saying, "Cha'n e na h-uile la' bhios moid aig Mac-an-toisich,"—"It is not every day that Mackintosh holds a court." The Rev. Donald Mackintosh, however, who includes the proverb in his collection, assigns to it a different but perhaps less probable origin: he says that one of the Mackintosh chiefs who held a court of regality, with powers of pit and gallows, was in the

Hector was successful in eluding the search of the Earl of Moray, but by the advice of Dunbar, Dean of Moray, he surrendered himself to the king, who forgave him his past offences, and received him into favour. This clemency on the king's part was no doubt in some measure owing to his dissatisfaction at the time with Moray, who had shortly before been associated with Colin, Earl of Argyle, in certain proceedings not the most creditable which the latter had thought fit to take in discharge of his office of Lieutenant of the Isles. On inquiry into the nature and manner of these proceedings, Argyle was committed to prison and Moray for a time lost his royal brother's favour. A letter in the State Paper Office, dated 27th Dec. 1531, from the Earl of Northumberland to King Henry VIII. of England, refers to "the sore imprisonment of the Earl of Argyle and the little estimation of the Earl of Moray." The Kinrara MS. relates that on

habit of condemning a victim to be hanged on each court day by way of affording a salutary example.

The foundation walls of the barn in which, according to local tradition, the Earl of Moray held his court and executed so many of the Mackintoshes, are still to be seen at Tordarroch, on a hillock close to the Mains farmhouse. They show that the building was a long narrow one, well adapted to the earl's plan of seizing and hanging the victims as they came in separately. But by a curious perversion of the name of the principal actor, the tradition of the district (as heard by the writer on the spot) makes *Queen Mary* (!) the holder of the court. Would that it were possible to explain all other crimes charged against the unhappy queen as easily as this!

Hector's making his humble submission the king received him into favour, and "did with all his heart lovingly embrace him, because he was valiant and wise in war and council, and of extraordinary strength of body and other abilities, and did admit him to be one of his principal servants at court, where he remained constantly." James V. was at this time of an age (about twenty years) at which a generous and high-spirited nature is particularly liable to be attracted by either the valiant deeds or the misfortunes of others. He had besides only recently escaped from the captivity in which he had long been held by the Douglasses, a circumstance which we may readily imagine would incline him to sympathise with his new *protégé*. Hector is said to have been assassinated soon after these events by a monk named Spens at St. Andrews.

There is no reason to suppose that in endeavouring to acquire the charge of his young kinsman Hector had any sinister end in view, or that he was influenced by any other motives than those of jealousy and resentment at the summary step taken by Moray in removing the youth from among his clansmen. And although his unfortunate and perhaps not altogether well-judged opposition to the earl ended in temporary disaster to himself and his followers, we are not on that account to regard him as a wanton disturber of the peace, or as lacking the desire to maintain the honour and interests of the clan. Indeed his action in the matter was no doubt

taken for the purpose of vindicating their honour and interests, and of protesting against what seemed to be an insulting reflection on their good faith; and he appears to have resorted to the sword for the recovery of the young chief only when all other means had failed. From his marriage to a daughter of James Grant of Freuchie, and from the numerous contracts and bands in which his name appears, we may judge that he was a man highly respected and of considerable abilities. On 30th April 1527, shortly after acquiring the captainship of the clan, he engaged in mutual bands of amity and league with Sir John Campbell of Calder, Munro of Foulis, Rose of Kilravock, and Macdonald "Ylis" of Sleat.¹ He also gave bands of manrent to the Earls of Argyle (in 1527) and Huntly (in 1532). It was probably in connection with his bands to Calder and Argyle—who had combined in asserting rights which they had obtained to Locheil and Durór and in obtaining bands of manrent from the Camerons and the Stewarts of Duror—that he gave in 1527 an assurance to Ewen Allanson of Locheil. This document² is given in full, but it does not appear whether it was an assurance that Hector himself would take no steps against the Camerons, or that he would assist them against other enemies; probably, however, it was of the former nature.

¹ *Kinrara MS.*; *Mackintosh and Calder Charter Chests.*

² This "Suerans" is given in the *Spalding Club Miscellany*, iv. 198.

“ANE SUERANS TO EWN ALLANSON BE MCKYNTOSCHE.

Be it maid kend to all men be this present vrycht me Hector M'Kintosee, Captaine of Clan-catane, to have assouerit, and be thenor of this present lettre assoueris lelely and truely be the faytht and treuth in my body, ane virschepful man Euine Alansone, Captane of Clan-camrone, hymeself, his kyne, party, purcheis and enyrdance, his and thare landis, gudis, purcheis and enyrdance, and for all at may lat, bayth in the law and by the law, induring this myn assouerance, be the fayth and trouth in my body, and this myn assouerance till indure bot fraud and gyle to ye fest of Sant Androw nixt to come that day the sonne beying gane to rest. In vitness of the quhilk to this my letteris of asseuerance I have procurit the seil of ane virschipful man Huchone Ros of Kilravok at Kilravok the xxij day of October the yeir of God ane thouosand fif hundryt xxvij yeiris befor thir witness Johne Alansone, Donald Alansone, Villiam Roy Alansone vyth vder diuerse.”

The misfortunes which Hector's quarrel with Moray brought upon the clan were of a temporary and limited nature only, and during the remaining years of the pupilage of the young chief the clan appear to have been generally quiet. William entered upon the duties and responsibilities of his position about 1540, being then nineteen years of age. He is complimented by Buchanan, and by the author of the account of the Camerons prefixed to the *Memoirs of Locheil*, the latter (p. 31) describing him “as a gentleman of very fine qualitys and much distinguished for his spirit and politeness.” Bishop Lesley gives us the following picture of him,—“Hic Mackintoshii filius, morum ac vitæ probitate in ipsis teneris actatis unguiculis ita conformabatur, ut cùm ad Remp. se contulisset omnes duces eorum, quibus

in ultima Scotia Hibernus sermo erat vernaculus, illum tanquam virtutis solidam quandam effigiem, ac Reip. probè constituendæ egregium artificem suspexerint.”¹ Besides the advantages of his education, his position was greatly strengthened by the circumstance that during the early years of his chiefship his uncle and firm friend, the Earl of Moray, was at the head of affairs in the north. But in 1543 he lost this patron, and was thus brought into close contact with George, 4th Earl of Huntly, who succeeded to Moray’s influence and position in the Highlands, and who on 30th March 1544 was made Lieutenant of the North. At first his relations with this nobleman seem to have been in every way satisfactory. In 1543 (12th May) he obtained from him a liferent tack of Benchar, Clunie, Schipin, and Essich, and in the following year (30th Oct.) he received from him the office of deputy-lieutenant of the shire of Inverness, and subscribed a band given by most of the nobles and barons in the north engaging to assist and uphold Huntly, as the queen’s lieutenant, in suppressing disorders.² In

¹ “This son of Mackintosh was so brought up in his youth in goodness of manners and life, that when he entered upon the government of his people, all the chiefs of the Highlands honoured him as a perfect pattern of virtue, and an excellent manager of the well-being of his clan’s affairs.”

² *Spald. Club Misc.* iv. 213. All the principal chiefs in the north subscribed this band. The first names are John Earl of Sutherland, John Earl of Atholl, Alexander Fraser Lord Lovat, William Mackintosh of Dunnachton, James Grant of Freuchie, J. Mackenzie of Kintail.

return for the tack of Benchar, &c., he gave Huntly a band of manrent, dated at Huntly 12th May 1543, in which he is designated "William McIntoschecht, son and *apperand* air to umquhile Lawchlan McIntoschecht of Dunnachten," and in which he signs himself "Wilzem Makinthose." Ten days previously some of the principal men of Clan Chattan bound themselves, at Inverness, "under the pane of cursing" to renounce their dependence on William "gywe it hapins the said Wilzeam McIntosche to failze and break his band of manrent" (which it appears he had previously become bound to give) "in his service to the said Erle." This band, known as "Clan Chattan's Band," is given in full in the *Spalding Club Miscellany*, vol. iv. p. 260. The persons engaging in it are Jhone Wilzem Allansone and Donald Wilzem Allansone¹ (grandsons of Alan, son of Malcolm Beg), Dowll Bayne,² Hucheon Roy,² Swyne McConquhie, Allaster and William McQueyn, Donald McAnedoy,³ dwelland in Pettin, Willzeam Reoch McAychin,⁴ Donald Mor McWlmoir,⁵ Aye McAnc

¹ There is a band in the Cawdor Charter Chest, dated 28 Aug. 1534, given by these two to Sir John Campbell of Calder.

² The Kinrara MS. says that Ferquhar, eldest son of Dougal Mor MacGillicallum, "had three sons, *Dugall Bayn, Hugh Roy, and John Du.*"

³ Mac Ian Dubh. Ian was 3rd son of Alan, progenitor of the Killachie branch, and married a daughter of Calder.

⁴ Query, a son of Hector, the late Captain of the clan.

⁵ M'Wlmoir, *i.e.* MacCoil or MacDonald Mor. It is likely that this Donald Mor M'Wlmoir was Donald of Cluny, son of Donald Mor of Cluny, and that one of the Donald Macfarsones

McThomas, Donald McAne McConquhie, Wilzeam McAne McConquhie dwelland in Strathnern, Bean Macfarstone,¹ Donald Macfarstone, Wilzeam McGillies,² McFail, Angus Angus Wilzeamsone, Donald Macfarstone, Thomas Macallister,³ Jhone Angussone,⁴ Angus McRobert.⁵

In 1544 the Clan Chattan became involved in the proceedings which had for their object the establishment of Ranald Macdonald in the chiefship of the Clan Ranald of Moydart. This dignity had about 1530 been conferred by the clan on their late chief's bastard son, John "Moydertach," a man whose restless disposition, aided by considerable talent and daring, for a long time caused great trouble to the ruling powers of the kingdom. Allan mac Ruari, chief of Clan Ranald from 1481 to 1509, had been twice married, and two of his great-grandsons springing from the first marriage were at this time alive, the elder of course being actual heir of line to the chiefship. Being very young, no opposition was to be expected from him; but John Moydertach found his elevation to the head of the clan challenged by afterwards mentioned was his son, who married a daughter of Gordon of Ardbrylach.

¹ Probably a younger son of Cluny.

² Probably William Macpherson of Invereshie, head of the sept Gillies.

³ Probably the head of the Pitmean branch of the Macphersons.

⁴ The MS. mentions a John, son of Æneas (Angus) one of the natural sons of William, 13th chief.

⁵ Shaw of Tordarroch.

Ranald, only son of Alan mac Ruari by his second marriage with a daughter of Lord Lovat. This person, having been brought up by his relations the Frasers at a distance from Moydart, was called by his own clansmen *Galda*, or the foreigner. At first he appears to have made no effort to dislodge John Moydertach, who succeeded in procuring a title to the clan estate. But in 1540, John being imprisoned by James V., the Frasers contrived to place Ranald Galda in possession of Moydart, and to obtain a revocation in his favour of the charters previously granted to his rival. Though thus apparently secured in the possession of his father's station and lands, Ranald was unable to obtain the goodwill of the clansmen, who remained obstinately faithful to the chief they themselves had chosen. Scarcely had he settled himself in Moydart when John, who had been released in the early part of 1544, returned and was received with open arms by the clan. Ranald was compelled to seek refuge and assistance from his kinsman of Lovat; while his rival, assisted by the Macdonalds of Keppoch and the Camerons under Ewen Allanson, with great vigour and promptness carried fire and sword into the Frasers' country, part of which he occupied, overrunning also Glenurquhart and Glenmoriston, belonging to the Grants. Huntly, as Lieutenant of the North, soon found it incumbent upon him to take steps for restoring order. He accordingly marched against the insurgents, accompanied by the Frasers, the Grants, and the Clan

Chattan, whose captain, as we have seen, was under an obligation of manrent to Huntly. Mackintosh was on this occasion followed by 1500 men.

The insurgents retired before the lieutenant, who, having without a battle replaced Ranald Galda in apparent possession of Moydart, set out on his return, as though he had done all that was necessary. In Glen Spean his forces separated. Lovat, contrary to the advice of his friends,¹ returned homewards with 400 men by the shores of Loch Lochy, the Mackintoshes and Grants attending him as far as the water of Gloy; he was accompanied further by Ranald Galda. John Moydertach and his allies, however, had kept a watch on the movements of Huntly's army, and finding that Lovat detached his forces with the evident intention of returning alone, resolved to intercept him at the head of Loch Lochy. Here Lovat found his way barred by a superior force of his adversaries, and having no doubt of their intention, he despatched a portion of his followers to secure a neighbouring pass by which he might retreat in case of his getting the worse. The fight was a most sanguinary one: the pass was seized by the enemy, and the devoted Frasers, being entirely hemmed in, were almost to a man cut off, though

¹ The Kinrara MS. says that Mackintosh, "being informed of an ambush laid for Lord Lovat, offered to accompany him with his people till he were out of hazard; but the Lord Lovat refused the offer, saying he was strong enough himself for the Clan Ranald; Huntly, being privy to the Clan Ranald's design, applauds Lovat's resolution."

not without a desperate struggle. Lovat, his eldest son, and the unlucky Ranald Galda, were among the slain; and tradition declares the slaughter to have been so great that the survivors of the victorious side were only eight in number, those of the vanquished only four. But this is no doubt an exaggeration.

By this battle of Kin-Loch-Lochy—better known as Blair nan Leine¹—John Moydertach established himself as chief of the Clan Ranald of Moydart, Ranald Galda being slain, the heirs of line resigning their claim, and Huntly being shortly afterwards too much engaged in other matters to take any efficient measures against him. Indeed, it would appear from Shaw that the earl had little inclination for such measures. “Buchanan and the MS. account of Lovat’s family blame the Earl of Huntly for this barbarious conflict, that he had privately stirred up the Clan Ranald to intercept Lovat. The character of that Earl and the resentment of his treachery long entertained by the Frasers found a suspicion that he was guilty.”²

Some of the Clan Chattan belonging to Petty and the neighbourhood having, after their separation from Huntly in Glen Spean, taken the way of Loch Ness

¹ “The Field of Shirts,” so called from the circumstance that the Frasers stripped to their shirts in the battle, the day (15th July) being very hot.

² *Hist. of Moray*, 221. The note on p. [203] shows that the Mackintosh MS. History corroborates this charge.

as the nearest to their homes, had been waylaid by some of the Clan Ranald and almost totally cut off at Abertarff. In revenge of this, the chief took an early opportunity of making an expedition into Glengarry, part of which he harried.

The supineness or partiality exhibited by Huntly in his expedition against the Clan Ranald and their friends, and his absence from the North for some time afterwards, had the effect of increasing and prolonging the disturbances in the Western Highlands. John Moydertach was emboldened to pursue his own courses, and to set at defiance both the lieutenant and the royal authority itself; nor were his allies slow in following his example. The Earl of Lennox, in his expedition to the Western Isles on behalf of the King of England, found ready assistance from the Islesmen and their neighbours on the mainland, and easily obtained from them a promise to transfer their allegiance from the Scottish to the English crown. One of the Council of the Isles which in 1545 empowered two commissioners to treat with the English king, was John Moydertach, while his ally Ewen Allanson of Locheil in the same year made a written promise of his services to the same monarch, and stated as a recommendation that he had taken a prey from both Huntly and Argyle.¹ A proclamation by the Government to Donald of the Isles and his followers, warning them to desist from their treasonable

¹ Letter to Lord Deputy of Ireland in State Paper Office.

practices, being unheeded, processes of treason were issued against the principal delinquents. Mackintosh, as deputy lieutenant, in 1546 succeeded in apprehending two of these, the Captain of Clan Cameron and Ranald mac Donald Glas of Keppoch, both of whom had taken part in the slaughter of the Frasers two years before. Mackintosh gave up his prisoners to Huntly, who procured their trial and condemnation for high treason, and both were beheaded. John Moydertach obtained a pardon in 1548.

On the 15th February 1547-8 the Earldom of Moray was conferred upon Huntly, with the lordships of Abernethy, Petty, Breachly, and Strathern, by the Earl of Arran, Regent of the kingdom. Of the three last-named districts William Mackintosh had obtained in 1543 a liferent tack from the queen dowager, by means of his uncle the Earl of Moray. Hitherto totally independent of Huntly, except in the matter of the limited service to which he was liable for the lands of Benchar, he was now placed in the position of vassal to that noble for a large portion of his lands. This closer connection was short and not agreeable. Mackintosh's relationship and attachment to the late Earl of Moray, who during his lifetime had been regarded with jealousy by Huntly, could not but have inspired the latter with some feeling of coolness and dislike towards him; while his great power and influence no doubt made him an object of jealousy on his own account. There are also grounds for supposing

that Mackintosh was inclined to the doctrines of the Reformation, of which the earl was a consistent and virulent opponent. The two great parties in the kingdom, the Protestant English party and the Catholic anti-English party, were both numerous and powerful, and it was by no means certain that the side to which Huntly adhered, though no doubt the more patriotic, would be able long to hold their own. Of an ambitious jealous temper, and anxious to maintain his position as Cock of the North—a position which made him one of the most powerful barons in the kingdom—Huntly would look with no favourable eye on any one near him whose power and standing nearly approached his own. Mackintosh, commanding a following more numerous than any the earl could raise from his own estates, and being connected with the great families of Cassilis and Argyle—the former a sturdy partisan of the English faction—as well as with most of the leading Highland families, was one whom it was desirable either to attach to himself or to keep down as much as possible. He seems to have at length conceived a violent animosity against Mackintosh, and the good estimation in which the latter was held by all who knew him added fuel to the flame—the earl himself being particularly obnoxious in the north. The Kinrara MS. says that Huntly, in 1549 “perceiving William Mackintosh to be highly esteemed and honoured by all his neighbours, began to envy his power and the brightness of his virtue, and therefore resolves to assure him to himself by bonds, or to crush

him so as he shall not be able by his power to wrong him or his faction, and for that effect endeavours to get his bond of manrent whereby to make him side with himself in all his attempts good or bad." But while willing to perform all due service which his position as vassal to the earl entailed upon him, William resolutely refused to go further or to bind himself closer.

Having failed in this, the earl now commenced a series of harsh measures by depriving William of his office of deputy lieutenant. It is evident that for some time previously he had been intriguing among the Clan Chattan; in all probability it was by his means that in 1548 Lachlan Mackintosh, son of the murderer of William's father, and himself no well-wisher to William, had been placed in possession of Connage in Petty; and "Clan Chattan's Band" in 1543, already mentioned, bears tokens of his handiwork. It is also likely that for some years he had been sowing the seeds of discontent and mutiny among the Macphersons, though these did not bear fruit until some thirty years later.

William appears to have quietly acquiesced in Huntly's withdrawal of his office from him; but the event afforded to Lachlan, tenant of Connage, a favourable opportunity of evincing his malice against him and his family. This man had for some years been a creature of Huntly's, and the bad spirit which he seems to have inherited from his father was perhaps strengthened by the desire of revenging that

parent.¹ He now accused William of threatening to take the life of Huntly, and of conspiracy to carry out his threat. The lieutenant eagerly seized the excuse, and caused his enemy to be apprehended and confined at Bog-an-Gight. On the 2nd August 1550 he held a court at Aberdeen for the purpose of trying Mackintosh for the heinous crime charged against him of practising against the life of the queen's lieutenant; but the trial was little more than a mockery. Huntly himself was the judge; the assize or jury was "packed," being composed of Huntly's own friends and dependents; while the witnesses were the mortal and unscrupulous enemies of the accused,² and the charge was of a nature difficult to be disproved, even though it was wholly false. On these grounds—Mackintosh's just exception to the witnesses and jury being repelled—the Provost of Aberdeen, Thomas Menzies, conscious of the innocence of the accused and indignant at the unfair

¹ Lachlan in 1548 had given a strict bond of manrent and service to the chief, and had obtained the names of George Munro of Davochgartie, James Dunbar of Tarbat, and Robert Dunbar of Durris (Dores), as securities for his fidelity.

² The witnesses were Lachlan of Connage himself and Donald mac William vic Conchie, a servant of Lachlan's father.

The following is a list of the jury. Huntly was of course careful to keep men of his own *name* out of it:—Wm. Seaton of Meldrum; Wm. Udny of that Ilk; Alexr. Crawford of Tedderit; John Forbes of Towie; Alexr. Leslie of that Ilk; Wm. Cheyne of Straloch; Gilbert Gray of Shivas; Thos. Chalmers of Coats; Thos. Meldrum of Ednam; Alexr. Chalmers of Balnacraig; Patrick Cheyne of Essemont, Knight; Alexr. Cowie of Ancrum; and John Seaton of Disblair.

advantages taken of him, protested against the trial, and his protest being unheeded, publicly appealed to Parliament and left the court. Huntly proceeded in his design, and it was finally 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 Huntlie, Chancellor and Lieutenant, representing the Queen's person, therefore he had tint and forfeited all and hail his goods, moveable and immoveable, with his lands and heritages, and also his head to be stricken off from his body.

The latter part of this sentence would probably have been carried out then and there but for the vigorous and courageous action taken by the provost, who convened the town in arms to prevent the execution.¹ The attitude adopted by this functionary may perhaps be in some measure explained by referring it to the religious contention raging at that time between the Roman Catholic portion of the community and the Reformation party. The citizens of Aberdeen had received the reformed doctrines at an early period of the contest,—although for long after the establishment of these doctrines the Romish

¹ Had the trial taken place a week or two later, Mackintosh would probably have been without the provost's help. The Council Register of the Burgh has an entry to the effect that on the 8th August Thomas Menzies, Provost, and Baillie Gilbert Menzies, elder, were elected to proceed to Edinburgh as commissioners from Aberdeen for the purpose of meeting there other commissioners of burghs on the 14th of the month.

party was strong in the town—and it is likely that their opposition to Huntly proceeded as much from a feeling of religious antagonism to that noble as from a desire to prevent injustice and to defend the innocent Mackintosh. As already observed, it is probable that Mackintosh was inclined to the new doctrines, if he had not actually embraced them. At all events, whatever the cause, the feeling exhibited by the provost and citizens of Aberdeen, and the protestation and appeal of the former, seem to have had the effect of rendering Huntly apprehensive of the consequences of imbruing his hands in his victim's blood, and of staying for the time the execution of the sentence.

Although thus prevented from carrying out his revenge to the full extent, the earl was not prepared to release his prisoner, who was conveyed to Strathbogie and confined in the castle there. The trial at Aberdeen had taken place on the eve of Huntly's departure for France with the queen dowager, and had been instituted for the simple reason that he was averse to leaving Mackintosh alive. The fact of the latter's apprehension and imprisonment was of course a matter of notoriety, and he could scarcely have been got rid of while in the house of the earl without suspicion of foul play and a general cry of indignation. Huntly's only resource, therefore, was to bring about his death in such a manner as would keep himself within the law and make it appear that he acted fairly and openly. We have seen how

he proceeded to do this ; taking his prisoner off his own lands to Aberdeen, and having him tried by a regular assize—though at the same time taking good care to secure him and to make sure of a verdict against him. We have also seen how the cup of revenge was unexpectedly dashed from his lips ; yet he was resolved not to be baulked. The necessity of attending the queen dowager prevented his longer stay in the north, but he left an injunction with his countess to put Mackintosh to death after his departure. He “left him to his lady to deal with,” says the Kinrara MS., “thinking it would be reputed to be her own act.” Mackintosh accordingly suffered death by the axe on 23rd August 1550.

This seems to be the most trustworthy of all the accounts given of the murder. However widely they disagree as to the details, all concur in establishing the fact, and in indicating the Earl of Huntly as the moving agent. Sir James Balfour¹ says, “This same ziere (1550) the Earle of Huntley, *befor* his going to France, causes stricke the head from William Malcomtoche at Strathbolgie for practizing against the said Earles lyffe, he then being the Quein’s lieutenant in the north.” Sir Walter Scott² gives an account of the occurrence, to which he imparts a high tone of

¹ *Annales*, i. 297.

² *Tales of a Grandfather—Scotland*, ii. 7. See also Sir Walter’s Article on the Highland Clans contributed to the *Quarterly Review* for January 1816.

romance :—“ This haughty race (the Mackintoshes) having fallen at variance with the Gordons, William Mackintosh, their chief, carried his enmity to so great a pitch as to surprise and burn the castle of Auchindoun, belonging to the Gordon family. The Marquis¹ of Huntly vowed the severest revenge. He moved against the Mackintoshes with his own followers, and he let loose upon this devoted tribe all such neighbouring clans as would do anything for his love or for his fear. Mackintosh after a short struggle found himself unequal to sustain the conflict, and saw that he must either behold his clan totally exterminated, or contrive some mode of pacifying Huntly's resentment. The idea of the first alternative was not to be endured, and of the last he saw no chance save by surrendering himself into the power of the marquis, and thus personally atoning for the offence he had committed. To perform this act of generous devotion with as much chance of safety as possible, he chose a time when the marquis himself was absent, and asking for the lady, whom he judged likely to prove less inexorable than her husband, he presented himself as the unhappy Laird of Mackintosh, who came to deliver himself up to the Gordon to answer for his burning of Auchindoun, and only desired that Huntly would spare his clan. The marchioness, a stern and haughty woman, had shared deeply in her husband's resentment. She

¹ Sir Walter is in error here. The Marquisate of Huntly was not created until some fifty years later.

regarded Mackintosh with a keen eye, as the hawk or eagle contemplates the prey within its clutch, and having spoken a word aside to her attendants, replied to the suppliant chief in this manner:— ‘Mackintosh, you have offended the Gordon so deeply that Huntly has sworn by his father’s soul that he will never pardon you till he has brought your neck to the block.’ ‘I will stoop even to that humiliation to secure the safety of my father’s house,’ said Mackintosh. And as this interview passed in the kitchen of the castle of Bog-of-gight, he undid the collar of his doublet, and kneeling down before the huge block on which the slain bullocks and sheep were broken up for use, he laid his neck upon it, expecting, doubtless, that the lady would be satisfied with this token of unreserved submission. But the inexorable marchioness made a sign to the cook, who stepped forward with his hatchet raised, and struck Mackintosh’s head from his body.”

Mr. Skene gives in general terms the same account, speaking also of a feud in which Mackintosh commenced hostilities by burning the castle of Auchindoun.¹ If these accounts were true, if Mackintosh had provoked him by wantonly carrying fire and sword into his country, we should have no difficulty in absolving Huntly from blame in the matter. But it is a pity, for the sake of his memory—although one crime more or less would but slightly affect our estimation of his character—that they cannot

¹ *Highl. Scot.* ii. 182.

be admitted as true ; and this huge blot must remain on the earl's memory, almost the foulest there. The feud and the burning of Auchindoun by William are entirely fictitious. Those who relate them have apparently confounded the events of two distant periods. There was no feud prior to William's death in 1550, and the surprise of Auchindoun took place forty-three years later under William's grandson of the same name. The conspiracy mentioned by Gordon of Gordonston¹ is similarly without foundation ; Mackintosh was *charged* with conspiracy, because he had been accused of it by his unworthy kinsman, not because he had actually either headed or participated in a conspiracy against the queen's lieutenant.

The scheme which the Kinrara MS. implies was adopted by Huntly for the purpose of making himself appear blameless of Mackintosh's death proved abortive, as might have been expected. The facts that the deceased chief had been his prisoner, had been notoriously the object of his enmity, and had been slain in his house, soon after the successful issue of his efforts to obtain sentence of death and forfeiture against him, all pointed to the earl as the instigator and moving agent of the crime, and the person mainly responsible for it. His evident culpability was eagerly seized by his enemies as a formidable weapon against him, though owing to his influence with the queen dowager they were

¹ *History of the Gordons*, i. 174.

at first unable to use it to his disadvantage. The murder of their chief was of course resented by the clan. They do not appear to have taken any active steps so far as the earl was concerned, but the traitor Lachlan was not so fortunate as his more exalted accomplice. Huntly had rewarded him for his infamous service by making him Sheriff-depute of Inverness jointly with Munro of Foulis, and chamberlain of the lands of Petty, also by converting his tenancy of Connage into a life-rent tack on 21st August 1550, two days before his victim suffered. He had enjoyed these rewards of dishonour little more than a year when on the 30th Sept. 1551 his house was taken by some of the indignant clansmen, himself slain, and his adherents banished from the country of the clan.¹

Nor did Huntly altogether escape retribution, although his influence at court was sufficient to secure him from any punishment at all adequate to his crime, and indeed to render futile any charge against him resting solely on that crime. For some few years the murdered chief's friends were unable to obtain either satisfaction for his death or the restoration of his lands to his family; but they at last found their opportunity. In 1554 Huntly was sent by the queen dowager, who had been made Regent, against John Moydertach and the Clan Ranald. His

¹ The well-known beautiful pibroch called "Mackintosh's Lament" is sometimes said to have been composed on the occasion of William's murder.

army consisted of Lowland gentlemen and his Highland vassals, among them the Clan Chattan. The former, not liking the prospects of danger and inconvenience which an expedition into the wilds of Lochaber presented to them, demurred to their leader's proposal that they should pursue those whom they sought among their own fastnesses, and finally refused to proceed. Knowing the antipathy entertained towards him by the Clan Chattan, Huntly judged it prudent not to entrust himself alone with them and the other Highlanders, and accordingly he was compelled to abandon his enterprise.¹ The queen regent, who seems to have been bent on suppressing the restless and audacious John Moydertach, was greatly displeased at the failure of the expedition. Balfour says,² "the Earle returnes without effecting anything for repressing the rebels, this expeditione of his making them rather more bold and presumptuous; quherat the Queeine is above meassure intraged and imediatly she causses citte the Earle to compeir and anssuer to that libellit against him." Attributing his failure to negligence in her service, she committed him to Edinburgh Castle to abide further inquiry. No sooner did it become evident that the beams of

¹ *Lesley*, 251-2; *Tytler*, iii. 75. Sir R. Gordon says that the failure of the expedition was owing to a tumult raised in the camp by the Clan Chattan, who returned home.

² *Annales*, i. 302. Sir James's accounts of transactions and events in the Highlands are generally more or less inaccurate in details. For instance, he speaks of "that audacious rebell Jhone Mudyard" as *one of the Clan Chattan!*

court favour had been withdrawn from the earl than his character and actions were assailed both by his enemies in the council and by those who were set against him by sympathy for the murdered Mackintosh. "His enemies taking occasione one his restraint," says Balfour, "aggravats all his actions and accuis him as the pryme author of all these troubles in the northe, and that for his beheading of the Laird of Mackintoche." The inquiry into his conduct resulted in his being deprived of the Earldom of Moray and lordship of Abernethy, with other of his lands, and in his being condemned to a banishment of five years.

It is not likely that the regent would have proceeded to such extremities with one of her most faithful and powerful adherents had not great pressure been exerted by the Presbyterian party, although at the time she was no doubt favourably inclined towards this party, to whom mainly she owed her success in obtaining the regency. It is therefore not to be wondered at that, while inflicting this punishment upon Huntly by way of a sop to his enemies, she took care to recoup him in some measure and to retain him in her interest by restoring him to the office of Chancellor, of which he had some time previously been deprived. The sentence of banishment was remitted for a fine of £5000.

The result of the measures against Huntly, so far as they concerned the family of Mackintosh,

was equally satisfactory to the friends of the murdered chief, among whom his cousin Gilbert, 3rd Earl of Cassilis, had been conspicuously active. In 1557, this noble summoned Huntly, his son Lord Gordon, with the assizers and others concerned in the conviction of William Mackintosh, to appear before Parliament at Edinburgh on the 14th December to hear and see the pretended sentence of forfeiture pronounced at Aberdeen in 1550, "reduced, rescinded, and annulled." The Parliament also declared the sentence of death illegal. Huntly was compelled to give as compensation to the family the barony of Essich near Inverness, the lands of Coignascalan, Coignafearn, Coignafinternach, and Coignashee, in the heights of Strathdearn, and South Kinrara and Dalniverit in the parish of Alvie, the latter called from the circumstances "Davachs of the Head."

William Mackintosh's wife was Margaret Ogilvie, daughter of Alexander, 1st baron of Findlater, and sister to James Ogilvie of Cardell, who had married William's mother. By this lady he had, with a daughter Margaret (married successively to the Lairds of Grant, Abergeldie, Pitsligo, and Duffus), two sons—*William*, who died young, and *Lachlan*, who became chief.

CHAPTER VII.

Lachlan "Mor," 16th chief—The Earl of Huntly and Queen Mary—Lachlan's Loyalty to the Queen—Rothimurcus; changes of ownership—The Regent Moray—Feuds between Mackintoshes, Munroes, and others—Campbell of Calder and the lands of Ardersier—The Clan Gregor—Rivalry of the Earls of Moray and Huntly; attitude of Clan Chattan—Defection of the Macphersons—Hostilities with Huntly—Battle of Glenlivet—Reconciliation of Huntly and Mackintosh.

(16) LACHLAN MOR. On the death of William, the leading men of the clan chose Donald, grandson of Alan mac Malcolm Beg, to act as tutor to his successor, who was only seven years of age. Apprehensive of further trouble from Huntly, they took steps to secure the young chief from his influence and practices by despatching him to Strathnaver to the care of Mackay. But on his way northwards the boy was intercepted by Mackenzie of Kintail, taken to Eilandonan, and kept there until he was old enough to enter into a marriage contract with Agnes, Kintail's daughter.¹ This unceremonious proceeding does not appear to have been resented by the friends

¹ *Kinr. MS.*; *Applecross Hist. of Mackenzies.*

of the young Mackintosh, and on the whole it was perhaps well that he fell into such hands. In 1558 he went to Edinburgh for purposes of education, and from 1560 to 1562 was attached to the court. In the latter year, at the age of nineteen, he returned home, and at once found opportunity of proving his ability and taking some revenge for his father's murder.

It will here be necessary to glance at the history of the kingdom about this time. In 1561 the youthful Queen Mary had returned from France to assume the government of her native land, then torn by contending factions and convulsed in the throes of the Reformation. Under the guidance of her illegitimate brother James, afterwards the famous Regent Moray, she appears to have at first done all in her power, short of acting in direct hostility to her own faith, to conciliate the Protestants. She proclaimed her determination to maintain their form of worship in the kingdom, although she was resolved herself to continue the exercise of her own. Her brother, one of the leaders of the Protestant party, she created Earl of Mar, and signified her intention of further honouring him by bestowing upon him the vacant rich Earldom of Moray.

To the Roman Catholics, and to none more than to the Earl of Huntly, the course adopted by the queen was highly unsatisfactory. Huntly had long been looked upon as the leading man among the votaries of the ancient faith, and it is said that on

Mary's arrival he had made her an offer, which she had declined, to re-establish their common religion by force of arms. He had perhaps expected that on the queen's arrival the triumph of his religious and political enemies would come to an end, and that, Mary being young and easily guided, no small power would fall into his own hands. But now, instead of witnessing and assisting in the downfall of his enemies, he saw them favoured and their religion patronised, while he himself was an object not only of the royal neglect but of positive distrust. . The effect of this was to create within him a train of jealousy and resentment which required but a small spark to cause an explosion; and such a spark was not long wanting. No sooner did he learn the queen's intention respecting the Earldom of Moray than he resolved on resistance, and prepared to raise the standard of revolt.

It is not difficult to fathom the cause of this apparently uncalled-for action. The favour shewn to his enemies had not hitherto disturbed either his power or his possessions in the north. But Mar was his personal and virulent enemy, and not only was it likely that the establishment of this enemy so near himself would bring about a collision, in which Mar would be supported by the queen and government, but there was also ground for apprehension of an attack on his immense power, which had already been spoken of by one of the French emissaries during the Regency as too great for a subject.

There was probably another reason why the disposal of the Earldom of Moray in the manner contemplated should have had such an effect upon him. As already stated, this dignity, with the estates pertaining to it, had been conferred on Huntly himself during Mary's minority. By the old Scottish law, such a grant so made required confirmation by the sovereign on coming of age to render it valid; and for his services done and to be done Huntly had received from the queen dowager, on his visit to France with her in 1550-1, a promise, ratified by the French king, that on Mary's coming of age the grant should be confirmed accordingly.¹ Although deprived of the earldom in 1554, it is likely that, trusting to this promise, he looked for its restoration; and thus, in addition to the mortification of seeing his rival advanced to the earldom, he would feel that the transaction was in fact a robbery of himself.

For her treatment of Huntly, one of her own religion, and a principal supporter of her mother, Mary cannot be held excused on the mere ground alone of her desire to conciliate the Protestants. There is no doubt another reason. In 1560 Huntly had made secret overtures to the Lords of the Congregation, craftily delaying an open declaration of his views until events should indicate the safest course for him to pursue;² and it is highly probable

¹ Letter in State Paper Office—Sir John Mason, English Ambassador at the French Court in 1550-1, to the Privy Council.

² *Tytler*, iii. 119, 396.

that Mary's distrust of him was due to her knowledge of his double dealing. How she could have obtained this knowledge is not difficult to trace : her brother would be well aware of Huntly's " Requests to the Lords " as well as of the reply to them ; and although Tytler apparently disproves the assertion that he contributed directly to his rival's downfall by entrapping him into treason, the Earl of Mar exhibited sufficient unscrupulousness during his career to warrant a belief in the possibility of his using any means open to him of injuring or destroying so dangerous an enemy to himself and his party.

Although as it were driven to bay, and almost compelled by the calls of his position and the promptings of his proud and irritable nature to draw the sword of rebellion, Huntly threw away any chance of success he had by his dilatoriness and over-caution. Excessive craftiness and caution formed as conspicuous and evil a part of his nature as ambition, and in almost every act of his life served to counteract and nullify the measures which his ambition led him to take. We have already seen instances of this in his proceedings against the late Mackintosh, and in his trafficking with the Lords of the Congregation ; and now, with anxious hesitation such as that of the gamester before risking his last stake, he menacingly grasped the sword, but left it in the scabbard. Had he at first taken a decisive step and made a sudden advance with the large forces at his command, he might have

succeeded partly, if not entirely, in overthrowing the power of the party opposed to him; and even if he failed in the end, he would have brought more bloodshed and calamity upon the country than happily took place. But his indecision, proceeding from over-caution, though in reality attended by great want of caution, proved the means of his own destruction and the country's benefit.

The combination of want of judgment with excessive caution was conspicuously shown in his permitting a levy of his vassals under his son John Gordon, Laird of Findlater; he apparently thinking, like Lord Lovat in later times, thus to hoodwink the Government. Findlater had escaped from confinement in which he had been placed for an affray with Lord Ogilvy; the pertinacious efforts of the queen—another mark of her disfavour to Huntly—had procured his return to custody, but he escaped a second time and was allowed by his father to summon a number of the vassals of the earldom in arms, and to fortify his castles. Such conduct could not but be regarded as a defiance to the governing powers, and accordingly in September 1562 the young queen, with the Earl of Mar, made a progress to the north for the purpose of asserting her authority. Yet even now Huntly veiled his intention of rebellion, and went so far as to invite Mary to partake of his hospitality at Strathbogie. On her refusal to accept an invitation from the father of a rebel he hesitated no longer, but placed

himself at the head of his vassals and marched against the royal forces.

The queen in the meantime had arrived on the 11th September at Inverness, where she was refused admittance into the castle by Alexander Gordon, who held it for Huntly. On this, and learning that Findlater was approaching to attack her, she issued a proclamation, which soon brought assistance. Lachlan Mackintosh, being in the town in attendance upon her, "sent to Donald MacWilliam, late his tutor, to acquaint him of the queen's condition, and next morning the hail name of Clan Chattan in Petty, Strathern, and Strathnairn came to the town in good order, and undertook the queen's protection till the rest of the neighbours should come."¹ Soon afterwards came the Munroes, Frasers, and others, and before long Mary found herself at the head of a force sufficient at least to secure her immediate safety and to obtain possession of the castle. This fell on the 20th September, when its captain was hung over the wall.

Meanwhile Mackintosh had hurried to the Clan Chattan of Badenoch, who were on their way to join the standard of Huntly; he showed them that they were about to be led against the queen, and charged them to follow him instead to her aid and defence. This they at once did, and Findlater, finding his army without them too weak to carry out his plan of seizing the queen at Inverness, was compelled to

¹ *Kinrara MS.*

retire before the royal forces, which proceeded to occupy Aberdeen.¹ Here Mar received the honour on account of which all these events had taken place—the Earldom of Moray; while Huntly and his son were charged to appear before the queen, and on their refusal were outlawed. From Aberdeen the Earl of Moray, by his sister's direction, wrote to Hugh Rose of Kilravock on the 21st October desiring him to meet the royal forces at Strathbogie with his followers, and to bring his neighbour Donald Mackintosh with him;² from which it would appear that it was Mary's intention to attack Huntly in his own castle, and that the tutor of Mackintosh was acting for his young chief as leader of his clan in these commotions. Advancing with a strong force towards Aberdeen, Huntly and Findlater were met on the 28th October at Corrichie by the royal army, under the command of Moray, and suffered a signal defeat. Huntly himself closed his career by a miserable death; he was unhorsed in the fight, and being unable, through corpulence, to remove himself from the field, was either suffocated in his armour or trodden to death in the confusion. Findlater was taken prisoner and beheaded a few days after the battle.

The torrent of misfortune which had for some time threatened to overwhelm the family of Mackintosh

¹ *Kinrara MS.*; *Hist. of Gordons*, i. 216; *Skene*, ii. 183.

² Letter at Kilravock. Donald Mackintosh was brother-in-law to Kilravock, having married his sister Catherine.

now received a check, and was succeeded by a brief lease of quiet and prosperity. The new Earl of Huntly, in whose favour the sentence of forfeiture passed at Aberdeen against his father was reversed in 1566, had the wisdom to adopt a policy in direct opposition to that of the late earl with regard to his powerful vassal the captain of Clan Chattan. An ardent partisan of the unhappy queen, he was cordially supported in his efforts on her behalf by Mackintosh. In the early part of the year 1568, Lachlan, with other barons of the north, subscribed a band for the queen's service, promising to "concurrer, assist, ryse, and take plaine parte with the Earle of Huntly whenever his charges comes in her Grace's name and authoritie." In all probability he fought at Langside, for on the 8th May, five days before the battle, he subscribed a band for the queen's defence at the town of Hamilton. It is worthy of note that out of the 136 barons and others subscribing, the only Highland chief, except the Earls of Huntly and Sutherland, is the chief of Mackintosh.¹

On the 27th June 1568, we find Lachlan obtaining from Huntly, as superior, the heritable right of Benchar, Clune, Kincaig, Schiphin, Essich, Bochrubin, Dundelchat, and Tordarroch—some of these "castle lands" of Inverness,—together with a fresh grant (charter *de novo damus*) of the barony of Dunachton. At the same time he and the earl

¹ See Band with subscribers' names in Robert Keith's *Historical Catalogue of the Scottish Bishops*, 475.

exchanged bands of friendship.¹ And on the 22nd March 1568–9 the earl gives a band of infeftment, dated at Huntly, to “Lachlane M‘Ynthosche, his aris and assignis, of all and hale the landis of Rathamurchus, with the pendicles or pertinentis lyant within the regalite of Spyne, to be holden hereditablie in few ferme of the bishop of Moray, for the gude service done to us in our soverane lades cause by the said Lachlane M‘Ynthosche.”²

Rothimurcus, acquired in 1236 by Shaw, the 4th chief, had been placed, as will be remembered, in the hands of Shaw Mor as a reward for his victory at Perth in 1396. In 1463–4, Duncan, 11th chief, disposed his right of possession and tack to Alasdair Ciar Mackintosh or Shaw, grandson of Shaw Mor, who was formally received as tenant by David Stewart, Bishop of Moray, on the 4th September 1464.³ Alasdair’s grandson, Alan Shaw, on 26th Nov. 1539 disposed the right to George Gordon, governor of Ruthven Castle—afterwards fifth Earl of Huntly.⁴ By this act the possession of Rothimurcus, after remaining in the hands of the Mackintoshes and Shaws for more than 300 years, passed into the hands of the Gordons. [*See under SHAWS.*] On 14th July 1567, the 5th Earl of Huntly gives a

¹ *Kinrara MS.*; *Spald. Club Misc.* iv. 225.

² *Spald. Club Misc.* iv. 226.

³ *Registrum Episcopatus Moraviensis*, n°. 448.

⁴ *Ibid.* n°. 449. The confirmation by the Bishop of Moray is dated at Elgin 3 Jan. 1539–40.

deed of sale of the lands, confirmed by the Bishop of Moray on the 17th, to John Grant of Freuchie ; and it is strange to find him in the following March binding himself to infest Lachlan Mackintosh in them, as already mentioned. There is no record that the band to Mackintosh was acted upon, but from the mention in it of a "reversion," for which Mackintosh was to pay 2600 merks, it is likely that the feu had been transferred to Grant in the previous year somewhat after the manner of a wadset, redeemable at the disponent's pleasure.

The few years immediately succeeding that in which the unfortunate Queen Mary became a fugitive from the throne and country of her fathers saw many events of importance to the family of Mackintosh as well as to the country at large. Within two years of his success at Langside, and when everything seemed to favour his policy and designs, the Regent Moray fell by the hand of the assassin. His death was the signal for an outbreak of disorder throughout the country, and the feuds which he had to all appearance effectually healed, or which through his vigorous policy had been kept from breaking out, now raged with a fury all the greater from their temporary suppression. Whatever may be our estimate of his conduct in regard to his sister, there can be no question of his ability to govern ; and during his regency evildoers had been brought to punishment and disorders had been repressed with such vigour and success as had never been known before.

One of the measures he took in hand was the settlement of a long-standing feud between the Mackintoshes and the Macdonalds of Keppoch. Glenroy and Glenspean in Brae Lochaber, which had been granted to the Mackintoshes after Donald Balloch's rebellion in 1431, were occupied by the Macdonalds, who for long refused either to quit or to make acknowledgment for their occupation. The result was frequent disturbance of the peace of the district, and to put an end to this the regent in 1569 obtained from Lachlan Mackintosh an "Obligation" to give Keppoch a title to the lands on such conditions as he (the regent) should deem equitable.¹ But his sudden death prevented the completion of this arrangement, and the feud recommenced, to be continued for more than a century.

¹ The Obligation appears in the *Privy Council Register*, 1575-1577, fol. 8, as follows:—"At Inverness, 20th June 1569. The quhilk day in presens of My Lord Regentis Grace and Lordis of Secret Counsall compeirit Lauchlan M'Yntosche of Dunnachtane and gaif in this obligatioun following, subscriuit with his hand, to be insertit in the buikis of Secret Counsale ad perpetuam rei memoriam; of the quhilk the tenour followis; I Lauchlane Mackyntosche of Dunnachtane be the tenour heirof bindis and obliseis me and my airis that I sall mak securitie to Rannald M'Rannald of Keppach of sic landis and rowmes as he hes of me at the sicht of My Lord Regentis Grace, according as his Grace sall think ressonabill and equitabill; and quhatevir his Grace willis me to do in that behalf I sall fulfill the samyn without contradictioun. In witness heirof I haif subscriuit this my obligatioun with my hand at Inverness the xx day of June the yeir of God 1569."

Such was the distracted state of the country about Inverness at this time that in 1573 we find the young Earl of Sutherland petitioning that the steps for getting himself served heir to the earldom might be carried through at Aberdeen, and not at Inverness, on the ground that no jury could sit at the latter place because the barons, such as Colin Mackenzie of Kintail, Hugh Lord Lovat, Lachlan Mackintosh of Dunachton, and Robert Munro of Foulis, were at deadly feud among themselves. There were in fact two separate feuds at the time among the parties named. In one the principals were the Mackenzies and Munros, the bone of contention being the castle and lands of the Chanoury of Ross. These had been disposed in 1569 by John Lesley, Bishop of Ross—Queen Mary's faithful servant—to his relative Lesley of Balquhan, but had been placed by the regent in the hands of Andrew Munro of Milntown. Colin Mackenzie purchased Balquhan's right, and on the refusal by Munro of his demand for possession he commenced hostilities. He was aided by John Grant of Freuchie, his father-in-law, and by Mackintosh, his brother-in-law; while Munro was supported by his own clan and the Frasers. In a letter of 28th June 1573, Colin, Lord Lorn—husband of Annas Keith, Countess of Moray, liferenter of the barony of Strathnairn—tells Hugh Rose of Kilravock that Mackintosh has charged all his tenants “bewest the watter of Nayrne to pas fordwart wyth hym to Ros, to enter in this trublous actioun wyth Myckenye

aganis the lard off Fowlis," and desires Kilravock to make known his wish that none should go.¹ After much bloodshed the feud was terminated by agreement in 1573, the right to Chanonry being decided by four arbiters, of whom Mackintosh was one, to belong to Mackenzie.²

The other and smaller feud was between Mackintosh and some of the Munroes concerning Connage in Petty, which had long been occupied by the Mackintoshes, but coming under Huntly as governor of Inverness Castle had been bestowed by him on George Munro of Davochgartie and his son John in 1551. The Munroes were removed forcibly by the tutor of Mackintosh in 1560, and the dispute continued until 1573, when it was submitted to arbitration and decided in favour of Mackintosh.

Before Mackintosh was quite free of these troubles with the Munroes he became involved in others with John Campbell of Calder—the second in descent from

¹ *Roses of Kilr.* 78, 262.

² From a Royal Warrant (preserved among the Earl of Moray's papers) for Rendering The House in Chanonrie, dated 19th Feb. 1568-9 and signed by the regent, it appears that the castle had been for a time occupied by Mackintosh. The Warrant charges the messengers to "pas and in our name and auctoritie command and charge Archibald brown, capitane of the said castell, Schir Alex. Pedder, [and others] cautionaris for delivering of the said castell to Makintosche, Lauchlane M'intosche of Dunnachane haiffin thairin his househald servandis That thai render and deliver the samen to our lovit Andro Monro of Newmoir, our chalmerlane and baillie of the said bischoprik, with all maner of munition, powlder, and uther gunnis, &c."

the John Campbell, son of Argyle, who had acquired Calder by marriage with the heiress. The lands of Ardersier, lying contiguous to Petty, had been occasionally occupied by the Mackintoshes as tenants, and Lachlan seems to have had a great desire to purchase them. Originally church lands belonging to the Bishopric of Ross, they had been granted by a late bishop (in 1556) to Robert Lesley, who, residing in the Lowlands, let them to various tenants. The circumstances seemed to favour Lachlan's desire of purchasing the lands, but, unfortunately for himself, he adopted an underhand mode of proceeding, either with the object of reducing their apparent value, or because his relations with Lesley were such as to preclude personal negotiation. It was arranged between him and Calder that the latter should negotiate with Lesley for the purchase, and that at the same time, with the view of facilitating the negotiation by making the owner anxious to get rid of the lands, Lachlan should make frequent raids on the tenants. On this understanding the two proceeded to perform their respective parts.

Ardersier is at no great distance from Cawdor Castle, and its rich fishing and excellent situation would be not less useful to the Campbells than to the Mackintoshes. Thus Calder had as great interest as his neighbour in acquiring possession of it, and where his interest could be advanced he was not a man to shrink from breaking his word or acting a deceitful part. The result has no doubt been

anticipated. Instead of performing the neighbourly act he had promised, he negotiated for the sale of the lands to himself, the duped Mackintosh all the time actually doing his best to ensure his more cunning neighbour a cheap and easy bargain.

Campbell's deceit was resented, as soon as it was discovered, by a raid of the Mackintoshes into his new possession, which was completely harried. He retaliated—not in the manner usual in those days, but by appealing to the law. He obtained criminal letters against the aggressors, and had them put to the horn. For several years the deluded and exasperated Mackintosh continued to harass him in various ways, both by making forays into his lands, and by appealing in his turn to the law. But it was never the custom of the Campbells to relax their grasp of a possession, by whatever means acquired; and in the end Mackintosh had to yield. On 17th June 1581, a mutual "acquittance" was granted, "for removing deleting and away putting of all pleis and debattis that has been betuix thaim in tymis bypast, and for luiff friendship ametic and hartle kyndnes to be and reman betuix thaim and thair posteriteis." On the one hand Mackintosh renounces "all jure richt tytill of richt and claim kyndnes and possessioun quhilkis athir his predecessoris hisself his airis successoris had in tym bypast or tym herafter to all and sindry the townis and landis of Ovir and Neddir Ardrosseris and the Estir and Westir Delnyis," and undertakes to "entir

instantlie the said John peceabillie therintill." On the other hand, Calder freely and purely "exoners and discharges" Mackintosh and his successors "of all maner of wrangis intrusion and intrometting with the forsaidis landis, and renunceis all decreitts past therupon aganis the said Lauchlan befor the Lordis of the sessioun, and forder exoneris quyt clamis and simpliciter dischargis the said Lauchlan his airis executors his hail kin frendis and servandis of all maner of slauchteris of quhatsumevir personis commitit and slan be tham upon the said John Campbell his kine frendis allyis seruandis and dependaris in all tymis bypast renouncing all malice and rancowre of hart as yif the said Lauchlan nor his forsaidis had nevir commitit ony maner of slauchtir, and the said John frelie consentis that the said Lauchlan M'intosche of Dunnachten, James M'intosche M'Connailglas, Angus M'intosche, Alexander Dolles of Budyett, &c., and sa mony as the said John causit to be putt to the horn be simpliciter relaxit therfra."¹

¹ Calder Charter Chest. Deed printed in *Book of Thaness of Cawdor*. Another deed printed in the same book, the deed of sale of the lands in 1574, shows that the scheme adopted by Calder and Mackintosh for driving an easy bargain for the lands had the desired effect. It sets forth that the seller "haveing consideration of the great and intollerable damages injuries and skaythis done to thame be Lachlane Mackintosche and utheris of the Clanquhattan in herreing distroying and making herschippis upon the saidis hail landis of Arthurscheir and fischeingis therof, in depaupering of the tenentis and occupearis therof and debarring of the saidis personis ther selfis ther factoris and

The Kinrara MS. tells how this result was brought about. The feud appears to have raged with much bitterness on both sides for some years, and on one occasion, in February 1581, when Mackintosh was at Lethen at the wedding of one of the Dallases of Budzeat, with only eight or ten men in his train, Calder assembled about 20 horse and 40 foot to waylay him on his return home, and either capture or kill him. When Mackintosh's party appeared, Calder, mounted and clad in armour, rode forward in front of his own men; but his horse being shot in the breast with an arrow he was thrown, and falling heavily struck his head against a block of ice. As he lay, stunned by the fall, some of the Mackintoshes ran to kill him, but their chief interposed and gave his enemy his life. Such unexpected and unmerited generosity appears to have had the effect of rousing Calder's better nature from the depths in which it had been buried by his cupidity and deceit; "a sudden agreement and great love between the parties" followed, and continued while they lived.

In 1572 we have the last record of the trouble-
seruandis fra ony maner of fischeing of that pairt callit the stell of the nes of Arthurscheir be braking of ther coubillis and cutting of ther nettis, sua that the samyn has bein waist and unoccupeit thir divers yeiris without any proffeit therof to the personis forsaidis quha alsua as yit ar secludit therfra without ony appeirand houp of reparatioun &c. in respect of the accustomat enormiteis of the saidis Clanquhattane," doth, &c. &c.

some race of John Malcolmson, the murderer of the 14th chief. It will be remembered that Lachlan of Connage, son of this John, and Huntly's creature and accomplice in 1550, had been put to death by some of the clansmen, and his family and adherents banished from the clan country. His son Hector had taken up the profession of robbery and murder, apparently with a view to obtaining revenge upon the Clan Chattan, against whom the depredations of his band were chiefly directed. In September 1571 he attacked and murdered Dougal Macpherson of Essich, one of the party who had killed his father. On this the chief obtained a commission for Hector's apprehension, and succeeding in capturing him and some of his band, he had them all beheaded, and their heads fixed on the Tolbooth of Inverness.

In the struggle between the Earls of Sutherland and Caithness which from 1587 to 1591 kept the northern Highlands in a state of commotion, Mackintosh gave his assistance to Sutherland, who was also aided by the Mackenzies, Munroes, and Assynt men. When the two earls with their forces met at Helmsdale, Mackintosh was employed to induce Mackay of Strathnaver, a vassal of Sutherland but fighting against him, to come over to his rightful lord. Mackay refusing was excluded in the truce made between the earls in March 1587; the unscrupulous Caithness not only assenting to this, but

actually agreeing to assist in reducing him to obedience. Caithness, breaking a solemn oath of secrecy, divulged to Mackay the intention of Sutherland and himself to march against him ; but Mackay, having by this time learned that nobleman's true character, determined to leave his party. Mackintosh, supported by Munro of Foulis, renewing his entreaties that Mackay would submit to his superior lord, was now successful, and a reconciliation took place between lord and vassal. Mackintosh remained with Sutherland until the end of 1588, when another truce was entered into with a view to the settlement of the differences between the earls by arbitration.

In the winter of 1588-9 took place the tragical event alluded to in Sir Walter Scott's *Legend of Montrose*—the murder of the king's forester Drummond Eirinich by some of the Clan Gregor. The whole clan of the Macgregors, already inured to misfortune, and the constant object of royal warrants of extirpation as well as the not less injurious attacks of their powerful and acquisitive neighbours the Campbells, bound themselves by a terrible oath to unite in answering for the murder, “to avow and to defend the authors thereof quoever wald persew for revenge of the same.” On the 4th February 1589 the Privy Council issued letters of fire and sword against them, directed to the Earls of Huntly, Argyle, Athole, and Montrose, Patrick Lord Drummond, the Commendator of

Inchaffray, Campbell of Lochnell, Campbell of Ardkinglas, Lachlan Mackintosh of Dunachton, Sir John Murray of Tullibardine, Buchanan of that Ilk, and Macfarlane of Arrochar. According to the Mackintosh MS. history of 1758, it was by the express desire of Argyle that Mackintosh was included in the commission, in order that the Macgregors might be attacked from south and north at the same time. Under this commission the Clan Chattan made several raids upon the devoted Macgregors, one of which elicited a letter from King James;¹ another is narrated in the Kinrara MS., and is given here as showing the ability of William, the chief's second son, at this time not more than twenty-five years of age:—"William was sent by his father, who was joined in the commission against the Macgregors, to

¹ This letter, preserved in Mackintosh's Charter Chest, is as follows:—"Right traist Freynd, We greet you hairtly well. Having heard be report of the laite preeife given be you of y' willing disposition to our service, in prosecuting of that wicked race of M'Gregor, we haife thought meit hereby to signifie unto you that we accompt the same as maist acceptable pleasure and service done unto us and will not omitt to regard the same as it deserves, and because we ar to give you out of our aein mouthe sum funder directionn thairanent it is our will that upon the sight hereof ye repaire hither in all haist and at y' arriving we sall impairt or full mynde, and heirw'all we haif thought expedient that ye befor yor arriving hither sall caus execut to the death Duncane M'Can Caim latelie tane be you in y' last agains the Clan Gregor and caus his heid to be transportit hither to the effect the same may be affixt in sum public place to the terror of other malefactors, and so comitt you to God. From Halyrud hous the penult day of ——— in the year 1596."

Rannoch after the Macgregors. The Clan Gregor, fearing an onfall, had dispersed their cattle among some of the Atholl people for safety, but William hearing of it, and finding no one at Rannoch, went on to Atholl and drove off all the cattle that came in his way. The Atholl people demanded their restitution, but William showed them that he was entitled to drive away the Gregors' cattle by the king's commission, and that they, having harboured and assisted the Macgregors, were themselves come under the laws, by which all their goods were escheated. Not satisfied they prepared for fight, but were easily routed, and two of their chief men named Robertson and Stewart, with two Macgregors, were taken prisoners."

During the several years in which the unfortunate "wicked Clan Gregor" were being hunted down by enemies on all sides, yet struggling manfully for their existence, the northern and eastern parts of Inverness-shire with the adjoining districts were again the scene of raids and bloody frays. On the death of the Regent Moray in 1570 his earldom had passed to his son-in-law James Stewart, Lord Doune (from whom the present family of Moray is descended). Between this nobleman and George, 6th Earl of Huntly, who had succeeded his father in 1576, was maintained a jealous rivalry similar to that which had influenced their predecessors in Mary's time; and the north was again divided into factions on

behalf of these two powerful earls. Huntly seems to have inherited his grandfather's rancour against the Protestant religion and the possessor of the Earldom of Moray, as well as his ambition and unscrupulousness; nor was he more successful than his ancestor in gaining the esteem of the barons and others around him. The good understanding between Mackintosh and his feudal superior, which had remained unbroken all through the late earl's life, had not long survived him; and in consequence of the attitude adopted by the new earl towards him, Mackintosh, instead of remaining neutral, had been driven to join the faction of Moray, in whom indeed he was interested both as holding lands under him and as professing the same religion.

Early in 1590, the storm which had long been brewing burst forth, and for four years raged furiously in the north. The occasion of the commencement of the disturbances was this:—Some of the Gordons having interfered in matters concerning the tutorship of Ballindalloch, a feud arose between them and the Grants, in which an insignificant follower of one of the Gordons lost his life. Such an everyday matter as this rarely produced anything further than an attempt at reprisal on the part of the slain person's friends, or a gift from his slayers by way of *solatium* to his family. Considerable indignation, therefore, was excited among the Grants and their friends when Huntly obtained a commission empowering him to apprehend the murderers and bring them to justice,

and when, by virtue of this commission, he declared the tutor of Ballindalloch and such of the Grants as supported him rebels and outlaws, and endeavoured to apprehend the tutor in his own house.

These harsh measures were at once resented by the Grants. The Earl of Moray and Sir John Campbell of Calder, both enemies to Huntly, espoused their cause, and persuaded the Earl of Athole, Lord Lovat, Stewart of Grandtully, and Sutherland of Duffus, to join them. On the 1st Nov. 1590, these nobles and barons, with the Grants, entered into an alliance, offensive and defensive, without any specific object, but evidently for the purpose of offering resistance to any acts of hostility on the part of Huntly. Eleven days later Mackintosh and Grant gave a mutual band, in which the allusion to Huntly is too pointed to be mistaken. By this document, which is a lengthy one, Lachlan Mackintosh and Angus his son and apparent heir are bound "with all their power, &c., to fortify and defend John Grant of Freuchie, in case *any Earl* within this Realm wrongously by order of law, by themselves or by their assisters, by force or violence, invades, troubles, molests, or pursues the said John Grant." Similarly Grant binds himself to assist and defend Mackintosh in case of his being invaded or troubled by "any Earl or Earls." On the other hand, in the following March Huntly made an indenture with Allan Cameron of Locheil, under which that chief became bound to aid him against his enemies

generally, and the Clan Chattan and the Grants in particular. He had apparently been engaged for some time in intriguing with the Macphersons for the purpose of drawing them from Mackintosh; and in May 1591 his endeavours were successful in obtaining a band from the youthful Andrew Macpherson of Cluny and his immediate following.

It appears from Gregory that, with the object of depriving his principal enemy, the Earl of Moray, of the powerful support of the Laird of Calder, Huntly entered into communication with the Campbells of Glenurchy and Lochnell, who were rivals with their kinsman Calder for the control of the Earldom of Argyle during the minority of its heir; and that he joined with them in a conspiracy against the lives of Moray and Calder, as well as of the young Argyle and his brother. With the view of providing for their safety after the execution of the plot, they induced the Chancellor of the kingdom, Sir John Maitland of Thirlstane, to assist them; while in order to provide adequate fighting power, should such be required, they admitted Maclean of Dowart, Stewart of Appin, and other chiefs of less note, into their confederation. This hideous plot proved so far successful that both Moray and Calder, the two persons of the doomed four in whose death Huntly was most interested, ultimately fell victims to it, and that in such a manner as to avert from the conspirators for some time all appearance of directly contributing to bring about the murders.

Argyle was fortunate enough to escape, although an attempt seems to have been made to poison him in 1594.

But before the plot had arrived at this issue, Huntly had come into collision with the nobles and chiefs allied against him. Immediately on learning that Mackintosh and Grant, his own vassals, had put themselves under the Earl of Moray, he marched into Badenoch, and summoned them to appear before him, and to deliver up the tutor of Ballindalloch, under pain of being put to the horn as rebels. This summons being disregarded, he procured a commission authorising him to invade and apprehend the recusants. The two chiefs with their allies met at Forres to concert measures for defending themselves, but on the unexpected approach of Huntly with a large force they all, except Moray, withdrew to Tarnaway and threw themselves into the castle. Ignorant that Moray had remained in Forres, Huntly followed the others and prepared to lay siege to Tarnaway Castle, but finding that its capture would be a work of time, and that the persons against whom he was commissioned had withdrawn from it, he disbanded his forces on the 24th June, and shortly afterwards proceeded to Edinburgh.

He had not been in the capital long before his malice against Moray was gratified by an opportunity of settling scores with that noble. After the dispersion of the allied party in the north Moray had taken up his residence in his mother's house of

Donibristle, on the northern shore of the Forth, and here, as was alleged, he had harboured Francis Stewart, Earl of Bothwell, while the latter was being sought after to answer for one of his numerous treasonable exploits. The Chancellor, seeing in this alleged action of Moray's a possible means of attaining one object of the plot in which he was concerned, in February 1591-2 procured from the king a commission to bring Moray to Edinburgh for trial, and employed Huntly to execute it—a choice which seems to show that he, if not the king also, had a sinister intention towards the accused. Arriving before Donibristle, Huntly sent a summons to Moray to surrender himself prisoner, but the messenger being fired at and wounded, he proceeded to set fire to the house. His measures were too successful; Moray lost his life, in spite of the generous self-devotion of his friend Dunbar, Sheriff of Moray, who headed a sortie in order that the earl might escape in the confusion. Rushing from the burning house towards the rocks on the shore, the unfortunate Moray was observed by some of the assailants, who followed and mortally wounded him. Tradition relates that Huntly himself was compelled by the murderers to strike his expiring foe, "that he might be as deep in as they;" and that, stabbing him in the face with his dagger, his victim, remembering even in death his own comely looks, said to him, "You have split a better face than your own."

Such was the end of the "Bonnie Earl of Moray."

According to the popular belief of the time, his beauty had impressed the heart of the queen, Anne of Denmark, and roused the "green-eyed monster" in her husband.

"He was a braw gallant, and rade at the gluve ;
And the Bonnie Earl of Moray, O! he was the Queen's luvè."

The conduct of the king in assigning the execution of the commission to Moray's known and determined enemy, in only proceeding against Huntly when he was literally compelled by the outcries of the Protestant ministers and party, and in then liberating him on bail after about a week's imprisonment, seems to leave no doubt that he was influenced by personal enmity against the unfortunate earl. Whether or not this arose from jealousy is not our province here to inquire; but the belief that it did was prevalent at the time, and the mode adopted for removing a rival, real or supposed, is quite worthy of the despicable character of the "British Solomon."

After being confined in Blackness Castle from the 12th to the 20th March 1591-2, Huntly was liberated on giving security for his appearance to stand his trial on receiving fifteen days' notice—which he never received. Dreading the fury of the Protestant populace of Edinburgh, he returned to the north, where he found matters much worse than he had left them nine months previously. The Clan Chattan, aided by the Grants, had taken advantage of his absence to rise against his authority and make hostile inroads

into his country. They seem to have commenced these acts immediately after his departure south in the preceding summer. Robert Bowes, in a letter to Lord Burleigh dated 23rd Sept. 1591, mentioning the king's stay at Perth, says that he had there done little more than place some ministers and endeavour "to appease the quarrells and staye the daylye slaughters betuix Erle of Huntleye and the Larde of Grant and Mackontoysh with other, wherin of late the Larde of Loughaber and the Larde of Camroun appertayning to Huntleye haue killed xli of Mackentoyshes men and xxiii tennents of Grant and hurt the Larde of Balendalough." The letter adds that in revenge of this, Grant and Mackintosh, with Athole, Moray, and their other friends, are gathering to invade Huntly's bounds.¹

The districts of Strathspey and Strathdearn were first overrun by the Macdonalds of Keppoch and the Camerons, whose old enmity against the Clan Chattan Huntly had at once utilised for his own purposes. This inroad is no doubt the one alluded to by Bowes. The Clan Chattan retaliated by wasting Strathavon, Glenlivet, and Strathdon, with the lands of Glenbucket and Abergeldie, all belonging to Huntly. The fury of the Lochabrians was next directed against Mackintosh's lands in Badenoch, and here a sharp skirmish was fought in which the Clan Chattan were defeated with a loss of fifty men.

Huntly now proceeded to repair and fortify the

¹ *State Papers (Scotland)*, xlvi. 100.

castle of Ruthven in Badenoch—a previous attempt to do this having failed in consequence of the resistance offered by the Clan Chattan—and to pursue vigorously the intrigues which he had been carrying on among the Macphersons. But it appears that his efforts met with no further success than that which he had already achieved in bringing over to his views Andrew Macpherson of Cluny and his following, from whom he had obtained a band, dated at Huntly 16th May 1591; and these, as will be seen, he deserted after a few years. “All the Clan Vourigh,” says the Kinrara MS., “Sliochd Gillies vic Ewan, Sliochd Ean vic Ewan, and those of Sliochd Kynich vic Ewan as lived in Strathern, Strathnairn, and Lochardell, adhered to Mackintosh in these troubles, except Andrew Macpherson of Cluny and those of his race who lived in Badenoch.”¹

Huntly was now in some danger of an invasion by the friends of the slain Earl of Moray, who, backed by the Presbyterian ministers and nobles, had obtained a commission against him. In the autumn of 1592 “the erle of Atholl had past to Tarnoway, accompanied with sundrie of his freindis

¹ This statement is supported to some extent by the names of the grantors of the band. These are “Androw Makfersone in Cluny, John Makfersone in Brakaucht [ancestor of the Crubemore family], James and Paul Makfersone [uncles to Andrew in Cluny], Donald Makallester Roy [son of a younger brother of Cluny’s grandfather], William Makane vic William [grandson of another younger brother of the same], Kynache Makeconald vic Nele, Alester Mor M’Farquhar M’Thomas, Alester and Thomas Makfarquhar.”

viz. the Lord Vchiltre, Louit (Lovat), M'Kuntosche, and quhat they with many vtheris could mak, of intentioun to be reuendgit of the erle of Huntlie for the murthour of the erle of Murrey." ¹ But they were prevented from carrying out their intention by the arrival of the Earl of Angus on the 12th November 1592 with powers from the king "for pacefeing this purpois." "According to the kingis directioun he (Angus) causit bathe the parteis subscriue ane assurance (or truce—till the 15th February following) bot of theare awin forme. They were baith comandit away—the one pairtie to Dunkeld the vther to Aberdein to sunder the pairteis." ² But "immediatlíe eftir" the assurance, Moysie adds, "thare wes slauchter maid be Allane M'Kildowie (Cameron of Lochel) vpone M'Intosche his men and frendis, and great hearschip." It would not be a wonder if this was at the instance of Huntly, in spite of the assurance he had just given; but whether so or not, the Clan Chattan held him responsible, and at once directed measures of retaliation against him. Previously to the assurance, Angus Mackintosh, an ancestor of the Killachie family, commonly called

¹ *Moysie's Memoirs*, 93.

² *Moysie*, 93. The Earl of Athole's assurance, for himself and Mackintosh, with their kin, friends, assisters, &c., is dated 4th Dec. 1592, and is preserved in vol. xlix. of the State Papers relating to Scotland in the Public Record Office, London. It extends to the Camerons and Macdonalds, but excepts such persons as were actually with Huntly at the Earl of Moray's murder; it also, by implication, excepts Huntly personally.

Angus MacWilliam,¹ had on the 1st November invaded Huntly's country by way of Strathdee and Glenmuick, and had slain several of the principal persons of the name of Gordon there, taking a large prey.² After this the clan "lifted" the rents of the castle lands of Inverness belonging to Huntly as constable of the castle, appropriated the earl's rents in Badenoch, and repaid the Camerons for their late raids by laying waste their lands in Lochaber. In a letter to Lord Burleigh dated 4th Dec. 1592 Bowes mentions the gathering of "seven clans" by Mackintosh, and more slaughter by him of Huntly's followers.³

On the 3rd January 1592-3 Huntly wrote to the king complaining of these proceedings, and inveighing bitterly against Mackintosh, of whom he expressed the opinion that "he hes merit bettir to follou his fathir futstaps nor that yr Maiestie suld put him ut of his forbears rank." He complained that, in spite of the mutual assurance entered into, the Mackintoshes had not ceased their proceedings against him, and that while he had shown his obedience to the king "with los and schaites and

¹ Angus was really son of *Donald* mac William, William's father being third son of the 10th chief.

² *State Papers (Scot.)*, xlix. 43. Letter of 11th Nov. 1592, from Bowes to Lord Burleigh. The Kinrara MS. gives the names of some of the slain,—Harry Gordon of Knock, Alex. Gordon of Tolder, Thomas Gordon of Blarearish, and the old baron of Breachly, with about 120 "of the baser sort."

³ *State Papers (Scot.)*, xlix. 49.

scham," they had broken their word "in ten dayis baith in murther and herchip," and had "contempteushie misregardit" his majesty and his power, proceeding against his "maiesties puir pepill uith sik ane extraordinar crualtie that the lyk hes not bein hard this lang tyme in ane ciuil contrey." He therefore asked for the discharge of the "allegit commission grantit aganis me and sindrie of my naim;" and adds, "as for the commissioners yr Ma^{tie} and the Consell hes to judg gif thay be lauchfull and uerray qualifit, I mein the Erll of Atholl and Makintoshe, quhomto yr Ma^{tie} hes done that honour that nevir wes don to nain of his forbears."¹

Apparently in answer to this letter the king, on the 22nd August 1593, at Stirling, granted a dispensation of the Act of Intercommuning made against Huntly for the death of the Earl of Moray, "in consideration of great incursions, fireraising, murders of women and bairns, and heirship of gear and goods, upon the said Earl of Huntly and others the king's subjects by the Clan Chattan and the other broken men their adherents."² Emboldened by the removal under this dispensation of all apprehension from Athole, Ochiltree, and the other avengers of Moray, Huntly proceeded to take dire revenge on Mackintosh. Immediately on obtaining the dispensation he entered Petty with a large force, and after laying waste Mackintosh's lands there and killing some two hundred

¹ Letter among Straloch Papers, *Spald. Club Misc.* i. 5.

² *State Papers (Scot.)*, li. 14.

of the inhabitants, he departed with immense booty.¹ On his return home, after disbanding the greater part of his forces, he learned that the Clan Chattan in considerable numbers under William, Mackintosh's second son, had just before entered Strathbogie, and harried the lands of Auchindoun and Cabrach, committing much slaughter. "M'Kuntosehe vponne Strathboggie land slew a great number."² He at once started in pursuit with a body of horse, and soon overtook William Mackintosh's party on their way home laden with spoil. After a severe fight he succeeded in completely routing them, wounding their leader and killing about sixty men.

In connection with this engagement we have mention of Angus, eldest son of the chief of Mackintosh, the absence of whose name in the foregoing account of the transactions of 1590-3 has no doubt been remarked. "It is reputed by some," says Sir

¹ *Kinrara MS.*; *State Papers (Scot.)*, li. 17,—Letter, Bowes to Burleigh, 30 Aug. 1593. This letter mentions the staying of a force about to be sent to Mackintosh by Argyle—the staying thought by many to be by means of the Earl of Mar—and that Mackintosh had no great relief at this time from Athole. The writer adds, "it is told me for truth that Mackintosh, by his letter delivered yesterday to my Argonautes [above this word is written 'Bothwell,' apparently by Burleigh himself], hath opened the causes constraining him to take the assurance with Huntly, and offering frankly to adventure and [? expend] his life against Huntly in case he may be [] in the enterprize." This part of the letter is somewhat vague, but probably refers to one of Bothwell's treasonable attempts.

² *Moysie*, 98.

Robert Gordon,¹ “that Angus Mackintoshie (the heyre of that familie and this William his elder brother) wes ther slaine, being then returned secretlie from Italie. But the Clan Chattan affirme that he died in his travells abroad.” Another account—in a MS. History of the Gordons²—kills him a year or two before this. “Angus, the son of Lauchlan Mackintosh, chiefe of the Clan Chattan, with a great party attempts to surprize the castle of Ruthven in Badenoch belonging to Huntly, in which there was but a small garrison; but finding this attempt could neither by force nor fraude have successe, he retires a little to consult how to compass his intent. In the meantime one creeps out and levels with his piece at one of the Clan Chattan, cloathed in a yellow warrecoat (which among them is the badge of the chieftanes or heads of clans), and piercing his body with a bullet strikes him to the ground, and retires with gladness into the castle. The man killed was Angus himself, whom his people carry away, and concealls his death for many yeirs, pretending he was gone beyond seas.”

¹ *Earldom of Sutherland*, 218.

² By “W. R.”, in the Advocates’ Library, Edinburgh. The anecdote is quoted in Skene’s *Highlanders of Scotland*, i. 228. From a letter (No. 15, vol. liii. State Papers) it appears that this siege of Ruthven by the Clan Chattan did not take place till February 1593-4. The letter, from Alex. Duff, a servant of Huntly, to Bowes, says “there is twa hundreth men of the Clanquhattane lying about the castle of Ruthven in Badenoch,” the Macphersons being the defenders.

Both these accounts are incorrect. Angus really died in 1593 at Padua. The Kinrara MS.—which describes him as of a “despotic and austere temper”—states that he went abroad in displeasure that his father would not allow him to punish the Macphersons for their desertion, and would not act according to his counsel in the prosecution of the war with Huntly. At the commencement of the feud he had been the principal leader in the various expeditions, and in 1589, before the feud broke out, he had had the command of a force of 600 men which his father, at the request of Huntly, had sent to harry the Earl Marischal’s lands in the Mearns.

Shortly before the Clan Chattan raid into Strathbogie, Mackintosh had succeeded in compelling Alister Macdonald of Keppoch to evacuate the castle of Inverness, which that chieftain had been holding for Huntly. Keppoch had got away privately “with some of the specials of his friends to meet Huntly to consult anent affairs.” Judging that the passes by land would be guarded, he went by sea; but his movements were watched by a party under the two sons of Angus mac William, who attacked his boats and brought away several prisoners, the most important of whom was Rory mac Rory of Inch. Had Keppoch been taken, he would no doubt have been severely dealt with, as only four years before he had given Mackintosh a band of manrent. Mac Rory, affecting a desire to act against Huntly, joined Mackintosh with those of his men who had been

captured with him, and was allowed to accompany the force which immediately afterwards started to harry Strathbogie. But the Kinrara MS.—which gives the foregoing particulars—charges him with being all the time in private correspondence with Huntly, and with causing the defeat at the Cabrach by running away at the beginning of the action.

On 28th Dec. 1593 R. Bowes informs Lord Burleigh that “Mackintosh and Maclean have knit themselves together in band, and thereon have spoiled all the tenants and people of the Earl of Huntly in Lochaber, in which place were kept all the cattle which Huntly had before reft from Murray, Mackintosh, and other of his adversaries. All which goods are now [.] or taken with many other cattle, horses, mares, &c., and the whole number now taken is esteemed to exceed 40000. Makoildowye (Cameron of Locheil) and the rest of Huntly’s dependers did behold the matter and durst not encounter.”¹

Having gained possession of the castle of Inverness, Mackintosh, as one of the commissioners against Huntly (he had probably not yet been made acquainted

¹ *State Papers (Scot.)*, li. 78. Lord Burleigh, Queen Elizabeth’s famous minister, was at this time in constant communication with Bowes and other agents concerning affairs in Scotland. In reply to his request for information as to “the cause of the quarrel betwixt Mackentoysh and Huntly, and in what part of the Highlands Mackentoysh hath his dwellinge and power; and whether he dependeth on the arle of Argyle or Atholl,” Bowes, on the 31st Aug. 1593, gives him an account, not altogether correct, of the relations between Mackintosh and the Huntly and Moray families, with particulars of Mackintosh’s estates.

with the dispensation of the 22nd August), on 10th September obtained from the Provost and Council of the town a band in which the grantors engage to "keep the steeple¹ from Huntly for the king's service," under pain of lying under the deadly feud of Mackintosh, his kin and friends. The subscribers are Alex. Paterson, baillie, Gilbert Paterson, baillie, John Cuthbert of Old Castlehill, John Ross, Jasper Dempster, William Cuthbert, William Cumming.

Mackintosh's hands were further strengthened by his entering, on the 20th November at Inverary, into a strict band of friendship with the Earl of Argyle, and by Huntly's shortly afterwards falling under the penalties of treason on account of a conspiracy into which he and the Earls of Angus and Errol were accused of entering with the King of Spain, for the restoration of the Roman Catholic religion in Scotland. This conspiracy had in all probability no real existence, but some colour was given to the charge so far as Huntly was concerned by his forcible liberation of some of his Roman Catholic friends from prison at Aberdeen. The king, although satisfied of the falseness of the charge and personally friendly to Huntly, was too much in the power of the Protestant ministers to turn a deaf ear to their vehement outcries that the country and religion were in danger. He accordingly called a parliament, in which, the ministers having all their own way, sentence of forfeiture was pronounced

¹ By the "house and fortalice called the steeple of Inverness" is probably meant the Castle. The band is printed in *Invernessiana*, 264.

against the earls on the 4th June 1594. Huntly and his associates had no resource but to take up arms for the defence of themselves and their property. They therefore proceeded to levy their vassals and friends, and to make preparations for resisting any attempt to execute the sentence of the parliament. Huntly's standard was joined by the Camerons and the Clan Ranald of Lochaber, and by those of the Macphersons whom his arts had detached from the rest of Clan Chattan.

The ministers now procured from the king a commission, in the names of the Earls of Argyle and Athole and the Lord Forbes,¹ to reduce the rebel earls; and in September a force of some four or five thousand men marched into Badenoch under Argyle, who, though not yet twenty years of age, had been selected by the king or the parliament for the responsible post of commander-in-chief. In Badenoch this force was augmented by the Clan Chattan and the Grants, with other local clans at feud with the Gordons. Finding Ruthven Castle held in Huntly's interest by the Macphersons, Argyle besieged it, but was so gallantly opposed by its defenders that he was compelled to desist. He pursued his march towards

¹ The Forbesees had for some time past been at deadly feud with the Gordons. The Chronicle of Fortingall speaks in 1571 of "great weirs in the north land betuix the Gordons and Forbesees, and the Forbesees put till the warst." It was Huntly's uncle, Adam Gordon, who was the perpetrator of the cruel act, commemorated in a well-known ballad, of burning the house of Towie belonging to Alexander Forbes.

Strathbogie, which he intended should be given up to fire and sword; but near Benrinnes, on the confines of Glenlivet, he found his progress barred by Huntly and Errol, at the head of a small but well appointed force of about 1500 men. The folly of entrusting the conduct of the expedition to so inexperienced a chief as Argyle was now apparent. Confident in the numerical superiority of his army, notwithstanding the advantage possessed by the enemy in their cavalry, he disdained the advice of his leaders that he should wait for the arrival of Lord Forbes and other chiefs who were on their way to join him, and resolved to fight. He took up a position on the declivity of Benrinnes, near the burn of Alchonlathan, and in choosing this, as well as in deciding to act on the defensive for a while, he seems to have shown some judgment. But his position, in spite of its strength, was soon forced by the rebels. First spreading a panic among Argyle's followers by the fire of some fieldpieces—a novel experience to many of the Highlanders—Huntly, at the head of his small body of well-mounted cavalry, all gentlemen, charged up the hill and fell upon Argyle's centre, which after a hard struggle he forced to retire. The resistance offered by the left, consisting of the Grants, Macneils, and Macgregors, was but feeble, in consequence of the treachery of Grant of Gartenbeg, who, in fulfilment of a previous understanding with Huntly, withdrew his men at the commencement of the action. The small remnant fought well, but at great disadvantage.

and they were soon put to the rout with the loss of the chief of the Macneils. The right, consisting of the Macleans and the Clan Chattan, under their respective chiefs, was more successful; and had their example been followed by the whole of the army, or had they been properly supported, Argyle would probably have carried to the king news of a victory instead of a defeat. They repulsed the rebel attack on them with loss, and Maclean almost succeeded in cutting off Errol and his men. The Clan Chattan were opposed to their old enemies the Camerons, and are said to have come off only second best in the encounter.¹ Their division, under Maclean's brave and skilful direction, performed the principal part in the battle, and was the last to leave the field, retiring in good order with the proud consciousness of having done all in their power to merit and secure victory.

There can be little doubt that, despite Huntly's advantage in cavalry and Argyle's want of experience, the issue of the day would have been different but for the treachery of Grant of Gartenbeg and Campbell of Lochnell, both of whom had arranged with Huntly to desert their side in the battle. Lochnell, it will be remembered, had been engaged four years previously in the plot with Huntly to procure the death of the Earls of Moray and Argyle, and it would appear that his intentions and machinations on that occasion were as yet unknown to the chief of his

¹ Introd. to *Memoirs of Lochiel*, 13.

house. In addition to promising his aid to Huntly, he had desired that noble to direct the fire of his fieldpieces against the yellow standard of Argyle. His suggestion was adopted, but by a curious fatality he himself fell at the first discharge, while his intended victim escaped unhurt.

After vainly endeavouring to rally his army, Argyle appointed Mackintosh to watch Huntly and Errol with 600 chosen men, at the same time directing Lovat, Mackenzie, Balnagowan, and the Rossmen to join with Mackintosh in stopping the passage of the earls in the event of their fleeing northward.¹ He then hastened to Dundee to carry the tidings of his defeat to the king, who it is said was rather pleased than otherwise with them. But not so the ministers and leaders of the Presbyterians; they were exasperated almost to madness at the failure of their plans, and breathed out threatenings and slaughters against the successful earls and all who supported them. The sapient monarch was of course careful to conceal from them his satisfaction at the downfall of their expectations, and was unwillingly compelled to carry his dissimulation so far as to proceed in person to the north for the purpose of reducing the rebels. His progress was attended by all the marks of an invading army in a conquered country; the houses of the insurgent earls and their friends, being regarded with loathing by his attendant

¹ *State Papers (Scot.)*, liv. 64; Letter, 12th Oct. 1594,—R. Bowes to Sir R. Cecil.

ministers as dens of Popery and harbourages for Jesuits, were demolished—in particular the castle of Slaines, belonging to Errol, and Huntly's castle of Strathbogie, said to have been the finest house in Scotland; while the various forfeited estates were divided among the followers of the king. The earls making no appearance, James returned south, leaving the Duke of Lennox, Huntly's brother-in-law, as Lieutenant and Justice-General to complete the task of quieting the country. From this noble Mackintosh received an ample commission as Justice Depute, dated 1st January 1594-5, and "found special caution either to deliver the broken men within his bounds or else to punish them himself, and failing thereof to be answerable for all the evil they shall do."¹

The sequel of these events is soon told. After the king's return to the capital, Huntly and Errol, who had taken refuge in Sutherland, had a meeting with Lennox at Aberdeen, and agreed to leave the country during the king's pleasure—in other words, until the earliest moment at which he should consider it safe to recall them. Huntly spent his banishment in making a tour in France and Germany. In little more than a year he was recalled, and was restored to his title and estates, as were also Errol and Angus,

¹ *State Papers (Scot.)*, lv.'7,—“Journal of Proceedings of Duke of Lennox,” *Kinnara MS.* From Lennox's Journal it appears that Mackintosh had again, by his direction, besieged Ruthven Castle, which had capitulated.

in the Parliament of November 1597. Two years later the king, by way perhaps of making him some reparation for the losses and inconvenience to which he had been subjected, bestowed on him the title of Marquis,¹ creating him also Baron of Badenoch, Lochaber, Strathaven, Auchindoun, Balmore, Gartlie, and Kincardine, Viscount Inverness, and Earl of Enzie.

The last scene of the "strange eventful history" of the alleged Popish plot took place at Aberdeen on the 26th June 1597, when Huntly and Errol went through the farce of being released from the pains of excommunication under which they had been laid by the Kirk. Both nobles, in the presence of "sic a confluence of noblemen, barons, gentlemen, and common people, as that the like was never seen in that kirk [the Old Kirk at Aberdeen] made ane open confession of their defection and apostacy, affirms the religion presently confessed to be the only true religion, renounces all papistry, and of new swears never to decline again, but to defend the samen to their life's end." Huntly further confessed "his offence to God, the King, the Kirk and the country, for the slaughter of the Earl of Moray."²

¹ The Marquis of Huntly is *premier* Marquis of Scotland. On the death without issue of George 5th Duke of Gordon and 8th Marquis of Huntly, the Marquisate passed to his distant kinsman George 5th Earl of Aboyne, whose grandson is the present (11th) Marquis of Huntly.

² Letter of Thomas Mollison, Aberdeen, 28th June 1597, in *Spald. Club Misc.* ii. Preface, p. 60. The whole city of Aberdeen

At the same time he was reconciled to his long-standing enemies, Lord Forbes and Irvine of Drum, and on the 26th of the following month, at Elgin, to the chief of Mackintosh.¹

gave itself up to rejoicings on this occasion, and honoured the earls and the ministers who had assisted in receiving them into the Church by making them burgesses of the town. Mollison, an eyewitness of the proceedings, quaintly adds, "at even, nathing bot wauchting" (drinking). The people of the good town seem to have been so overjoyed at the conformity of their powerful and dangerous neighbour Huntly that they never thought of the possibility of his acting the hypocrite; nor does this seem to have occurred to the blind, bigoted clergy. But both the earls were as much Roman Catholics at the close of the performance as at its commencement.

¹ A remission is given by Huntly a few years later to another prominent member of the clan in the late struggles. On 18th Sept. 1600 Angus mac William Mackintosh and his sons give a band to Huntly, who "remit and discharges them of all rancoure, malice, envye, or uther quhatsumevir doine aganis us be the said Angus, &c., and speciallie of all quhatsumevir deid doine be him or onny of his in the leit trubill betuix us and Lachlan Makintoiss of Dunnachtane, his cheiff."—(*Gordon Papers; Spald. Club Misc.* iv. 253.)

CHAPTER VIII.

Band by the Farquharsons and others—Lachlan's undertaking to provide for ministers on his estates—His character—Act for production of Titles—More troubles with the Campbells of Calder—Lachlan's Death—His Bands and Alliances—His Family—Lachlan, 17th chief—King James's interest in him—Band of Union among Clan Chattan, 1609—Troubles with the Gordons and the Earl of Moray—Proceedings against the Camerons and the Macdonalds of Keppoch—"Raid of Culloden"—Lachlan's Death and Family.

AFTER the battle of Glenlivet the history of the family and clan of Mackintosh contains few events worthy of special notice during the remainder of Lachlan's chiefship; but though few, these are of considerable interest. One was the granting of a heritable band of manrent to the chief—in March 1595, at Invercauld—by the distant colonies of the clan in Aberdeenshire and Perthshire. In this band James Mackintosh of Gask (the only one of the parties belonging to what may be termed the "home" country of Clan Chattan), Donald Farquharson of Tulligermont, John Farquharson of Invercauld, George, Lauchlan, and Finlay Farquharson, brothers to the said Donald,¹ Duncan Mackintosh

¹ These four were sons, and John of Invercauld a grandson, of the renowned Finla Mor.

of Dalmunzie, and Robert M'Homie in the burn of Glenshee, promise to maintain, fortify, and defend Lachlan and his heirs "as our naturall cheiff."

Another matter is interesting as evidencing Lachlan's attachment to the Reformed religion, and his anxiety to promote the spiritual welfare of his clansmen and tenants. Seldom has such anxiety had a more laudable object. After the establishment of the Reformation, attended as it was for many years by constant violence and disorder, the religious condition of the Highlands appears to have sunk very low. Shaw, in his *History of Moray* (pp. 304-7), draws a mournful picture of the spiritual desolation which prevailed after the downfall of Popery, grieving for the lack of ministers to remove the ignorance and superstition which the old religion had left behind. Mackintosh seems to have done all in his power to supply this want among his own people. The scarcity of ministers was owing in some measure to the want of schools, but the principal cause was the want of adequate livings. "Those who had any education," says Shaw, "would not dedicate themselves to the ministry when the livings were so poor as not to afford bread." In 1596, the Kinrara MS. tells us, "the Captain of Clan Chattan subscribed obligations for the payment of stipends to religious instructors in the different parishes on his estate." This no doubt refers to an occurrence which is placed by James Melvill in the summer of the following year. A deputation of ministers, in the course of a visitation

of Aberdeen, Moray, and Ross, were met at Inverness by Mackintosh, who, exhibiting and signing a plan for planting his country with religious teachers, made them the following speech,—“Now it may be thought I am liberall because na minister will venture to come amangs us, therfor get me men and sey (try) me, and I will find sufficient cautioun for saiffitie of ther persones, obedience to ther doctrine and discipline, and guid payment of ther stipend and interteinment, in St. Johnstoun, Dondie, or Aberdein.” Such was his earnestness and zeal in the cause that Melvill tells us “Makin Toshie warred [*i.e.* excelled] all the rest” of the gentlemen of the north.¹

A late writer,² noticing this act and speech, represents the deputation as being surprised at the zeal and cordiality shown by the chief to their object, and would apparently convey the impression that these were not altogether sincere. He also quotes the description of Lachlan in the *Historie of King James the Sext*—“a man unconstant, false, and doubleminded by the report of all men.” This view seems scarcely a just one. In the first place Lachlan’s offer, if correctly reported, is far too frank and decided in its terms to have been made by one who either had no wish that it should be accepted or had no intention of fulfilling it if it were accepted. And in the second place, there was not the slightest

¹ *Autobiography and Diary of Rev. J. Melvill*, 434.

² *Chambers’ Domestic Annals of Scotland*, i. 289.

necessity or inducement—other than that of benefiting his people—for him to go out of his way to make the proposal, which he must have known would be eagerly seized. Again, Lachlan was warmly attached to the Protestant religion—or at any rate to the Protestant party; and he had certainly great cause personally for choosing that in preference to the opposite party. With regard to the character which the Historian of “King James the Sext” gives of him, it is well to remember that by this and other similar chroniclers of the period a good or bad trait of the most trivial nature is generally either hugely exaggerated or reduced to its smallest proportions, according as the person exhibiting it is either with or against the writer in religion or politics. There was no man who played a part of any prominence in the Reformation in Scotland of whom it could be said that he had never either swerved from the path of rectitude or wavered in his consistency. We do not know to what extent Lachlan may have diverged from the path of honour and rectitude in his private dealings; but throughout his career, as it is recorded in the annals of the family and here and there in the annals of the kingdom, we find no trace of inconstancy to his party. Certainly it may be charged against him that he had warmly engaged in his youth on the side of Queen Mary;¹ but even here the appearance of

¹ It may be mentioned that, although he fought for the Queen in 1568, he sat in Morton's Parliament of 1572-3.

inconsistency at once vanishes when we recollect his position as a Highland chief, and the strange nature of the struggle in which he had then taken part. With his superior lord he had been a Queensman during the queen's life—so had Maitland of Lethington and Kirkcaldy of Grange, both Presbyterians, and the latter one of the best and most honest men of his time;—but his adherence to the king's party, really the Presbyterian party, after the queen's death, cannot be said to involve either change of political sentiments or departure from religious convictions. We have seen in what trouble and loss he was involved by his steadfast opposition, in common with Moray and other Protestants, to the Roman Catholic Earl of Huntly, and whether the governing principle in the latter part of his life was one of loyalty to king and religion, or only of feudal animosity against Huntly, its results as shown by his actions exhibit no trace of falseness to the side he espoused.

On 19th Dec. 1597 the Parliament at Edinburgh passed an Act of great importance to the chiefs and proprietors of the north, and of some concern for Mackintosh specially. This Act required all landlords, chieftains, leaders of clans, heritors, and all persons possessing or claiming to possess property in the Highlands and Isles, to produce the infeftment and rights of such property before the Lords of Exchequer on the 15th May following, and to find security for the regular payment of their rents to

the Crown and for the orderly behaviour of themselves and their vassals and dependents, under pain of forfeiting their lands.¹ The reason which the Act sets forth for this requisition is that many of the inhabitants had neglected to pay the rents and to perform the services due to the Crown, and had also by their "barbarous inhumanity" made the Highlands and Isles altogether unprofitable. The king himself appears to have been the originator, not however with the laudable and kingly object of ameliorating the condition of the part of his dominions concerned, but with the view of recruiting his exhausted finances by the lands which he well knew would thus fall into his grasp. The grounds of the proceeding, as stated, were no doubt true; we can well imagine that considerable laxity prevailed in regard to the payment of the Crown dues, and we know that the Highlanders and Islesmen were too much occupied with their feuds and intrigues to turn to account what fertility and natural resources their country possessed, and too exclusive to permit strangers to do so. But the Act was in all probability mainly prompted by the knowledge that a great part of the old Earldom of Ross, which had been annexed to the Crown more than a century previously, was occupied without legal title.

The Act was rigorously carried into effect, but in the absence of any record of the proceedings, the number and names of those who failed to appear

¹ *Scots Acts*, iv. 138, &c.

at the appointed time before the Court of Exchequer are not known. We do know, however, that the Macleods of Harris and Lewis lost the greater part of their property, which was assigned by the king to the unlucky "company of Fife Adventurers"; that Macdonald of Sleat and Cameron of Locheil were among the sufferers; and that Mackintosh, failing to produce his titles to the Lochaber lands, also came under the penalties of the Act, so far as those lands were concerned. During the recent unsettled state of the country, the MS. relates, he had placed these titles in the hands of friends for safety, and was unable to recover them in time to make use of them. But the lands were not lost to his family, for Sir Alexander Hay, Clerk Register, so arranged matters as to obtain for himself the gift of the forfeiture, and in 1614 renounced his right in favour of Lachlan's successor. No reason is assigned for this generous behaviour on the part of the Clerk Register, but as he and Mackintosh were of about the same age, it is possible that they had been early friends when the latter was residing in Edinburgh. Sir Alexander was one of the curators or guardians to Lachlan's grandson during his minority.

Shortly before Lachlan's death the ill-feeling of his family and friends towards the Campbells broke out afresh, and caused him some trouble. Although he himself had been reconciled to Calder after their disagreements in 1575 and the succeeding years, his

clan seem to have kept up the animosity, and—especially after the marriage of his eldest son's widow to Donald Campbell, Calder's son—to have looked upon the Campbells with distrust. In June 1599 we find the son of Malcolm Mackintosh in Urlust (Lachlan's third son) entering some of Calder's lands with a body of thirty "brokin hielandmen all bodin with arrowes, swords, and haberschonis," and there reiving and oppressing Calder's tenants and violently cutting down three score young growing trees of the wood of Easter Banchrie called Torgarve and carrying the same away. By this act the chief, with Sir R. Innes and Hector Munro of Foulis, who in May 1595 had become cautioners for the peaceable behaviour of Lachlan and his clan, incurred a penalty of 10,000 merks.¹

In the same year a more flagrant breach of the peace was committed against the Campbells, this time involving bloodshed. The circumstances are detailed in the summons against the offenders granted at the instance of Colin Campbell of Clunes, a younger son of Calder. William Mackintosh of Essich (the chief's second son), Martin mac Evir vic Evir (Macgillivray) in Aberchallader, Lachlan mac Thomas vic Lachlan in Benchar, and about twenty others, are named as ringleaders, and it is charged against them that on the 1st Sept. 1599 they, "with convocatioun of ane great number of Clan Chattane and brokin heillandmen thereabuit, to the number of

¹ *Thanes of Cawdor*, 218:

tua hundreth, all boidin in feir of weir with bowis, dorloches, tua-handit suordis, durkes, hagbuttis, dagis, pistollatis, and other forbiddin waponis, haveing conceavit ane deadlie feud agaynis the complener his kin and frendis, did com airlie in the morning about sex houris to the lands of Dunnauchtane and to ane barne quhair the said complener wes with certayne of his frendis, lying in ther beddis for the tyme lippening for na harme, and beseidgit the said complener within the said barne for fyve houris, togidder with divers schottes of hagbuttis and pistollatis in at tham togidder with ther arrowis, and compellit the said complener and his cumpanie to render thamselvis with thair wapponis in ther mercieles handis." The summons goes on to relate how, although the captors promised to do no harm to their prisoners further than depriving them of their weapons, they nevertheless cruelly "durkit and slew" all the complainer's company, including a servant of Mr. Donald Campbell of Barbreck; and that after taking from the complainer himself "his suord, quhinger, pleat slewis, with his purs and ane hundreth pundis of gold therein, ane stand of clathis worth 40 pundis, his hors with saddill and brydill and remanent furnitor worth 100 pundis," they kept him captive for fifteen days, carrying him about the country to Killachie, Borlum, and various other houses, "everie hour threattining him with present death unto the tyme for feir of his lyfe he was compellit to subscribe to thame sic unreasonabill bandis and conditiones as

they presentit to him, tending to his great hurt.”¹ On 7th December royal letters are issued denouncing the persons named as rebels in default of their finding surety to appear and answer for the murders of Campbell’s company.

The Kinrara MS. gives particulars of an attack on the Campbells by the Mackintoshes, which, from its situation in the history—no date being given—apparently refers to about the year 1603. Donald Campbell, Calder’s son, had married Lady Jean Campbell, the widow of Mackintosh’s eldest son Angus, and “it fell out that there was some little debate and controversy between 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 other gentlemen of that name, accompanied with a number of their followers, come to Dunachton in Badenoch (whilk was the land controverted) and resolve 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 at Benchar, they forthwith came to Dunachton with a resolution to apprehend Calder’s sons and their followers as open sorners and oppres-

¹ *Thanes of Cawdor*, 218. The occurrence is referred to in a letter of 17th Sept. from George Nicolson to Sir Robert Cecil as being likely, on Argyle’s return, to quicken the troubles between that noble and Huntly, “this being done, as is thought, to assure Huntly of him.”—*State Papers (Scot.)* lxxv. 43.

sors ; but they met with opposition, for Mr. Donald 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 consins, Calder's sons, was Chancellor of Scotland ; but in end the business was composed by warding William Mackintosh forsaide for some few months and giving an assythment for the blood."

This account and that given in Colin Campbell's summons in 1599 differ so widely in detail that it is a question whether they do not relate to distinct occurrences. It is, however, not unlikely that the MS.—which gives no date—refers to the events of 1599. The writer obtained his information many years after that date, and his informant may have misstated some of the circumstances, such as the presence of Donald Campbell ; while on the other hand, in procuring the summons in 1599 Colin Campbell may have omitted for some reason to

mention his being taken to Culloden ; and he would of course say as little as possible of the purpose with which he and his party had occupied Dunachton. If the account in the MS. really refers to 1599, we find in the statement that William and Duncan durst not enter their father's presence for some time a reason for Duncan's being found in the Lewis in 1600.¹

The eventful chiefship of Lachlan Mor terminated in October 1606.² Extending over nearly half a century, it had witnessed many great events and changes in the country,—the dethronement of Queen Mary ; the persevering endeavours made by her brother to blast her name and fame ; the sad results of his endeavours in her imprisonment and murder by her sister queen ; the triumph of the Reformation ; and, not the least in importance, the union of the two kingdoms of England and Scotland under one sovereign. Perhaps during no similar period of her history does Scotland present a more lamentable picture ; and not the least sad portion of the picture, regarding it in some of its aspects, is that occupied by the Reformation, which indeed casts a shade, deeper or fainter, over the whole. Great and glorious as were its social and political results, the establishment of the Reformed faith in Scotland was attended

¹ See p. 281, *note*.

² He was the first of the Mackintosh chiefs buried at Petty, which became the burying place of the family.

with such self-seeking hypocrisy, such blatant and intolerant bigotry, such unnatural hatred and bloodshed, that one cannot but grieve that a structure so noble should have been so ignobly founded. It exemplified some of the worst features of religious persecution; and much of the severity afterwards used against the Covenanters may fairly be ascribed to the revengeful memory entertained by their persecutors of the bitter cup dealt by the Presbyterians in their day of power to all who differed from them. At no time, even under the old religion, was priestcraft higher in the ascendant; the expounders of the newly established doctrines not only called in the terrors of excommunication to enforce their tenets, but used their influence over king and parliament for the purpose of employing the secular weapons of fire and sword to bring in proselytes. They even went so far as to adopt the old position of the Church of Rome in claiming total independence of the civil power. At the same time, there is much to admire in the fathers of the Presbyterian Church,—in their valorous stand for what they felt to be right, and in the dogged persistence with which they went through with all they took in hand. Perhaps, too, the rudeness of the age and the natural reaction of feeling consequent on the change of religion may afford some excuse for the otherwise unjustifiable means they adopted for making their own beliefs and disbeliefs those of the whole nation. Vast changes such as that in which they took part are seldom effected without violence; extremes are generally

supplanted by extremes; and, as though by a fixed law, the new generally act in the same direction or manner as the old, both aspiring to a sole and undivided sway.

The bands and indentures entered into by Lachlan during his chiefship are numerous and interesting. One of the earliest is a notable one. Taking advantage of dissensions among the Camerons, he invaded their country in 1569, and compelled Donald mac Ewen of Erracht and Ian Dubh of Kinlocheil, tutors during the minority of Allan Cameron, to accept a limited tack of Glenlui and Locharkaig for the yearly payment of 80 merks and their service and manrent. This arrangement was distasteful to the rest of the Camerons, and the tutors were forced to repudiate it. Fully expecting that this conduct would involve them in a fresh feud with Mackintosh, they resolved to take the initiative by invading his country; and to strengthen themselves as much as possible they sought to heal the differences in their clan. But at a meeting held for this purpose one of them was treacherously killed, and the other had to save his life by flight.¹ The projected attack on the Clan Chattan seems to have been relinquished, and Mackintosh soon became too much occupied with other feuds to take measures for enforcing the arrangement he had made.

The bands and indentures between Lachlan and

¹ *Kinrara MS.*; *Introd. to Memoirs of Locheil*, 37.

the 5th Earl of Huntly have been already noticed. There is also one given by him to the 6th Earl on 13th Nov. 1589, in confirmation of that given in 1568 to the earl's father. He entered into bands of amity with the Earl of Athole (27 Jan. 1579 and 30 June 1597), the Earl of Argyle (20 Nov. 1593), the chief of Grant (12 Nov. 1590), Macleod of Dunvegan (15 Jan. 1588), and Sir Alexander Menzies of that Ilk (8 Dec. 1604). In 1587 (30 May) he entered into an alliance offensive and defensive with Angus mac James of Kintyre (Macdonald of the Isles) and Donald Gorm Mor of Sleat; and in 1597 (19 Nov.) he and Kenneth Mackenzie of Kintail gave a mutual and heritable band of friendship.

Lachlan's family was a large one, and some of its members were the founders of families afterwards of importance in the clan. By his wife Agnes, daughter of Kenneth Mackenzie of Kintail, he had seven sons and five daughters:—

1. *Angus*, who in 1582, when only sixteen years old, m. Lady Jean Campbell,¹ daughter of Archibald, Earl of Argyle. He died at Padua in Italy, Nov. 1593,

¹ After her husband's death Lady Jean married her kinsman Donald Campbell, a son of the laird of Calder whose scurvy trick on Mackintosh in 1575 has been related. Her jointure with Angus was the castle and lands of Dunachton, and here she and her second husband resided until her death. The disputes which arose out of this marriage have been noticed in the text. Donald Campbell had in the end to leave Dunachton, and "turning his

in his 26th year, leaving one son Lachlan, who succeeded his grandfather as chief, and a daughter m. to Ross of Balnagowan.

2. *William*, who m. Beatrix, daughter of Innes of Invermarkie, and was founder of the BORLUM branch. He acted as tutor during his nephew's minority.
3. *Malcolm*, who m. (1) Janet, dau. of Glengarry, by whom he had John; and (2) Christian, dau. of John Munro of Fearn. He acquired a feu of the lands of Brin, and died in 1634.
4. *John* of Dalziel, who m. Christian Mackay, a sister of Donald 1st Lord Reay and grand-daughter of George 4th Earl of Caithness. He died in 1645. He was "a man of courtly breeding, having lived in his youth in France, and of a religious disposition," says the Kinrara MS.
5. *Duncan*, who m. (1) Beatrix, dau. of Angus Mackintosh of Termit, by whom he had one son William, father of Lachlan; (2) a dau. of Dunbar of Grangehill, by whom he had six sons.

back on the north married secondly an illegitimate daughter of the Earl of Argyle, and by the latter's influence became Dean of Lismore, and afterwards a Baronet with the title of Ardnamurchan."—*Antiquarian Notes*, 129.

He died in 1651.¹ He founded the ABERARDER family, having obtained from his father possession of the lands, the heritable right of which was purchased by his grandson Lachlan from Campbell of Calder.

6. *Alan*, who m. (1) Elizabeth, dau. of David Rose of Holm, by whom he had Lachlan and Alexander; (2) Liliast, dau. of Patrick Falconer of Newtown (brother to the laird of Halkerton), by whom he had Angus; and (3) Euphemia, dau.

¹ The notice of his burial in the MS. is interesting as making reference to the northern expedition of Oliver Cromwell. Owing to the presence of the English troops in the neighbourhood of Petty, it was found impossible to take his remains to the family burying place there, and they were interred at Dunlichity. Under date 14th Sept. 1651 the Record of the Petty Kirk Session contains the entry,—“No session, for many elders were absent through the report of the approach of the English army.”

There is a curious notice concerning Duncan in the Privy Council Records. In 1600 “Thomas Inglis and Robert Sinckler,” owners of the ship *Jonas* of Leith, complain to the Council that “in the month of April last their ship being lying at the fishing in the loch called Loch Sheil in the Lewis was taken possession of and taken away by Hucheoun M’Gillespick and Duncan M’Intosh, son to Lachlan M’Intosh of Dunnachton.” Both offenders were in consequence ordered to be denounced as rebels and put to the horn. Their exploit was evidently one of the numerous attempts made by the Macleods and their friends to impede and damage the unlucky Company of Fife Adventurers. The presence of Duncan in the Lewis at the time may perhaps be accounted for by the circumstances mentioned on pp. [275-6] *ante*.

of Campbell of Calder. He died in 1646.

7. *Lachlan*, who m. Jean, dau. of Andrew Macpherson of Grange and Cluny, by whom he had Angus (died s.p.) and William. He was the founder of the CORRIBROUGH family.

The five daughters were,—Janet, m. to William Macleod of Macleod; Katherine, m. to Macdonald of Glengarry; Margaret, m. to Glengarry younger; Marjory, m. to Munro of Foulis; and Isabel, m. to Robert Campbell of Glenfalloch, who in 1640 succeeded his brother Sir Colin in the baronetcy and estates of Glenurchy. Isabel Mackintosh was the mother of five sons and nine daughters, according to Douglas.¹ Her eldest son was Sir John Campbell of Glenurchy, father of the 1st Earl of Breadalbane. One of her daughters, Margaret, m. John Cameron younger of Locheil, and was mother of the renowned Sir Ewen Cameron.

(17) LACHLAN, the new chief, was only thirteen years of age at his grandfather's death. His two predecessors had had the advantage of able and trustworthy deputies until their own hands had become sufficiently strong to hold the reins of

¹ *Peerage of Scotland*, Art. "Breadalbane." Sir Robert makes Isabel the daughter of *Sir* Lauchlan Mackintosh of Torcastle, but a comparison of dates will show that this must be wrong, and moreover the testimony of the *Kinnrara MS.* is against it.

authority, and in this respect young Lachlan was not less fortunate. His uncle, William of Raits and Benchar, performed the duties of tutor with ability and prudence, and with strict regard to the interests of both chief and clan. But if the information which led to the characteristic demand of the pedantic "British Solomon" in the letter following was correct, William's care for the interests of his ward does not seem to have gone so far as to provide for the storing of his mind with that knowledge of the liberal arts which "*emollit mores nec sinit esse feros.*" Himself a man of the sword and not of books, the education which he gave his nephew was probably one fitted only to make him a man after his own fashion, and a Highland chief. King James's idea of a gentleman's education was very different; and accordingly he sent William the following letter, in which we have the first mention of the young chief after his accession to the dignity:—

"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 enable 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 there) 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] unto 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 6th December 1608. (Sd.) JAMES R."

We are reminded by this letter, together with Lachlan's subsequent court career, of Scott's description of King James's interest in regard to the acquirements of Nigel, Lord Glenvarloch.¹ But the young Mackintosh was not a creditor of his Majesty, like the Lord Glenvarloch, and therefore James does not advise him to "turn his neb northwards and settle at St. Andrews," but sends for him to one of the English Universities, in spite of the fashion of pronouncing Latin there which was so abhorrent to the royal ear. There is nothing to show how far the young chief profited by his university course, or indeed whether he was at a university at all. But as, after a short time in England, he was sent for to court and made a Gentleman of the Bedchamber to "Baby Charles," we may perhaps assume that he acquired sufficient store of knowledge to pass muster with the pedantic monarch.

While he was in England his affairs in the north were progressing favourably. On obtaining the management of these affairs, the tutor had directed his attention to the dissensions among the various clans composing the confederacy; and "to take away and compose" these, the Kinrara MS. says, "he used all fair and lawful means." The healing of

¹ *Fortunes of Nigel*, chap. v.

the breach made by the machinations of Huntly, some years previously, between the Mackintoshes and the Macphersons of Cluny, was his principal aim. He had the sagacity to estimate the professions and character of Huntly at their real worth, and to foresee that the hatchet could not for ever remain buried between his own clan and their proud encroaching neighbours the Gordons—that it might, in fact, be dug up at any moment; and the experience of the late struggle showed him that the Clan Chattan were at a disadvantage when their brothers of Clan Mhuirich were arrayed on the side of their enemies. He therefore sought to reunite this important branch to the rest of the clan, and circumstances enabled him to effect this desirable object without much difficulty. So long as Huntly had been at feud with Mackintosh, he had found the assistance of the Macphersons most useful, and it had been his interest, both as strengthening his own power and weakening that of his adversary, to attach them to himself. He had therefore assiduously flattered their clan prejudices, and encouraged and supported Cluny's desire to be independent of Mackintosh. But once reconciled to Mackintosh, he was short-sighted enough to fancy that the Macphersons were unlikely to be of further use to him, or even that their claim on his gratitude might become troublesome. Accordingly he scrupled not to throw them over altogether; his former professions were forgotten, and his warm patronage turned into cold

neglect. Actuated possibly by resentment of this treatment, and seeing that of the three great branches of Clan Mhuirich his was the only one which had stood out against Mackintosh, Andrew Macpherson of Cluny lent a ready ear to the tutor, and was easily induced by him to cast in his lot once more with the rest of Clan Chattan.

The method adopted by William for putting an end to the differences in the clan was the usual one of procuring the concurrence of all parties in a Band of Union and Manrent—a solemn *quasi*-legal instrument in which those subscribing bound themselves, often under severe penalties, to live in friendship and stand by each other on all necessary occasions, and at the same time to maintain and obey him in whose favour they gave the band.

In the early days of April 1609, a great gathering of the whole Clan Chattan—except the distant offshoots in Aberdeenshire and Perthshire—was held at Termit in Petty, one of the holdings of Angus mac William. Cluny, attended by Invereshie, Pitmean, and other principals of Clan Mhuirich, came from distant Badenoch—Strathdearn sent Macqueens, Macbeans, and Mackintoshes—the children of Gillebreac marched from the wild skirts of Stratherrick—to meet their brother clansmen of Strathnairn, Petty, and Inverness, for the purpose of peaceably ending all their quarrels, and of swearing a firm friendship and union for the future under Mackintosh as their “Captain and Chief.” In addition to the

“ followings ” of the various chieftains, we may assume that so important a meeting would be attended by hundreds of persons from the country round, especially from the town of Inverness, where the weal or woe of at least one section of Clan Chattan was a matter of no small interest. Among the witnesses to the band were the Provost of the burgh—John Cuthbert of Old Castlehill,—the Common Clerk, and one of the burgesses. Another witness was the minister of Petty. The band, drawn up and written by the Common Clerk of Inverness, was as follows :—

At Termett, the 4th day of April, the year of God 1609, it is appointed, bonded, contracted, concorded, finally ended, and agreed betwixt the honourable persons and parties as follows—viz :

William Mackintosh of Benchar, as principal Captain of the hail kin of Clan Chattan, as having the full place thereof for the present during the minority of Lachlan Mackintosh of Dunnachton, 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 . . . of William Mackintosh of Rait and remanent of that surname descended of that house . . . —Andrew Macpherson of Cluny for himself and taking the full burden . . . of Evan Macpherson in Brin, John Macpherson in Breakachy . . . and remanent of that name descended of that house—Thomas mac Alister vic Homas in Pitmean . . . taking full burden of his kin and friends descended of that house—Donald mac Alister Roy in Phoinies . . . taking full burden

. . . . of William vic Ian vic William in Invereshie and remanent his kin of that race and house—Donald Macqueen of Corrybrough taking full burden of John Macqueen in Little Corrybrough, Sween Macqueen in Raigbeg and remanent his kin of that race—Angus macPhaill in Kinchyle taking the full burden of his kin and race of Clan Vean—Alexander mac Coil vic Farquhar of Davochgarroch taking the full burden of his kin and race of Clan Tearlach with their own consents—Malcolm mac Bean in Dalcrombie, Ewen mac Ewen in Aberchalder, and Duncan mac Farquhar in Dunmaglass taking the full burden of their hail kin and race of Clan Macgillivray with their own consents—and Ay mac Bean vic Robert of Tordarroch taking the full burden of his race of Clan Ay with their own consents—in manner, form, and effect as after follows, that is to say that

Forasmeikle as anent the controversies, questions, debates, and hosts, that has fallen furth betwixt the said hail kin of Clan Chattan these times byegone, thereupon there followed great inconveniencies committed by them one against other, without respect to their own weals coming thereof; and for avoiding of these accidents, and that perpetual friendship, amity, and kindness may remain and abide betwixt them and their chief in times coming, and amongst the said hail kin of Clan Chattan;

Therefore, and for sundry other motives and occasions moving them, tending to the weals and quietness of them and their country, are hereby bound and obliged, and by the tenour hereof the said hail kin of Clan Chattan above-mentioned by their names in special, and taking full burden in and upon them of their kin and friends, heirs and 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 of 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 quit-claimed, and by the tenour hereof quitclaims and exoners, 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, sic 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 the Auld Castlehill, Provost of Inverness; Mr. John Ross, burgess there; Donald Macqueen, minister of Petty; Malcolm Ego, servitor to Agnes Mackenzie, Lady Dunachton, and Alexander Duff, writer thereof.

The signature of those who could write are as follows:—William M'Kintoshee of Bandachir, captaine of Clan Chattan; Malecum Makintosh (3rd son of the late chief); Malcom M'Intosh of Gask; Lachlan M'Intosh appeirand of Termit; Andrew M'Pherson of Clunie; Ivine M'farline (Macpherson) of [Brin]; Iven M'Pherson in Breachachy; Donald M'Queen of Coreburgh; Ay M'bean (Shaw) of Tordarroch; William M'intosh in Rait; John Mackintosh of Dalziel; Duncan M'intosh (these last two 4th and 5th sons of the late chief).

The rest sign the band “with (their) hands at the pen led be the nottar underwritten at (their) commands because (they) cannot write (themselves),” as follows:—John and William Mackintosh in Morile; Angus Mackintosh of Termit; Thomas M'Alaster vic Comus in Pitmeyn; Angus M'Phaill in Kandkell (Kinchyle); Alexander M'intosh of the Holm; Alexander M'intosh hectorsone in Wester Larges; Donald M'Alaster Roy in Fonness (Phoyness);

Alexander M'Coil vic Farquhar of Davochgarroch ; Malcolm Macbean in Dalcrombie ; Sween M'Queen in Ravochbeg ; and many others.

While this important matter was in progress and execution, the chief was at King James's court in England. His career there was a brief one ; probably the king judged it unwise to suffer the clan to remain without its now responsible head, and we may perhaps also surmise that the chief's inclinations would lead him to prefer wielding his hitherto untried power, and acting the petty sovereign in his own country, to remaining in a subordinate position at a court where king's favourites reigned as much as king, and where every man jealously strove to cross his fellow's path in the race for favour and advancement. He accordingly left the court, unfortunately so deeply in debt as to burden his estate, considerably, and to render it necessary for his successor to part with some of his lands, those of Culloden with others.¹

In 1610 he arrived among his clansmen. If a commanding appearance had any attraction for them, his must have won their full approval ; he was a Saul in stature, exceeding ordinary men in height by head

¹ The lands of Culloden had been held for some generations by a family of Strachan—or as it was written in those days, Strath-auchin—until 1570, when, having fallen to three daughters of George Strachan as heiresses-portioners, they were purchased by Lachlan 16th of Mackintosh. This chief seems to have had the intention of making Culloden the principal residence of his family. In 1630 the lands were sold to Duncan Forbes, Provost of Inverness, ancestor of the present family of Culloden.

and shoulders—and withal of a “sweet and benevolent temper.” His uncle rendered a satisfactory account of his tutorship, and in consequence of his energetic and judicious conduct Lachlan entered on the management of his own affairs with every appearance of their being in a prosperous and settled condition.

But they soon became somewhat complicated. As the tutor had foreseen, the jealousy between the Gordons and the Mackintoshes was not long to be permitted to slumber, and soon after the chief's return it broke out. This appears to have been owing not so much to any personal feeling on Lachlan's part as to the vindictive animosity of the Earl of Enzie, eldest son of the Marquis of Huntly, and latterly to the arts and influence of John, Laird of Grant, Lachlan's father-in-law. The commencement of a series of troubles, which brought the chief to an early grave and his family to the verge of ruin, took place in 1613, on Lachlan's refusal to act with Enzie against Allan Cameron of Locheil. It may seem strange, considering the relations between Huntly and the Camerons in 1590-5, that there should be so grave a quarrel between them as to necessitate a hostile expedition on Huntly's part against his late firm adherents; yet so it was. In the History of the Camerons prefixed to the *Memoirs of Locheil*, Huntly is charged with having been so ungrateful, after the reversal of his own forfeiture in 1597, as to aid in keeping up the sentences against Allan Cameron,

and to claim and obtain part of his estate. But this charge is either loosely expressed or ill founded, although, as we have seen, the marquis was quite capable of turning his back on his friends when it suited his purpose to do so. The real cause of his present displeasure was simply that Cameron, in consequence of certain legal proceedings, had made an agreement by which he became vassal to the Earl of Argyle—now Huntly's greatest rival, and therefore his greatest enemy—for his lands of Locheil, to which that noble had a title dating from the reign of James V. ; and that by thus affording to Argyle a footing in Lochaber, he had, in Huntly's view, damaged the Gordon interests there—Huntly being superior of a great part of the district, though not of Locheil. To the request of the marquis that he would break through his agreement with Argyle, Locheil returned a steady refusal, but at the same time asseverated that his holding a part of his lands under the earl should in no way affect his obedience and loyalty to Huntly and his family. This was not what the marquis required; and he resolved to chastise his former faithful adherent.

It is not likely that Huntly would have acted as he did had Locheil's agreement been with any other person than Argyle, and he had clearly no right to interfere in the tenure of lands with which he had no concern. His subsequent proceedings, therefore, were a wanton and arbitrary exercise of power. A just and right-thinking man would have shown some

consideration for Locheil, whose only alternative to holding his paternal property under Argyle was in reality that of relinquishing it altogether; but Huntly had neither consideration nor sense of justice when he thought his own interests at stake. If he could not succeed in keeping Argyle out of Lochaber, he was determined to revenge himself on the person who, however unwillingly, had been the cause of his failure. He persuaded some malcontent members of Clan Cameron to take a tack from him of the lands under his superiority which were held by their chief, and despatched his son, Lord Enzie, with a strong force to put down any opposition to this proceeding that might be made on Locheil's part. Enzie peaceably installed the new tenants, but after his return home, Locheil entered into negotiations with his hostile clansmen for the restoration of his property. With consummate deceit they pretended to be favourably inclined towards him and desirous of reconciling him with the marquis, all the while studying how they should most easily bring about his death in order to secure their newly acquired possessions. Having become aware of their perfidious intention, he took such measures to frustrate it as resulted not only in the slaughter of his treacherous kinsmen, but in the restoration to himself of the lands they had obtained. The slaughter of the traitors, though actually in self-defence, was so represented to the Privy Council by the enraged Huntly that Locheil and his friends were denounced as rebels, and the marquis obtained a

commission of fire and sword against them, the execution of which was entrusted to Lord Enzie.

It was now that Enzie requested Mackintosh's co-operation, judging that the old dispute between Clan Chattan and Clan Cameron would ensure its being readily afforded. He also "offered him (Mackintosh) good conditions if he would follow him in that journey, even that he would never give over the pursuit of the Camerons till he had put Mackintosh in as peaceable possession of his lands in Lochaber as Huntly possessed his."¹ But to the earl's surprise Lachlan declined to take part with him in the matter, tempted neither by the opportunity of obtaining further revenge for the hostility of the Camerons in his grandfather's time, nor by the prospect held out to him in regard to the disputed Lochaber lands.

This conduct is attributed by both the Author and the Editor of the *Memoirs of Locheil* to the exercise by Mackintosh of the great principle in fair fight, never to strike a fallen enemy. "Mackintosh," the latter says, "with one of those traits of high-minded generosity which occasionally illumine that dark period, refused to press his claims against Locheil in the midst of his misfortunes."² But while it is not unlikely that Lachlan, being of a "sweet and benevolent temper," may have been influenced by this generous feeling, it should be stated that there was a more obvious cause for his forbearance. Among

¹ *Hist. of Gordons*, ii. 113.

² *Memoirs of Locheil*, Editor's Introd. 15, and Author's Introd., 58.

the forfeitures in 1598 under the Act of the previous year was that of the lands of Glenlui and Locharkaig by Locheil, who, to escape the consequences of their being claimed by Mackintosh, had entered into an agreement, to continue for nineteen years under severe penalties in the case of breach by either party, by which he was to take half the disputed lands from Mackintosh in mortgage for 6,000 merks, and to hold the other half under that chief for his own service and that of the tenants on the lands.¹

Enzie proceeded to execute his commission in Lochaber, and was successful in reducing Locheil. But Mackintosh's contumacy was neither forgotten nor forgiven by him and his father, as soon became apparent. "The earl indeed showed more favour to Allan (Cameron) than he would otherwise have done, to be at evens with Mackintosh for his refusal. As a small spark will kindle a great fire, so this small affair brought such trouble on Mackintosh that it almost ruined him, and it was with much trouble and charge that he at last got himself extricated out of these difficulties."²

Unfortunately, too, a serious disagreement occurred about this time between Mackintosh and James, Earl of Moray, whose wife was a sister of Huntly. This connection of the two nobles was no doubt the real cause of the breach with Mackintosh, but the apparent cause was the latter's resenting some insulting speech

¹ *Kinrara MS.* ; *Memoirs of Locheil*, 44. See also *Gregory*, 398.

² *Hist. of Gordons*, ii. 114.

made by one of Moray's followers at a horse-race at Nairn, which Mackintosh had won. A coldness ensued, and on Mackintosh's refusal to accompany Enzie into Lochaber shortly afterwards, Moray ordered the Clan Chattan living on his lands to act with Enzie in spite of their chief, and sent a messenger to acquaint Mackintosh of his wish in the matter. Mackintosh in a fit of exasperation gave the messenger a sound beating, an act of "contempt of court"—Moray being at the time Lieutenant in the north—which procured him a "warding" in Edinburgh Castle. His favour at court was sufficient to obtain his release after a short confinement, and he returned to the north with the unpleasant consciousness that his two most powerful neighbours, under both of whom he held lands, were now his most deadly enemies.

Moray restricted the demonstration of his enmity for the present to such underhand measures as using his authority, both as head of affairs in the north and as superior of some of the Clan Chattan lands, to cripple Mackintosh's proceedings. But with the Gordons it was different, and within a few years Lord Enzie found ample opportunity of evincing his ill-feeling. As we have seen, he had dealt mildly with Locheil "to be at evens with Mackintosh," and he instigated this reconciled opponent to give Mackintosh as much trouble as lay in his power. No doubt Locheil was perfectly willing to do this, considering the mortification he must have felt at being under the obligation of service to his hereditary foe,

but he seems to have made an ill choice of occasion. In July 1616 Mackintosh, proceeding to Inverlochy to hold courts as heritable Steward of Lochaber, found the fords of the Lochy in the possession of Locheil and about two hundred of his clan, and on attempting to cross was attacked by them. The Register of the Privy Council (*Decreta*), under date 10th June 1617, gives a detailed account of the affair, relating how “in the mounth of July last Lachlane M’Intoschie of Dunnauchtane, heritable baillie and stewart of the lordship and stewartrie of Lochaber (pertaining the said office to him heritable quhair of he and his predecessors haif been in peaceable possioun thir mony yeiris bigaun past memorie of man) haveing proclaimed courtis to be halden within the boundis of the said coundrey upon the [—] day of the said mounth of July last for administratioun of justice to the inhabitants of the saidis boundis, he for thir effect upoun the [—] day of the said mounth repairit and went to his awan [? haugh] of Keppacho upoun the watter of Spean quhair haveing stayit and remainit until the day foirsaid appointit for halding of the saidis courtis expecting nothing less than that ony persoun or persounis durst haif presoomed to have interruptit or stayit the halding of the saidis courtis, Then it is that Allan Camroun of Lochzell accompanied and assistit be Duncann Camroun *alias* M’Martain, Dowgail Camroun, Dowgall Camroun *alias* M’Allaster M’Coull, Donald Camroun *alias* M’Martain, Ewine Camroun *alias* M’Martain

M'Condochie M'Ewine, &c., &c., with convocatioun of his maiesties leigeis to the number of twa hundreth men all bodin in feir of weir with bowis, dorlochais, durkis, Lochaber axis," &c., bars his passage, "resolving by oppin violence to withstand the halding of the saidis courtis." Lachlan endeavouring to cross the Lochy at the ordinary ford was fired upon by the Camerons, who "thairby violentlie stayit the said Lauchlane M'Intoschie fra passing throw the said watter and fra halding of the saidis courtis."

This violent opposition to his authority Mackintosh at once represented to the Privy Council, who ordered Locheil and his party to appear before them and answer the charge. Of course the order was unheeded, and accordingly on 10th June 1617 "the Lordis of Secreit Counsall ffindis and declares that the saidis Allan Camroun of Lochzell, &c., &c., convocat and assemblit togedder at the day and place libellit the number of 200 men bodin in feir of weir with unlauchfull wapponis to stop and impede the said Lauchlane M'Intoschie of Dunnauchtane fra halding of courtis within the said Lordschippe of Lochquhaber, and that they schott ane number of musketis and hagbuttis at the said Lauchlane and his cumpany and stayit him fra halding the saidis courtis That the saidis defendairis has comited a verrie grete insolence and contempt to the brok of his ma^{ties} pouar and has violat his ma^{ties} lawis and actis of parliament maid aganis the convocatioun of his ma^{ties} leigeis and the bairing and

wairing of hagbuttis and pistolletis,¹ and therefore the saidis Lordis ordainis letters to be direct charging the said Allan, &c., To peir and entir thair personis in ward within the tolbooth of Edinburgh, therin to remain upoun thair awin expensis ay and quhill ordour be taine with thame for the said insolence, within ffyfteen dayis after the charge under the pane of rebelloun.”

By this act of violence Locheil had also become liable to the penalty attaching to a breach of the agreement between him and Mackintosh's grandfather in 1598, which was at the time of the violence within a year of expiry. Mackintosh—now *Sir* Lachlan, having received the honour of knighthood in the month of June—had represented this matter also to the Council, and had obtained from them a decret summoning the Camerons to remove from the lands of Glenlui and Locharkaig. His summons was received with the contempt that might have been expected, and as the orders of the Council just quoted had been similarly disregarded, Sir Lachlan in July 1618 obtained letters of intercommuning and a commission of fire and sword against the Camerons, but after several attempts he succeeded only in procuring the imprisonment of Locheil's eldest son John in the

¹ Alluding to Acts made in the preceding year, in which the carrying of “hagbuttis and pistolletis”—to which the king seems to have had a particular aversion—was specially forbidden except when on his majesty's service.

tolbooth of Edinburgh, where he remained until after Sir Lachlan's death.¹

At the same time Mackintosh was commissioned "to persew to the deid with fire and sword" Alaster Mac Ranald of Keppoch and his sons, who, besides having recently wasted his lands in Brae Lochaber, had for some time been under the ban of the Government, with a price set on their heads, for their share in the rebellious proceedings of Sir James Macdonald of Isla in attempting to wrest his inheritance from the grasp of the Campbells. The Privy Council, after outlawing them and others concerned in the late insurrections, and offering a reward of 5000 merks for their apprehension or death, had summoned the Marquis of Huntly and the chief of Mackintosh in 1616 to give their advice as to the best means of capturing the outlaws, and the result was a commission to Lord Enzie against the Keppochs.² The execution of this commission was signalised by such a lack of energy as to make it tolerably clear that there was also a lack of intention to proceed

¹ *Kinr. MS. ; Memoirs of Locheil*, 58, 174. The Privy Council Records (*Acta penes Marchiarum et Insularum ordinem*, ii. 257) under date 19 July 1621, contain an entry to the effect that this John Cameron complains to the Council that his health is affected by his confinement, and craves to be set at liberty ; and that Sir Lachlan Mackintosh being summoned to show whether there was any just cause for granting the request, and showing no such cause, order is given for the continuance of John's confinement "as a pledge for his father's obedience."

² *Privy Council Record*, 14 & 16 Jan. 1616.

to extremities against the outlaws—for which, perhaps, the fact that they were in opposition to Argyle may account. A second commission was given to Enzie in conjunction with his father, but Keppoch and his son remained at large. The opportunity of a complaint by Sir Lachlan Mackintosh against Keppoch for harrying his lands was now taken to give him a commission (July 1618), but although he invaded Lochaber with a large force, he proved as unsuccessful as Enzie had been in satisfying the desires of the Council. On his return he resolved to make another and a stronger attempt, and sent orders to all his clansmen to join him, those dwelling on Huntly's lands among the number. This call was at once resented by Enzie, who, not forgetting his former grudge against Mackintosh, and perhaps desirous of placing any obstacle in the way of his effecting that in which he himself had failed, charged him before the Council with having exceeded the limits of his commission, of which at the same time he procured the recall. In the meantime Keppoch and his second son Donald Glas left the country, and the earl was empowered to capture Ranald younger of Keppoch, who remained in Lochaber.

Enzie's animosity did not rest here. Immediately afterwards he took proceedings for the eviction of Mackintosh's clansmen occupying the lands of the barony of Benchar, on the ground that Mackintosh, in refusing to assist him in 1613, had not fulfilled

the conditions on which he held the lands under Huntly as superior. Failing in this process, he forbade Sir Lachlan to dispose of the tithes of Culloden, to which he himself had a right—though hitherto unexercised—and obtained a decret authorising him to demand the value of the tithes not claimed in preceding years. This mode of notifying his intention to claim his dues is significant, as showing that his object was not so much to obtain them as to pick a quarrel in which he would be sure of the support of the law. The insolent terms of his notice he well knew would excite the hasty temper of Mackintosh, and urge that chief to some action which would afford a pretext for enforcing the law. He was not mistaken. Mackintosh, in his passion losing sight of the prudence which should have guided him in dealing with so cunning and unscrupulous an adversary, eagerly took the bait. Backed by his father-in-law Grant and his cousin Mackenzie of Kintail, he announced his intention of opposing the earl in any attempt he might make to obtain the tithes, and, if necessary, of abiding the issue of an action at law.

At the tithing time Enzie sent messengers to poind the corn on the Culloden estate, and when they were opposed and driven away he appealed to the Privy Council, and had Sir Lachlan and his men put to the horn. The politic Sir Robert Gordon endeavoured to befriend Mackintosh, and to avert the storm which he foresaw, by advising him to

agree to a compromise with Enzie. He “took God to witness”—to use his own words—“that he gave him this advyse out of his love towards him and in regard of the auncient familiaritie and friendship which had been of old betuein the houses of Sutherland and Mackintosh. But all wes in vain; being a heidstrong young gentleman he [Mackintosh] wold not hearken to his counsall, but followed the advyse of the Laird of Grant, which tended at last to his hurt and prejudice.”¹ Leaving Culloden House, which he had prepared for defence and in which he had stored all the grain on the lands, in charge of his uncles Duncan and Lachlan, Sir Lachlan set out for England to represent at court his condition and the persecution he was suffering.

Enzie, accompanied by Sir Robert Gordon and Lord Lovat, made his appearance before Culloden House on the 6th November with 1100 horsemen and 600 Highlanders on foot. He sent Sir Robert with a message to Duncan Mackintosh to the effect that in consequence of his nephew’s boasting he had come to enforce the laws and to obtain his dues. To this Duncan returned answer that he had no wish to prevent the earl’s taking what belonged to him, but that it was his intention to defend the house. Sir Robert, still desirous of preventing bloodshed, on this begged the earl to allow Lovat, who was supposed to have some influence with Duncan, to endeavour to arrange terms. Accordingly

¹ *Earldom of Sutherland*, 307-8.

Sir Robert, Lord Lovat, and George Munro of Milntown, conveyed another message—that Lord Enzie had a commission against the Macgregors, one of whom he believed to be sheltered in the house of Culloden, and he was therefore desirous of making a search. Duncan answered that no Macgregor was sheltered there, and that he would by no means consent to a search of the house, especially with so large a force near it. Lovat privately admitted to him that Enzie's statement as to the Macgregor was made only for the purpose of gaining entrance into the house, and persuaded him to allow himself (Lovat) and his two companions to enter, so that the earl might thereby be satisfied. With this satisfaction, says the Kinrara MS., Enzie was obliged to depart, and so ended the "Raid of Culloden."

The Mackintosh account of this affair agrees tolerably closely with Sir Robert Gordon's as far as the result of Lovat's parley with Duncan Mackintosh. There the agreement ceases, as Sir Robert makes Duncan pacify Lord Enzie by giving up the keys of the house. One account must be incorrect, but which that one is it is difficult to decide. Sir Robert Gordon was actually on the spot the whole time, but according to the character given of him in the preface to his book he would doubtless be eager to make the most of the affair for Enzie. Lachlan Mackintosh of Kinrara, the writer of the Mackintosh account, was Sir Lachlan's second son; he would no doubt have the particulars

from some one present, and doubtless also would be eager to make his own side come out best.¹

Sir Lachlan was next cited before the Lords of Council by Enzie, and not appearing was outlawed. The earl likewise made a journey to London, where he stated his grievances and Sir Lachlan's contumacy with such success as to procure for his opponent, in spite of his court favour, a second "warding" in Edinburgh Castle. In the following year (1619) a reconciliation was brought about, Mackintosh becoming bound to pay a considerable sum of money to the earl.

In a commission obtained by Enzie on 19th July 1621 against the Camerons, Sir Lachlan Mackintosh was specially excepted from those in Lochaber and Badenoch who were directed to concur with the earl.² This was probably owing mainly to Enzie's unwilling-

¹ As a curious appendix to this episode I quote the following from a band given less than a month later to the Earl of Enzie by Lachlan, the coadjutor of Duncan Mackintosh in the charge of Culloden House. The band is preserved among the Gordon Papers, and is printed in the *Spald. Club Misc.* iv. 257. On 3rd Dec. 1618 Lachlan M'Intosh in Ruthven, "father-brother to Sir Lauchlane M'Intoshe of Dwynnaughtaine, for diverss gude respectis, caussis, and consideratiounis" is moved to be "bund and oblist that [he] sall at na tyme heirefter directlie or indirectlie assist concur nor fortifie the said Sir Lawchlané nor na utheris his kyn and frendis againis the richt noble lord George Lord Gordoun." This is one example out of many in which the Gordons practised towards their enemies the useful maxim "*Divide et impera.*"

² *Reg. Secr. Concil.*—*Acta penes March. et Insul. ordinem*, ii. 258.

ness, as Gregory thinks,¹ to proceed to extremities against Locheil, or to employ any who would be inclined to do so. The editor of the *Memoirs of Locheil*² remarks that “ Huntly, as a singular atonement for his ungrateful conduct (a few years previously), accepted a commission of fire and sword against Locheil, which as he did not execute prevented this fearful weapon of legal oppression from falling into hostile hands.” But in the following year Mackintosh, being at court, obtained a letter from the king, dated at Whitehall on the 6th May, ordering the Scots Privy Council to ratify the acts already made against “ Allan M’Coiliduy,” who “ in contempt of us and our Government standeth out in his rebellion, oppressing his neighbours and behaving as if there were neither king nor law in that our kingdom ;” and ordering the Council further to “ expedite ” a commission in due form to Sir Lachlan Mackintosh, Lord Kintail, the Laird of Grant, and such others as Sir Lachlan should nominate, to prosecute the said Allan with fire and sword till they shall have apprehended him or made him answerable to the laws. The Clan Chattan are to be strictly charged to follow Sir Lachlan in the service ; Huntly and his son Lord Gordon, as Sheriffs of Inverness, are to be charged to aid and assist the commissioners ; and Argyle and other friends of Locheil are to be charged that they in no way assist the said Allan.

Armed with this letter, Sir Lachlan obtained the

¹ *West. Highl.* 403.

² *Introd.* 14.

required commission from the Privy Council, addressed to himself and twenty-two other chiefs and gentlemen.¹ But it was never acted upon. Speeding northwards immediately after obtaining it, Sir Lachlan probably over-exerted himself, and four days after the commission was given, on the 22nd June 1622, he died at Gartenbeg in Strathspey.²

He was in the full vigour of manhood, only in his twenty-ninth year, and in all probability his career, had it not been thus prematurely stopped, would have eclipsed that of any of his predecessors in splendour and activity. "At his last visit to court at London," says the Kinrara MS., "he had a promise of the king that he should be preferred to the right

¹ *Kinr. MS.*; *Memoirs of Locheil*, 60; *Gregory*, 403; *Reg. Secr. Concil.*—*Acta penes March. et Insul.* ii. 264.

² It appears to have been a current belief for some time afterwards that his death was caused by poison. The story is that in consequence of his favour with the Prince of Wales, and his fine presence and numerous accomplishments, Sir Lachlan was regarded with much jealousy by his fellow-courtiers. The court, it seems, was in the habit of wiling away some of its spare time in athletic exercises, and on one occasion of a grand display of the kind Sir Lachlan was the only competitor who succeeded in throwing a bar of iron over a high rope, for which performance and for his handsome figure he was honoured by the special applause and favour of the assembled ladies. This so exasperated some of the competitors that they caused a slow poison to be administered to him, of which he died after several days. It is likely, however, that he started for the north immediately on receiving the king's letter of the 6th May, and he did not die until six weeks later; so that either the poison—if poison there were—was a *very* slow one, or the poisoner was with him in the north.

and title of the Earldom of Orkney, but the Lord Almighty, who bringeth low and lifteth up according to the good pleasure of His will, was pleased to remove him out of this transitory life on his journey homeward at that time." A great favourite of the Prince of Wales, afterwards the unhappy Charles I., there is every reason to suppose that had he lived a few years longer he would have received some distinguishing mark of honour; and we may be sure that, if his days had been suffered to run out the allotted span, he would not have been slow to testify his attachment and gratitude to his royal master, and to prove himself deserving of such honours as might have been conferred upon him, by his loyalty and hearty service in the Civil Wars.¹

By his wife Agnes, daughter of the Laird of Grant, Sir Lachlan left three sons and a daughter. The sons were :

1. *William*, his heir.
2. *Lachlan* of Kinrara, the writer of the Latin MS. History of the family, who by Isabel, daughter of Graham of Claypots, had a son who died young, and two daughters, Margaret and Isabel, m. respectively to Hector Mackenzie of

¹ It is probable that Sir Lachlan's death was the occasion on which was composed the popular and beautiful piece of pipe music known as "Cumh Mhicintosich" or "Mackintosh's Lament," though some place its composition seventy years earlier, on the murder of William the 15th chief in 1550.

Assint and William Macpherson of Nuid.

3. *Angus* of Daviot, who m. 1st. Jean, dau. of Gordon of Tillifroskie, and 2nd. Marjory, dau. of John Robertson of Inshes. By the latter he had issue, Lachlan and Alexander, descendants of both of whom afterwards became chiefs of the clan.

Sir Lachlan's daughter, Isabel, married Alexander Rose, of the family of Kilravock.

CHAPTER IX.

William, 18th chief—The Earl of Moray and the Mackintoshes in Petty—James Grant of Carron—Mackintosh's Tutor—Wars of the Covenant; Attitude of Mackintosh and his clan—Letters from King Charles I.—Montrose—Actions of the Macphersons, Farquharsons, &c.—Capture and Execution of Montrose—Charles II.—Mackintosh's loyalty thwarted by Argyle—Glencairn's attempt—Glenlui and Locharkaig—William's Death, Family, and Character.

(18) WILLIAM. Again, for the fourth successive time, the clan and estates of Mackintosh became subject to the disadvantages attendant on a long minority of their chief and lord, William being only nine years old at his father's sudden death. To the ordinary disadvantages of a minority were in this case added those arising from the exercise of the tutorship by a stranger, and one who, as events proved, had little regard to the interests of his ward. As we have seen, the connection of the Mackintosh family with the Grants of Freuchie had lately been unfortunate, involving them in considerable trouble and loss. The late John Grant—who had died in the same year as Sir Lachlan Mackintosh—had been mainly instrumental in drawing the Clan Chattan

into the four years' quarrel with Huntly (1591-5); more recently he had assisted in leading his son-in-law Sir Lachlan into the embarrassments from which the latter escaped only by an early death, and the consequences of which his family felt for many years afterwards; and now the baleful influence which the connection seemed to spread over the Mackintoshes continued under his successor. This was Sir John Grant, called "Sir John Sell-the-land," maternal uncle to young Mackintosh, during whose minority he acted as tutor, but not, as appears, in a faithful manner. Among other breaches of his trust, the writer of the Kinrara MS., brother to the young chief, charges him with having in 1632 wilfully kept a large sum of money from his ward's estate, by refusing to sell some of the timber on Mackintosh's Lochaber lands, which the Marquis of Tullibardine was desirous of purchasing, in order that he might "draw a bargain his own way" by inducing the marquis to take his own woods in Abernethy. But we may be sure that the tutor's proceedings would be carefully watched by his pupil's kinsmen, and we shall shortly see him called to account for them.

In the meanwhile the clan was undergoing a trying ordeal in sustaining the feud of the Earl of Moray. We have already seen how this noble, having become allied with the house of Huntly, had espoused their side against his own family's best and truest friends, the Mackintoshes, forgetting both his natural antipathy to the former on account of his father's

slaughter, and his gratitude to the latter for their assistance in revenging that act. We can acquit him of blame in forbearing to seek further revenge for his father's death, and even laud him for making friends with his feudal enemies ; but his ingratitude to those who had always been the friends and allies of his house is unpardonable.

The district of Petty, which was under the superiority of the Earls of Moray, had been occupied by the Mackintoshes for some four centuries and a half. They were found there by Randolph, when in Bruce's time he went to take up the earldom, and under him and his successors had proved staunch and sturdy vassals. But they held their lands in Petty only as *duchus*, and in 1622 Moray—whose family reckoned their hold on the district for the short period of forty years—took advantage of their want of a written title to call upon the ancient occupiers to remove. We can imagine the surprise and indignation with which the mandate was received by the tenants, but there was no alternative to obedience. They vacated their lands and dispersed themselves among their fellow clansmen, to whom we may be sure they would impart some of their own indignation. At no time was Clan Chattan wanting in men ready and anxious to vindicate the honour or to preserve the ancient holdings of their race, and in 1624 a movement similar to that of Dougal Mor a century previously was set on foot by some of the principal men. These, believing that their chief as a minor

could not be held responsible for any acts of theirs, determined to risk the chances of a feud with the powerful earl, and if they could not reoccupy the lands to lay them waste.

A gathering of some five hundred men of the clan took place, and the command was assumed by Lachlan Mackintosh of Corribrough, uncle to the deceased chief, and Lachlan, eldest son of Angus "Williamson," who was personally interested inasmuch as his family had occupied Termit in Petty. The first acts of this force were to attack Castle Stuart and to harry the surrounding district. "This yeir" (1624) says Sir Robert Gordon,¹ "they goe to ane hous which he (Moray) hath now of late built in Pettie, called Castell Stuart; they dryve away his servants from thence and doe possess themselves of all the Earl of Moray his rents in Pettie. Thus they intend to stand out against him." From Spalding's account² it appears that their depredations were not confined to Moray's lands, but extended as far north as Sutherland. "They kepted the feilds in their Highland weid upon foot with swords, bowes, arrowes, targets, hagbuttis, pistollis, and other Highland armour; and first began to rob and spoulzie the earl's tennents, who laboured their possessions, of their hail goods, geir, insight plenishing, horse, nolt, sheep, corns, and cattle, and left them nothing that they could gett within their boundes; syne fell

¹ *Earldom of Sutherland*, 391.

² *Hist. of the Troubles*, &c. 1, 2.

in sorning throwout Murray, Stratherick, Urquhart, Ross, Sutherland, Brae of Mar, and diverse other parts, taking their meat and food perforce wher they could not gett it willingly, frae frendis alseweill as frae their faes; yet still kepted themselves from shedeing of innocent blood. Thus they lived as outlawes, oppressing the countrie (besydes the casting the earl's lands waist), and openly avowed they had tane this course to gett their own possession again, or then hold the country walking."

The earl raised a force, chiefly Macgregors, from his Menteith property, and making Inverness his headquarters sent out parties in search of the disturbers of the peace. But whether the Macgregors looked upon the Mackintoshes as brothers in adversity, and were unwilling to be employed on a service which reminded them of the persecutions they themselves had suffered, or whether the Mackintoshes carefully kept out of the way, the only result of this search was the expense which it brought on the earl. A second attempt proving equally futile, and the insurgents becoming in consequence more bold and active, Moray posted to London and obtained from the king authority, as lieutenant in the Highlands, to employ the extreme terrors of the law against the offenders. Thus armed he proceeded to issue letters of intercommuning against the Mackintoshes, forbidding all persons under severe penalties to give them shelter or assistance. This had the effect of depriving the outlaws of many

of their friends and supporters, without whose aid they could scarcely hope for a continuance of success ; and although they held out for nearly six years longer they must have felt that prolonged resistance would only make matters worse for them in the end.

Fortunately the end was nearer and less fatal than they may have anticipated. Moray's acquisition of the office of Lieutenant gave great offence to his father-in-law Huntly, who had been the means of raising all the storm ; a breach ensued between the two nobles, and Moray, now seeing his error and the ingratitude of which he had been guilty, entered into negotiations with the intercommuned clansmen which resulted in a reconciliation. The Mackintoshes were restored to their holdings in Petty and relieved from the letters of intercommuning on certain conditions, one of which was that they should effect the apprehension of a notorious outlaw, James Grant of Carron.

Looking to the events of the preceding forty years, and to the well-known character of Huntly, the issue of the sudden union between him and Moray might have been safely predicted. The earl must have been indeed obtuse to fail in seeing the object which the inveterate enemy of his house and friends had in instigating him against the Mackintoshes. This object had been plainly shown to him, and the result of his proceedings foretold, at the outset of the troubles : and when the prediction was afterwards verified to the

letter he must have thought of his conversation with old Angus Mackintosh.¹ This was the Angus Mac William (properly Mac Donald mhic William) already several times mentioned, and an ancestor of the Killachie branch, who in his time had been a leading spirit in the clan.² Mounted "upon a little Highland nagg, and in a very homely dress without any attendants," the old man—he died a few months afterwards—met Moray proceeding on his second expedition against the Mackintoshes. In their conversation, as reported by Lachlan Shaw in his MS. History, the earl's tone was proud and overbearing, while Angus spoke more in sorrow than in anger. In the most emphatic manner, and on the ground both of his long experience and of his life-

¹ Angus possessed Alturlies, near Petty (for which reason probably Spalding calls him "Auld Tirlie"), and in 1609, as appears from the Band of Union in that year, had held Termit in Petty under the Earl of Moray.

² The following curious story of his boldness and cleverness is preserved by tradition, and is given in the Rev. L. Shaw's MS. account:—A friend having been imprisoned at Edinburgh on some charge involving capital punishment, Angus entered Holyrood Palace in disguise, and managed to obtain a private audience of the king, James VI. Presenting a pistol at James's breast, he obtained from the terrified monarch a token by which he procured his friend's liberation. He then immediately embarked in a boat waiting for him at Leith, and next morning was at Kirkwall in Orkney. He was thus able to prove an *alibi* on being charged with the crime of threatening the king's life, but confessed privately to James, who good-humouredly pardoned him and gave him the nickname of *Angus with the Brazen Face*.

long attachment to the Moray family,¹ Angus pointed out to the earl that he was acting against his own interests, that his present friends would soon forsake him and only wished that he and the Clan Chattan should destroy each other; and besought him to desist from his persecution of those who had done nothing to merit his wrath but had always faithfully stood by his family.

Moray appears to have greatly enriched himself by the fines which he exacted from those who had disregarded his letters of intercommuning. In fact he had found the exercise of his powers so profitable that he had procured an enlargement of them, and used every means to swell the number of his victims. Grievous were the complaints against him; Grant of Glenmoriston went to London to make his complaint at court, and in the *Culloden Papers* is a petition to the king from Duncan Forbes of Culloden, Provost of Inverness, in the name of the inhabitants of that town—from whom the intercommuned Mackintoshes had received friendly help—setting forth that although the insurrection of the Clan Chattan was fully repressed, the Earl of Moray “doth seek utterlie to

¹ He had been particularly active in the feud with Huntly thirty years before, one of the objects of which was to revenge the death of Moray's father. In a band to George, Marquis of Huntly, on the 18 Sept. 1600, by this Angus Williamson and his sons John and Alexander, it is expressly stipulated that Angus himself shall be at liberty to “accumpanye and resort with the Earle of Murrey.” [*Gordon Papers, Spald. Club Misc.* iv. 253.]

subvert that auncient Brugh by exacting the escheate of some and fines from others in value far above their estates." These complaints, however, would perhaps have had little effect but for the envy of Huntly, whose efforts succeeded in procuring the recall of his son-in-law's commission and in stopping his career of robbery according to law.

It has been remarked that one of the conditions on which Moray released the Mackintoshes from outlawry was that they should effect the capture or death of James Grant of Carron. This person, best known as Seumas-na-Duim, having been at feud with Grant of Ballindalloch, was in 1615 outlawed for the murder of one of Ballindalloch's kinsmen. He collected a band of followers, with whom for some years he proved a terrible scourge to Elgin and the neighbouring districts, taking every means to secure his own safety and inflict injury on Ballindalloch and his supporters. The Earl of Moray, at the command of the Privy Council, made several attempts during a series of years to bring him to justice, but these were all ineffectual. It was supposed that James na Duim's prolonged defiance of the lieutenant's power was owing in a great measure to the underhand support of Huntly and the chief of Grant. At length his proceedings became so outrageous that Moray as a last resource "resolved to gar one devil ding another" (as Spalding quaintly puts it) by employing the outlawed members

of Clan Chattan against him, in the hope that by making their success a condition of their own release from outlawry he would secure the death or capture of the troublesome Seumas.

Lachlan Mackintosh of Corribrough, William Mackintosh of Killachie (grandson of Angus "Williamson"), and George Dallas of Cantray were the leaders of a force of picked men which set out in December 1630 against the outlaw. Arriving at Strathavon, Grant's principal haunt, they divided their force into three, entering the district at different points. Corribrough's party were successful in discovering the object of their search; they found him in a house in Achnahyle with about a dozen of his men. For some time he held out bravely, but the other parties of his pursuers coming up he was compelled to acknowledge their superiority in numbers, and rushed from the house with the intention of cutting his way to the hills. After several of his men had fallen, and he himself had received nearly a dozen wounds, he was secured with his surviving companions and taken to Tarnaway Castle, where he was kept for more than a year. In February 1632 he was taken, still in the custody of the Mackintoshes, to Edinburgh, and confined in the castle till the king should decide upon his fate. His majesty, however, seems to have delayed his decision too long, for in the following October James made his escape and got safely over to Ireland. After another year he returned to Strathspey and resumed his lawless courses

with greater audacity and cruelty than ever, actually capturing Ballindalloch and keeping him prisoner for three weeks, and beheading several other persons who fell into his hands. Renewed attempts were made to apprehend him, but all failed; the Mackintoshes refused to engage again in the undertaking, as they had now no object to gain by so doing; and James na Duim continued an outlaw at large until 1639, when he obtained a remission through the influence of Lord Aboyne, and accompanied that nobleman in his expedition against the Covenanters.¹

William Mackintosh was served heir to his father shortly after his clansmen made up their quarrel with Moray, and one of his earliest proceedings was to take energetic action concerning the administration of his property by his late tutor. An inquiry into the minority accounts proved so unsatisfactory that legal proceedings were instituted, and would have been followed up by Mackintosh had not mutual friends of the two chiefs brought about an arbitration. The arbiters—Robert Farquharson of Invercauld, Alexander Hay, Clerk of Session, and two others—ordained Grant to pay to Mackintosh 10,000 pounds Scots (about £830), a considerable sum in those days, but, according to the Kinrara MS., less than a quarter of that justly due. Even this Mackintosh did not obtain without trouble, Grant

¹ Spalding's *Troubles, &c.*, 8-10, 114; Stewart's *Highlands and Highlanders*, ii. 68-80.

delaying the payment "by law tricks" for a whole year.

Further trouble was caused by Grant's having disposed a wadset right which he had obtained to Glenlui and Locharkaig to John Cameron younger of Locheil, thus giving the Camerons a legal right to the lands which they had hitherto occupied only by force. In 1637 Mackintosh redeemed the wadset, lodging the redemption money with James Cuthbert, Provost of Inverness; but the Camerons refusing to give up possession of the lands, he obtained a decret against Ewen Cameron of Locheil, then a child, from the Lords of Session in March 1639.¹

The remainder of William's chiefship was marked by that lamentable civil war which, breaking out in Scotland and England at about the same time and to a great extent from the same causes, convulsed both countries for some twenty years, brought the unhappy Charles I. to the block, and for a time threatened the extinction of royalty in Britain. At Charles's accession both Scotland and England, thanks chiefly to the late king, were ripe for rebellion. In Scotland the Presbyterian leaders and ministers, children and pupils of those who had founded the Reformation in the country, and who had seen everything give way to them, were not indisposed to follow in their fathers' footsteps. The weak and temporising conduct of James had

¹ *Kinr. MS.*; *Memoirs of Locheil*, 174; *Scots Acts*, vii. 295, &c.

encouraged them in their disregard for the kingly authority; and by the time his son came to the throne, having so long had their own way, they were naturally prepared to resent any attempt at interference, and to seize with avidity any occasion for asserting themselves, even at the cost of a contest with the Crown. Besides this antagonistic feeling of independence among the Scots Presbyterians, Charles had succeeded to a vast amount of discontent and disaffection in England, of which likewise his father had sown the seeds. Too timid himself openly to assert his ideas on divine right and Church matters, James had taken pains to instil these into his son, who, being of less pliant stuff, was doomed to be broken by them.

This is not the place to enter into any detailed inquiry as to the immediate cause of the wars of the Covenant in Scotland, or to expatiate on the general proceedings of the king and his rebellious subjects throughout the struggle. Suffice it to say that Charles's ill-advised attempt to force the episcopal model of Church government and ceremony upon the Scots nation—a favourite idea of his father's—roused into energy all the religious enthusiasm among the earnest Presbyterians, and all the latent ambition and desire for distinction among many of the leaders, ministerial and lay, of the Presbyterian party. It naturally had the effect also of making men apprehensive of the lengths to which a monarch who disregarded the liberties

and feelings of a section of his subjects in religious matters might go in opposition to their liberties in other matters; while the disaffected and self-seeking nobles had an additional motive for action in the attempted resumption by the Crown of the old Church property distributed among them at the Reformation. These causes combined brought the majority of the people to the determination of uniting to oppose the designs of the king. The National Covenant was signed in 1638, and within a few months an army of 25,000 men, under experienced leaders, was ready for the field.

Owing to the incapacity of William Mackintosh, through feebleness of constitution, to undertake personal active service, the part of his clan in the struggle was not so decided as it might have been had their late captain lived to see it. Possibly also the fact that the Marquis of Huntly was the king's principal supporter in the north in the early part of the troubles may in some measure account for the attitude of the chief. William himself, however, was a staunch loyalist, and although the Clan Chattan were not engaged as a body, large numbers of them, especially the Maephersons in Badenoch and the Farquharsons in Braemar, joined with both Huntly and Montrose for the king. In an account of the clans laid before Louis XIV. of France, after a recital of the loyal doings of the Farquharsons,¹ occurs

¹ In a Commission of Fire and Sword granted to Argyle at the close of the Parliament of 1639, the Farquharsons of Braemar

the following:—"The M'Intoshes and M'Phersons, although they did not rise to arms all of them, yet they still sent men to the field both for the services of Kings Charles I. and II. and for King James VII."

It would appear that at the outset Mackintosh was regarded as inimical to the king's wishes, an impression probably induced by the recent close connection with the Grants. According to Sir James Balfour, Maxwell, Bishop of Ross, in 1638, "suggests it to be a shame for his maiestie to receid from quhat he formerly had determined anent the service booke, &c., showing by many arguments that his Ma^{tie} may get them established by force if so his Ma^{tie} wold effectually deall with the Earles of Seafort and Finlater, Lord Rae, Lairds of Grant and Mackintoche."¹ But whatever may have been Mackintosh's views concerning episcopal ordinances, he was from the first opposed to any measures of hostility towards the king. This was acknowledged by the king himself in the following letter, written a few weeks before his defeat at Duns Law :

are particularised, with the Earl of Athole and Lord Ogilvie, among the "enemies to the religion and liberties of their country unnaturally arrayed against kirk and kingdom" who were to be subdued and rooted out if they refused to come "to their bounden duty."

¹ *Annales*, ii. 263. The Bishop of Ross had taken flight into England in March 1638, on the first symptom of repugnance to the service-book, so that he probably included Mackintosh in the list he gives without any actual knowledge of his views and intentions.

“CHARLES REX—

“Trusty and well-beloved, we greet you well. Being informed that you have always been against the course of the Covenanters, we give you hearty thanks for the same, desiring you to go on as you have begun, and be assured that we will by our princely power protect you and all those that shall continue in that dutiful obedience: and whereas some years ago we did confer the honourable office of Justice-General upon the Earl of Argyle within the Isles and other parts within our grants wherein your lands are comprehended, We out of our princely respect to your affection at this time to our service, being willing to free you hereafter from depending upon any but ourselves, do hereby require you not to adhere nor anyways follow the said Earl, but to be ready by yourself and all the friends and followers you can make to assist our lieutenant for the time¹ having special power from us, or such forces as shall be sent from Ireland for our service, there or otherways as you shall find occasion for the good thereof, and be confident that upon the effects of your forwardness we will take a speedy course for freeing of you from depending upon the said Earl or any other in that kind. We bid you farewell from our Court at Durham, 2 May 1639.”²

Argyle had from the beginning of the troubles been the acknowledged head of the Covenant party, but the calls of his position do not seem to have been any

¹ This was the Marquis of Huntly, who had received from the king a commission as his lieutenant in the preceding March.

² Among the Mackintosh Papers are several letters from King Charles and others bearing on the great struggle then going on in the kingdom. It is scarcely necessary to give these in full, some being of considerable length; but I mention and quote from them with the view of showing that Mackintosh was not (as stated in Browne's *History of the Highlands*) on the side of the Covenanters against the king, his father's benefactor and his own.

bar to his pursuing his family's usual policy of acquisition. Gordon of Rothiemay imputes his conduct in espousing the Covenanting cause principally to his clan antipathies and to his desire of enlarging his borders. "The cheefe cause, though least mentioned, was Argyle his spleene that he carryed upon the accompt of former disobleedgments betwixt his family and some of the Highland clans; therefore he was glade now to gett so faire a colour of revenge upon the publick score. Another reasone he had besyde; it was his designe to swallow upp Badzenach and Lochaber, and some lands belonging to the Mackdonalds, a numerous trybe, but haters of, and aequally hated by, Argyle."¹ He had recently been desirous of purchasing the Brae Lochaber lands belonging to Mackintosh. These had for many years been a source of trouble to the chiefs of Mackintosh, as the Macdonalds, who occupied them, had always refused to quit them, and had generally declined to render any acknowledgment for their occupation of them. But although he derived little or no benefit from the lands, William Mackintosh had refused to part with his right, even to Argyle; and being now of the opposite party to that noble, he became a fair mark for his resentment. Accordingly in 1639—soon after the breaking out of the troubles—Argyle harried and burnt the lands, "not only because the special possessor, Ranald Macdonald of Keppoch, was strongly attached to the royal interest, but also because

¹ *Scots Affairs*, iii. 163.

Mackintosh did not join the Covenanters against the king, nor could he be prevailed upon to sell his lands to the marquis [*sic*], who desired warmly to add them to his possessions.”¹ This act was at once taken up by the persons most interested, the Macdonalds of Keppoch. Within a few months they made a sudden descent into the Breadalbane country and seized a large spreadh of cattle, defeating a superior force of Campbells which was despatched in pursuit of them. As Argyle, in the circumstances of the time, could not expect to be able always to chastise these energetic and troublesome neighbours when they should invade his bounds, he judged it expedient to propitiate them. He therefore compensated them for the injuries he had done them, without taking into account those which he had received from them.

In 1641 the disputes between the king and his Scottish subjects were adjusted, and peace was declared, Charles being compelled, in consequence of the partiality of the English Parliament for the Scots, to promise compliance with all that was asked of him. In August he visited Edinburgh, where he held a Parliament and made good his promises. The principal result of this visit was to show him that he could not depend on the loyalty of the majority

¹ *Kinr. MS.* The writer of the MS. is incorrect in speaking of Argyle as *marquis* at this time; the title was not conferred upon him till 1641. The MS. was written more than twenty years later.

of the Scots in the event of his coming, as he expected, to an open rupture with the Parliament of England; but he was fortunate enough to attach to himself one trusty and valuable adherent in James Graham, Earl of Montrose. This noble, indeed, had already proved too honest for Argyle and his faction, his comrades until he discovered that their designs were less on behalf of liberty than in opposition to the king personally and the kingly power; and by this faction he had been confined in Edinburgh Castle previous to and during Charles's visit.

Whatever his private feeling, Charles left Edinburgh with every appearance of having smoothed all difficulties with his northern subjects, and of having regained their affection and good will. But this was appearance only. In 1642 the dissensions between him and the English Parliament came to a head, and both parties flew to arms. Each sought the aid of the Scots, at first without success; and for a time there seemed a probability that the civil war would be confined to the English nation. But the desire of the Kirk to uproot Episcopacy in England and to plant the Presbyterian model in its place overcame every other consideration; and the commissioners from England, holding out a bait accordingly, succeeded in drawing to them the Scottish Convention of Estates. The Solemn League and Covenant was signed in both countries, and in 1643 a Scottish army of 20,000 men marched into England—to defend “the good cause, the true reformed religion, rights of

Parliament, and *to defend the king against all prelates, papists, and malignant persons.*"

It was now that the heroic deeds of the gallant and great Montrose commenced. Traduced by his enemies as the most abandoned and unnatural of villains, "a viperous brood of Satan," "hating to speak truth," a monster of inhumanity; on the other hand held by his friends and admirers in the highest esteem and veneration as a pattern of all that was truly grand and noble, a paragon of truth and honour, and a good Christian,—it is no wonder that so little is known of his real character. The world's ear is generally inclined to the winning side in disputes such as that between Montrose and his enemies; while the claims of the losers, however just, are as often overlooked. Thus it is that Argyle, self-seeking, dark, and crafty, is regarded as a model Christian and patriot; while his opponent, with a character in every respect the opposite, is looked upon with horror as a perjured and bloodthirsty traitor. To the wild charges against him his whole life gives the lie; none but a truly great and noble man could have done all that he did, or (may I add?) could have been subject to the denunciations and indignities that were heaped on him by such enemies.

Without money, friends, or other means of support than his own energetic spirit and high sense of duty, he entered Scotland in 1644, resolved to do his utmost towards reducing the power of the king's enemies there, and restoring the king to his throne.

Acting on his advice, Charles had directed the Earl of Antrim (of the family of Macdonald) to enter Scotland with a force from Ireland for the purpose of co-operating with Montrose, whom he made Lieutenant-General of his forces in that kingdom.¹ The following letter to Mackintosh from the king, written about the time of the entry of the Covenanters' army into England and the departure of Montrose to the north, refers to this, and is valuable as showing that the famous expedition of the great leader in the winter of 1644-5 into the heart of Argyle's country, through hardships and obstacles which would have deterred any less bold and resolute spirit, was undertaken in fulfilment of the king's wishes, and not, as is generally said, from the mere motive of gratifying a feudal or personal hatred—although no doubt such a motive would lend vigour to the obedience. The Earl of Seaforth, mentioned in the letter as being included with Antrim in the commission of Justiciary, was a man of fickle and undecided character; shortly after the Argyle expedition he was for a time at the head of a force opposed to Montrose.

¹ Montrose's commission as Lieutenant-General under Prince Maurice as Captain-General was dated 1st Feb. 1644; but some days before a commission to Montrose himself as Captain-General had been made out, and was superseded by the new one on Montrose's pointing out that if the higher rank were conferred on him the king's cause might be injured by the jealousy of the other loyal Scots peers. [See Napier's *Memoirs of Montrose*, ii. 388.]

“CHARLES REX—

“Trusty and well-beloved, we greet you well. Whereas all the gracious expressions of our care for the welfare and happiness of that our kingdom of Scotland, not only by granting unto our people there all such things as could with any kind of right or prudence be demanded, both toward the settlement of the Church and of the civil government, but also by according unto them even in matters of main grace and favour all their own hearts’ desires, have, by the malicious endeavours of a powerful malignant party there to poison and stir up against us the affection of our good people, been so far from obtaining any return of gratitude unto us, or from procuring that peace and quiet to that our ancient and native kingdom, which we had reason to promise ourselves thereby, that a great part of our subjects are not only there in arms against us, but have even declared that they intend to invade the kingdom and to unite and join with the rebels here to subvert the established government thereof, We, being constrained for our necessary defence to apply ourselves to the best way of preventing or withstanding that imminent mischief to have recourse to those our good subjects there whom the malice and treason of the others had no power to infect or seduce from their loyalty, among which you have ever been of principal consideration with us, and We having for this purpose granted our commission to our Lieutenant-General of our forces raised in the Islands and Highlands of Scotland, unto our right trusty and right well-beloved cousin Randil Earl of Antrim, and our right trusty and right well-beloved cousin the Earl of Seaforth, jointly with the said Earl of Antrim, our commission of Justiciary of the same, with power to invade the country and bounds of Archibald Marquis of Argyle, a principal and most ingrateful promoter of these odious practices against us, to suppress the said rebellion, We, out of our great confidence in your fidelity and good affection to us and the justice of our cause, have thought [fit] to direct these presents unto you to continue you by these good affections, and require you by your duty and allegiance to be assistant with all your power unto the said Earls of Seaforth and Antrim in all such things wherein they or either of them shall desire your aid

in the said just and most necessary service, and would have you to be confident that we shall ever preserve a lively memory of your forwardness and faithfulness therein, to reward it fully whenever God shall enable us so to do; and so we bid you heartily farewell. Given at our Court at Oxford, 20th January, in the 19th year of our reign, 1643-4."

In the next letter received from the king, bearing date 5th Feb. 1644, Mackintosh is appointed lieutenant in the county of Moray, as one "in whom we repose a special trust." He is enjoined to support the Governor-General of the kingdom in suppressing all commotions and insurrections, to pursue any in arms against the king, to resist the execution within his district of any decree of the rebel Convention, and to be entirely governed by the king's lieutenant, or in his absence by the Marquis of Huntly. And he is confidently to expect to receive, whenever the troubles shall come to an end, what the kindest of princes can bestow on a faithful, well-deserving subject.

Montrose, on his arrival in Athole, was joined by large numbers of the Clan Chattan, as well as by the Macdonalds of Keppoch. Though the Mackintoshes as a body remained at home, many individuals of the name, as well as of the minor septs of Clan Chattan in Strathnairn and Strathdearn, eagerly took up arms for the king. The command of these was held by the chief's brother, Lachlan, afterwards of Kinrara, who informs us in his MS. History that he gave up his own private enjoyment in the pursuit of literature to relieve his brother of the burden his infirmities made him unable to bear.

The Macphersons acted separately under Ewen younger of Cluny, who held the rank of colonel in Montrose's army. They joined the Irish contingent under Alaster Macdonald, son of Colkitto, or Coll Keitoch,—who was at mortal feud with the house of Argyle—in its passage through Badenoch, and took part in all Montrose's subsequent battles and expeditions.¹

¹ The following extracts from the Register of the Provincial Synod of Moray give the names of the principal men of Clan Chattan (not including the Farquharsons) engaged on the side of the king, or “*in the rebellion*” as the reverend gentlemen of the synod phrase it.

“At Forres, 12 Jan. 1648. After reading a roll of those of Badenoch who were engaged in the rebellion given in be Dougal MacPherson, captain of the castle of Ruthven, who were cited to this dyet, compeared *Evan Macpherson of Clunie* and confessed he did join with Alister Macdonald, James Graham, and the late Marquis of Huntly in rebellion, That he was at the fights of Typermuir and Aberdeen, in which he did command the hail of the men of Badenoch, As also had the same command under the late Marquis of Huntly. At the direction of the Lord Gordon he raised fire at Dacus, and was in service at the siege of Lethen. *Donald Macpherson*, son to the guidman of *Noid*, confessed in rebellion foresaid, at Alford, with Huntly in Moray, at Lethen and Aberdeen. *Lachlan McIntosh of Kincaig* confessed in rebellion, at St. Johnstown and with Huntly in Moray. *Lachlan MacPherson of Dellifour* confessed at St. Johnstown, Aulder, Alford, and siege of Lethen. *William MacPherson in Pitchyren* confessed at St. Johnstown, Aberdeen, and Kilsythe, and a night at Lethen. *Donald MacQueen of Dunnachtin* confessed at Alford and siege of Lethen. *James Mackintosh of Strone* confessed he was brought against his will to the siege of Lethen. *Angus Mackintosh, portioner of Banachar*, confessed he, in absence of the gudeman of Strone, was captain over the Mackintoshes at the retreat at Inverness,

The Farquharsons of Braemar also acted apart from the rest of Clan Chattan. In consequence mainly of

at Lethen, and at Alford and St. Johnstown. *Hutcheon Macpherson in Breacachie* confessed . . . at intaking of Aberdeen, at Lethen, and in the late rebellion at Craigall. *Malcolm Macpherson of Phoinies* confessed he did meet with the enemies, but never at a fight with them. *Donald MacPherson apperand of Phoinies* confessed . . . at Aldern, intaking of Aberdeen, at Lethen, and with the Marquis since the pacification. *Thomas MacPherson of Etteris* confessed . . . at Alford, intaking of Aberdeen and at Lethen, and did subscribe papers at the Marquis' desire. *John MacPherson of Invernahavon* confessed . . . at St. Johnstown, Aberdeen, Alford, and in Murray at Lethen. *Thomas MacPherson of Invertrome* confessed . . . at St. Johnstown, Aberdeen, Alford, Lethen, and at Craigall in the last rebellion. *James Mackintosh in Kinrara* confessed . . . at St. Johnstown, Aulderm, and intaking of Aberdeen, and had the office of Commissary at Lethen, and was captain sometime under the gudeman of Strone."

In an entry of the following day the penances inflicted on the various offenders are set forth. These we may easily imagine were nothing more than a farce, and it seems scarcely credible that sensible men, as we may suppose the members of the synods were, could have expected any good result from them, or have believed the confessions to be sincere. These confessions and penances were not confined to the Highlanders; we find the great nobles of the realm, such as Lord Chancellor Loudon and the Earls of Lindsay and Dunfermline, making their public repentance on the stool or otherwise. [See *Burton's History of Scotland*, vi. 422; Sir James Balfour's *Annales*, iii. 395.]

"At Forres, 13 Jan. 1648. Collonel Evan Macpherson, James Mackintosh, Commissary, Captain Thomas of Invertrome, Captain Donald fiar of Phoinies, Angus Mackintosh, captain in Strone's absence, for part of their censure were ordained to take on sackcloth, which they did, acknowledging their hearty sorrow upon their knees, willingly subscribed the confession emited by the General Assembly at Aberdeen as they were ordained, and

their connection with the house of Huntly, they had by this time risen to a distinguished position among

solemnly promised in time coming to amend their former mis-carriage." Lachlan of Dellafure, William of Pitchyren, William in Pitmean, William in Benchar, John in Bealidmore, Alexander in Crubenbeg, John of Invernahavon, Malcolm in Balnespick, Donald in Presmuckerach (all *Macphersons*), Donald Macqueen of Dunachten, James Shaw in Dunachtinbeg, and Donald Mac James Mackintosh, not being leaders, are "in their own habit on their knees to acknowledge their deep sorrow &c." Donald Macpherson of Noid, Lachlan Mackintosh of Kinraig, Sorle Macpherson in Nessintulich, Alexander in Ruthven and Donald in Presmuckerach, "being found less malicious than the former, acknowledged their faults *ut supra*, subscribed the confession, and were ordained to make public confession in their own parish kirk." James Mackintosh of Strone and Malcolm Macpherson of Phoinies, "being found of all others in Badenoch least guilty, were gravely admonished and ordered to make repentance in their parish kirk."

James Macpherson, fiar of Ardbrylach, and Alexander Mackintosh of Kinrara, both being in Edinburgh—Angus Mackintosh of Geargask and Bean Macpherson of Strathmaisie, being detained at Ruthven as pledges—Andrew Macpherson of Cluny (Colonel Ewen's father), Angus of Invereshie, John in Drummond, John of Noid, and Alexander Mackintosh in Pittowrie, being old and unable to travel—were excused from appearing before the synod. But others, such as Lachlan Mackintosh in Pittowrie, John in Crathiemore, John Macpherson of Crathie, Evan of Tirfadun, and William Shaw of Delnafert, "being absent without excuse, were referred to the Presbytery of Aberlour to process and censure them."

Those who took part in the battle of Auldern were "ordained further to make their repentance in sackcloth in the kirk of Aldern."

Some, such as Donald Macqueen in Dunachten, the Macphersons in Pitmean, Bealidmore, and Crubenbeg, and James Shaw in Dunachten, "being found to have joined in bloody

the Highland clans, and were in occupation of considerable territory in and about Braemar. Donald Farquharson of Tulligermont, called the "Pride of Braemar," baillie to Huntly in Strathdee, Strathaven, and Badenoch, was among the first to rise with Huntly against the Covenanters. He and his clan had taken part in the affair called the "Trot of Turriff" in 1639, when the first blood was spilt in the struggle, and were active in harassing the neighbouring Covenanting barons. [See under FARQUHARSONS.]

In 1646, after the dispersal of the royalist forces at Philiphaugh, we find the various branches of Clan Chattan ready again to join with Montrose, who never wearied nor desponded in his master's cause. This was in connection with the "Engagement" contemplated by the marquis before going abroad, and only rendered abortive by the want of encouragement given to it by the queen. Athole and Badenoch (including, of course, the Macphersons) were to furnish 3000 men, Clan Gregor and Farquharsons 1200, and Clan Chattan and Strathern men 1000.¹

fighters, were ordained Sunday next to make their repentance in sackcloth in the kirk of Calder. Thereafter these, with the rest of the bloody enemies, shall compear before the Presbytery of Aberlaure and acknowledge their guiltiness. And upon the 6th day of February next they are ordained to make their repentance in the kirk of Kingussie, and Mr. Lachlan Grant and William Fraser are appointed to preach there and receive them; and after their repentance they are ordained to subscribe the Covenant and League at Kingussie."

¹ Napier's *Memoirs of Montrose*, ii. 653-4.

No history of any of the supporters of Montrose would be complete without some mention of that hero's later career and untimely end. After a rapid and brilliant series of victories, broken at its close by the disaster at Philiphaugh, Montrose was in September 1646 commanded by the king—who had shortly before thrown himself on the protection of the Scottish army arrayed against him—to lay down his sword and secure his own safety abroad. He obeyed, and soon heard in his home of exile strange and terrible tidings. He heard first how the Covenanting leaders had for ever dishonoured their country and his by selling their king for gold.¹ Then arrived other tidings not less alarming—of his master's captivity, of the seizure of power by the army under Cromwell, of the failure of the attempt made by the Scottish "Engagers" on the king's behalf, and finally, of the close of the tragedy, the hurried trial at Westminster, and the death-scene at Whitehall.

Resolved to "dedicate the remainder of his life to the avenging the death of the royal martyr and re-establishing the son upon his father's throne,"²

¹ "No man of candour," says Sir Walter Scott, "will pretend to believe that the Parliament of England would ever have paid this considerable sum (£200,000, half the amount due as arrears of pay to the Scots army) unless to facilitate their obtaining possession of the king's person; and this sordid and base transaction, though the work exclusively of a mercenary army, stamped the whole nation of Scotland with infamy."—*Tales of a Grandfather*, ii. 70.

² Wishart's *Memoirs of Montrose*, 337.

Montrose in 1650 landed in the Northern Highlands with a commission from Charles II. But fortune had deserted him. With only the nucleus of an army, and before he had advanced far into the country, he was encountered and completely routed. Falling into the hands of his mortal enemies, he could expect neither mercy nor honourable treatment. Every indignity that base and vindictive malice could devise was heaped upon him ; yet he bore all without a murmur, and throughout the last scene of his life, when exposed to the taunts and insults of exulting malevolence, he bore himself with such dignity and courage as moved even the rabble, many of whom had been assembled to jeer at and maltreat him.¹

In 1648, during the brief tenure of power by the moderate party in the Scots Parliament—the party under whose auspices, in spite of Argyle's opposition, the unfortunate "Engagement" for the king's release was set on foot—Mackintosh was appointed governor of Inverlochy Castle.² But he did not long retain this post, for in the following year Argyle resumed

¹ From the accounts, printed in the Appendix to Wishart's *Memoirs*, of the public funeral accorded to Montrose's remains in 1661, we learn that the chief of Mackintosh was one of the barons appointed "for relieving of those who carried the coffin under the pale." The chief thus honoured was William Mackintosh's son and successor.

² *Scots Acts*, vi. 327—Act of 8th June 1648. "The Estates do hereby commit the trust of the place of Innerloquhie to the Laird of Mackintosh."

the reins of power and undid most of the work of his predecessors, Mackintosh's appointment with the rest.¹ "In 1649 the course of things altered," says the Kinrara MS., "that Act of Parliament was rescinded, and Mackintosh's old enemies the Camerons again supported and cherished." The Camerons, it may be observed, though afterwards warm loyalists, had been drawn by Argyle to his own side ten years previously; and at this time their young chief, afterwards the famous Sir Ewen, was his ward.

In 1650 the troubles of Scotland entered on a new phase. The reception of Charles II. by all parties in that country had the effect of rousing the deadly wrath of Cromwell, who lost no time in advancing to the north. After the battle of Dunbar (Sept. 1650), which gave the English leader command of the southern portion of Scotland, Charles's situation became critical, and he made an urgent appeal to those of his subjects who had not as yet joined him. In a letter to Mackintosh and his clan, dated from Perth on the 24th Dec. 1650, "the second year of our reign," sending a copy of an Act of Parliament passed on the preceding day relative to the raising of men, he speaks of the calamitous state of the country, and of the surrender

¹ *Scots Acts*, vi. 345—Act of 16th Jan. 1649, "repealing all Acts of Parliament or Committee made for the late unlawful Engagement and ratifying the Protestation and Opposition against the same." Among other matters annulled is the "commission to Mackintosh for ane garison to the house of Innerlochie."

by treachery of Edinburgh Castle—the news of which had probably just arrived when the letter was written,—and declares his resolution either “to remedy and recover these evils and losses, revenge what these insolent enemys have cruelly and wickedly done, vindicate the nation from the ignominy and reproach it lies under,” or to lay down his life in the undertaking. He implores those to whom the letter is addressed to rise at once to his and their country’s defence, adding that he is about to march to Stirling, and will “make good that place till (they) come, or die upon the place.”¹

On receiving this letter Mackintosh consulted with the principal men of Clan Chattan, says the Kinrara MS., and “determined now or never to exert his whole influence for the king and country.” But, according to the MS. History, the enmity of Argyle again met him and thwarted his endeavours. This noble, as head of the great “Whig,” or rigid Presbyterian party, had of course a leading voice in the councils of the king, and a principal share in the executive. The MS., speaking of the chiefs of the two factions about Charles—the Duke of Hamilton and the Marquis of Argyle—says that both professed kindness and zeal for the king, but “the former was most sincere;” and that Argyle made every attempt

¹ This letter was one of several addressed in similar terms to the chiefs and gentlemen who had been appointed by Act of Parliament on the preceding day to the command of the various regiments and clans to be raised.

to obtain for his own party the principal commands in the army that was to be called out.

The complaint of the author of the MS. against Argyle is grounded on the fact that his brother was debarred the leadership of the whole of his clan; and this is attributed to the crafty wish of Argyle that the well-known attachment of the chief of Mackintosh to the royal cause might be rendered useless, as it could not be expected that the clan, divided and placed under strangers, would serve with such willingness and enthusiasm as if acting under their natural leaders. Thus we find some of Mackintosh's followers in Badenoch placed under Colonel James Menzies, and others in Moray placed under the Laird of Grant and the Sheriff of Moray. Mackintosh himself is named in the Act only in conjunction with two others as leaders for Badenoch—"the Laird of Lochyell, Dougal M'Phersone, and Laird of M'Intoshe or Lauchlane M'Intoshe his brother for Badenoch."¹

Mackintosh, hurt at the slight put upon him, and anxious that his clan should be in a position to do good service, addressed letters to the king and the Convention of Estates, representing that of all the Highland chiefs he alone was denied the government of his clan, and entreating that he might be placed

¹ *Scots Acts*, vi. 559-60. The Dougal Macpherson here mentioned, and already referred to in the note on p. 334, was Macpherson of Powrie, a creature of Argyle's. He will require further mention in the text.

in the same position as his equals. These letters received no attention; according to the MS. they never reached their destination, being kept back by Argyle, into whose hands they fell on their arrival. But in March 1651 William had an opportunity of stating his case to General Middleton, then at Inverness hastening the levies; and from this officer he obtained a declaration to the effect that although he, the hereditary chief of Clan Chattan, had given the clearest testimony that he was willing to obey the king's behests, he was yet unable, without violating a recent statute, to comply with the strong inclinations of his mind; and that therefore he could not be held culpable in not furnishing such supplies as would be expected if he had the same authority as the other chiefs had over their own people.

The consequence of the policy attributed in the MS. to Argyle was that the object of that noble, the rendering the clan useless to the king, was gained. The strangers appointed to levy the men in the various districts took money from those who were unwilling to serve, and exacted military service only from the mean and insignificant.¹

On the 3rd Sept. 1651 Charles sustained his decisive defeat at Worcester, and after a few weeks of romantic adventure and hairbreadth escapes found refuge abroad. Taking advantage of the confusion they expected to arise on Cromwell's assumption of

¹ *Kinn. MS.*

supreme power, his enthusiastic adherents in Scotland determined, in 1652, on again raising the royal standard. A rising on the plan formerly followed with so much success by Montrose was decided on, and the command was entrusted to the Earl of Glencairn, but was afterwards transferred to General Middleton. The attempt met with but small success. Glencairn, though a brave and devoted loyalist, was deficient in military capacity, and dissensions arising after the arrival of his successor, the force gradually dwindled down until at last the small remnant suffered a signal defeat at Loeh Garry. Three parties of Clan Chattan were engaged in this rising. William Farquharson of Inverey, the leader of one, attended the meeting at which the measure was projected, and raised a strong troop from among his own name. Another party consisted of the men of Strathdearn and Strathnairn, under James Mackintosh of Strone; and the third, of Badenoeh men, was under Lachlan Mackintosh of Kinrara.

“During the whole period of the usurpation Mackintosh, notwithstanding the defection of many, continued so firmly attached to the king as to give some of the English officers a pretext for taking part with his enemies in Lochaber, the Clan Cameron.” This statement in the MS. History refers to circumstances which appear at greater length in the *Memoirs of Locheil*. The 11th article of a treaty made in May 1655 between Locheil and General Monk sets

forth "that the said General Monk shall keep the Laird of Locheill free from any bygone duties to William Mackintosh of Torcastle out of the lands pertaining to him in Lochaber (not exceeding the sum of five hundred pound sterling), the said Laird of Locheill submitting to the determination of General Monk, the Marquis of Argyle, and Colonel William Bryan, or any two of them, what satisfaction he shall give to Mackintosh for the aforesaid lands in time coming."¹ It will be seen that in this is a plain acknowledgment of Mackintosh's right to the lands in dispute; and it appears that Monk, in his first attempts shortly before to induce Locheil to submit, had by way of bribe offered to buy these lands, Glenlui and Locharkaig, and to give them to Locheil.² Agreeably with the terms of the treaty, Monk satisfied Mackintosh's claims against Locheil for the rents of preceding years, but difficulties ensued with regard to the future. "The arbiters had frequent meetings about it, as appears from many of the general's letters, but Macintosh insisting obstinately for the absolute property, and Locheill being no less resolute to retain the possession, but still willing to pay him a sum of money in consideration of his clame, the matter brock up, and Macintosh applyed for a legall remedy. Locheill was strongly supported by many of the great ones; but as his antagonist had plainly the advantage of him in point of law, so he was justly apprehensive

¹ *Memoirs of Locheil*, 148.

² *Ibid.* 110.

of being casten in the end, and judged it adviseable to protract the time by taking another course.”¹

This course appears to have been the invocation of General Monk's good offices. But although Monk “was willing to serve Locheil in everything that was honourable, and had taken all the methods he could think on to prevaill with Macintosh to accept of the sume offered, yet he would not derogatt from his integrity by influencing the judges in a matter which the law ought to determine.” He made an attempt, however, to bring about a settlement by writing to the judges on the 20th May 1659 concerning the “business between the Laird of Locheil and the Laird of Mackintosh, which has continued these three hundred years in dispute,” suggesting that for the ending of the business and the peace of the country the parties should be called upon to name two persons to whose decision, and that of another to be nominated by the judges, the question should be referred; or that if the parties refused to do this, the judges themselves should appoint persons to settle the matter. But the national events of the next year and the death of Mackintosh prevented any immediate steps towards a settlement, and nothing further appears to have been done until 1661.

William died at Faillie on the 22nd Nov. 1660, having lived long enough to see the restoration of

¹ *Memoirs of Locheil*, 160-1.

monarchy in Britain in the person of Charles II. He was buried in the family burying-place at Petty. His wife was Margaret, daughter of Graham of Fintry—the house of which the famous Viscount Dundee was a cadet—and left issue *Lachlan*, his heir; *William*; *Elizabeth*, m. to Alexander Farquharson of Wardis or Wardhouse, afterwards, on his brother's death, of Invercauld; and *Jean*, m. to Andrew Spalding of Essintillie.

The character given of William by his brother in the MS. History is that of “ a man distinguished for piety, just and equitable in his conduct, faithful to his word, of dignified behaviour and good manners. He cultivated friendship with constancy and care, and though his body was weak and sickly, his mind was truly great.”

CHAPTER X.

Lachlan, 19th chief—The dispute with the Camerons; Recapitulation of its origin and progress—Commission to Mackintosh against the Camerons—Difficulties of Mackintosh with his clan—Mackintosh and Lochell before the Privy Council—Expedition into Lochaber, and Close of the Feud.

(19) LACHLAN. The new chief had just attained the age of twenty-one years when his father died. He had received the usual classical and philosophical education of the period, first at the schools of Inverness and Elgin, and afterwards at the universities of Aberdeen and St. Andrew's. On account of his youth and inexperience his uncle continued his management of the clan and family affairs for a few years longer, and this was all the more necessary as the dispute with the Camerons seemed now to have arrived at a crisis.

Before entering on a recital of the closing events of this dispute it may be well to give a brief recapitulation of its grounds and progress.

The lands of Glenlui and Locharkaig in Lochaber, which had come to the Mackintoshes by the marriage of the sixth chief with the heiress of Clan Chattan in 1291, had been occupied by the Camerons early in

the 14th century during Angus's absence. His son William had demanded their restitution, and had obtained a charter of them from the Lord of the Isles in 1337, confirmed by King David Bruce in 1359. The Camerons refusing to give up the lands, William had endeavoured to eject them by force, and thus commenced the feud which was waged for more than three centuries with the utmost bitterness on both sides.

An abortive arrangement had been made regarding the lands during the minority of Allan Cameron of Locheil in 1569 ;¹ and as we have seen in the preceding chapter, an agreement for nineteen years had been entered into in 1598 by which Mackintosh mortgaged half the lands to Locheil and his heirs for 6000 merks, and gave him occupation of the remainder for the service of the tenants. On the 27th Nov. 1616 the Lords of Council and Session decerned and ordained Allan Cameron to "flit and remove" from the lands and to give peaceable possession to Mackintosh and his tenants.² In 1622 Sir Lachlan Mackintosh obtained a commission against Allan Cameron, but his sudden death prevented its execution, and by the mediation of friends a treaty was made and the dispute submitted to arbitration. The arbitrators—among whom were the Earl of Argyle and Sir John Grant³—decided that the lands belonged

¹ See before, p. 278.

² *Scots Acts*, vii. 295.

³ Grant, as tutor to Sir Lachlan's son, had expressed his intention—though it is perhaps doubtful whether he really meant

to Mackintosh, but that he should pay to Locheil a sum of money as compensation. Locheil however “cunningly shifted [*i.e.* evaded] the ratification, and continued in possession until his title became once more legal.”¹ The next step was the granting of a wadset of the lands by Sir John Grant, William Mackintosh’s tutor, to John, eldest son of Allan of Locheil. This was redeemed in 1637 by Mackintosh, who in 1639 (5th March) obtained from the Lords of Council and Session a decret of removing against Ewen Cameron, then a minor, and Donald his tutor, “decerning and ordaining the town and lands of Glenluy, Locharkage, and others which was wadset to the Laird of Freuchie to be dewlie, orderlie, and lawfullie loused outquyte and redeemed fra Ewin

to fulfil it—of carrying out the commission given to his brother-in-law against the Camerons. In a petition to the Privy Council dated 19 Dec. 1622 he mentions that Lord Gordon, in prosecution of a commission against the Earl of Caithness, was about to demand the service of his tenants of the Clan Chattan on his expedition, and to “begin his service about that same very tyme that I intend to go fordwart agains Allane;” and adds that if the Clan Chattan were compelled to go with Gordon, the commission against Locheil would prove void, “because the Clan Chattane are the specile personis upon whose assistance I rely, seeing the action is in a maner ther awne, quhairunto I am onlie accessorie in favour of my young sister sone thair chief.” [*Memoirs of Locheil*, Appx. iv.] On the 30th July and 17 Dec. 1622 the Privy Council authorise Grant and others to confer with Locheil anent his difference with Mackintosh and submission to the king. [*Records, Acta penes Marchiarum &c.* ii. 272, 274.]

¹ *Memoirs of Locheil, Author's Introd.* p. 61.

Cameron, and that it should be leisome to William M^cintosh, his aries and assignayes, to have full and free regress, accesse, and ingresse agane to the same lands, and he (Ewin Cameron) to renunce and over-give the same with all right, tittle, interesse, clame, kyndnes, propertie, and possession he hes or may pretend therto in favours of William M^cintosh, and that in respect of William M^cintosh his consignation of the sune of 18000 merks in the hands of James Cuthbert of Drakies, then Provost of Invernes, conforme to ane contract of wodset past betwixt the deceist John Grant of Freuchie and Sir Lachlane M^cintosh, dated 12 January 1621.”¹ But this decret was as ineffectual as had been previous decreets and agreements.

The state of matters at the death of William Mackintosh in 1660 has been described. In January 1661 a petition was presented to the Scots Parliament in the name of William’s young successor, setting forth “the heavy calamities he suffered by the unjust and violent possession of the lands of Glenluy and Locharkaig by the Camerons”; how that specially “his deceased father during the space of twenty-four years now bypast has lyen out of the proffeit of his money and possession of his lands, and thereby his said father in his own tyme and now the said supplicant and remanent children are redacted to ane verie hard condition, haveing little or nothing to live upon, the rest of his lands being lyverented by his mother.”

¹ *Scots Acts*, vii. 297.

It was therefore petitioned that a warrant might be granted for the appearance of Ewen Cameron of Locheil before Parliament in order that he might be decerned to put Mackintosh in peaceable, actual, and corporal possession of the lands, to denude himself *omni habili modo*, and to find sufficient caution that Mackintosh's tenants and servants should be harmless and skaitless in the peaceable possession of the said lands in time coming under such pains as our Sovereign Lord's Commissioner's Grace and Estates of Parliament should ordain.¹

According to the *Memoirs of Locheil*,² Mackintosh

¹ *Scots Acts*, vii. 295-7.

² p. 174. In the Appendix to the *Memoirs* is given a memorandum supposed to have been written by Lauderdale, entitled, "The True Information of the respective Departments of the Laird of Makintoshe and of Evan Cameron of Lochzeild in reference to the late Unnatural Warrs." The 1st item relates that "Makintoshe, in the intestine warrs, although hee was unable for the fields, yet he assisted the king's cause by his kinsmen and followers according to his power, for 300 or thereabouts of the specialliste of his kinsmen, vassals, and tenants were constantly with Montrose and were the first family in Scotland that joynd with him in that service, and stayed constantly with him till hee departed the kingdome." The 2nd item mentions Mackintosh's "sufferings for the king's cause"—the burning and harrying of his lands in Brae Lochaber by Argyle in 1639 and 1645, the harrying of his tenants in Badenoch by the Frasers in 1646 for their adherence to Montrose, and the retention of his lands of Glenluy and Locharkaig by the Camerons, encouraged by those then in authority. The 3rd and last item refers to Mackintosh's department and sufferings during the usurpation, and mentions his refusal to take the tender, to be a Justice of the Peace under the usurpers, or to rise against the king in 1655—though

was encouraged on this occasion by the Earl of Lauderdale and his party, and supported by the Earl of Wemyss, "from whose family the Mackintoshes say they are descended." The case was referred to the "Commissioners appointed for Bills," but the petition, being opposed vigorously by the Earl of Middleton, then Lord High Commissioner, and his party, seemed to have small chance of success. After a delay of some months, the opportunity of that noble's absence in England, with Glencairn the Chancellor, another of Locheil's friends, was taken by Mackintosh's supporters—principally the Earls of Rothes and Crawford—to press matters; and on the 5th July 1661 an Act was passed ordaining Ewen Cameron of Locheil "to repossess Lauchlan M'intosh in the lands of Glenluy and Locharkage and the pertinents thereof, and for that effect to put him in the peaceable, actuall, and corporall possession of the same, and to denude himself thereof *omni habili modo* in favours of the said Lauchlan M'intosh, and als the said Ewen Cameron to find presentlie sufficient caution to the Clerk of Register or his deputs that he shall noways trouble nor molest the said Lauchlan or his tennents in the possession

tempted by a promise of the restoration of his estate in Locharber,—also his being crossed by the English in his lawsuits because he refused to hold any communication with them. After each of the three articles follows one contrasting Locheil's behaviour in assisting Argyle, receiving rewards and honours from the usurpers, &c.

of the lands, and that under the paine of 20,000 merks.”¹

Mackintosh, desirous of leaving no stone unturned in the prosecution of his claims, seems to have instituted proceedings before the Lords of Session in addition to those before the Parliament. This course was taken no doubt in consequence of a claim by the Court of Session to have the case before themselves,² the settlement of it by Parliament, except on an appeal from their decision, being out of course and amounting to an encroachment on their privileges and jurisdiction. Their decision was still pending when Lauderdale’s party, taking advantage of the absence of the Commissioner and Chancellor, obtained the passing of the Act just mentioned; and now a further delay ensued on the receipt by their Lordships of a letter from the Chancellor forbidding them to give any decision until the king’s pleasure should

¹ *Scots Acts*, vii. 295-9; *Privy Council Register—Acta*, 1661-7, 287; *Kinr. MS.*; *Memoirs of Locheil*, 175. This “Act and Decreit in favours of Lauchlan M’intosh of Torecastle against Ewin Cameron of Lochyeld”—which occupies eight columns of the Record Commission’s folio edition of the Scots Acts—after reciting at length the petition given in by Mackintosh, goes on to refer to the various acts and decrees of the Privy Council and other tribunals in connection with the dispute since 1616, and to state the various pleadings which had been delivered on each side before the Parliament. Mackintosh had “compeared personally with Mr. George Mackenzie advocat, his procurator”—afterwards the distinguished king’s advocate.

² “This Court [of Session] claimed the cognisance of Locheil’s affair, and were seconded by the Commissioner and Chancellor.” *Memoirs of Locheil*, 175.

be signified to them, his majesty having “proposed a way for composing the difference between Mackintosh and Locheil.”¹ This was communicated to the Privy Council and the Parliament, and proceedings were stayed for about a year.

The king’s proposition was to settle the dispute by compromise,—a method which had been tried before without success. According to the *Memoirs of Locheil*, his majesty in a private audience assured the Cameron chief that, while he would not interfere with the law and private right, neither his (Locheil’s) life nor estate should be in danger while he could save them. He wrote to the Privy Council authorising them to endeavour to effect a compromise, and also to the Lord High Commissioner. The letter to Middleton, dated at Hampton Court on the 30th May 1662, speaks of the point of law or right, in which the king will not meddle, as already determined; and enjoins the Commissioner to “endeavour so to settle and agree the parties as the peace of those parts be not disturbed.”

In July 1662 Mackintosh obtained from the Privy Council a decret against Locheil and his clan requiring them to remove from the disputed lands,² and petitioned the Council for a commission of fire and sword to enable him to enforce it. But he was foiled for a time by the continued opposition of Middleton and Glencairn. These nobles represented that the

¹ *Memoirs of Locheil*, 176.

² *Privy Council Register—Acta*, 1661-7, 287.

granting of such a Commission would not only prevent the carrying out of the king's views, but, as the clans were old and deadly enemies of no small power and interest with their neighbours, would probably set the whole of the Highlands in a flame.¹ Middleton's star, however, was on the wane. His ill-judged severities in many instances, and his unseemly and scandalous behaviour even in the exercise of his high duties,² had excited the disgust of Clarendon and the king's other principal advisers, who communicated their feeling to Charles himself. Lauderdale's influence was also exerted against him, and the end was that he was sent as governor to Tangiers, his more able and crafty opponent succeeding to his place in the royal favour.

The Earl of Rothes, one of Lauderdale's party, was appointed Commissioner in the Session of Parliament commencing on the 18th June 1663, and Mackintosh took advantage of his friends' accession to power to renew his petition for a Commission against Locheil—this time with success. On the 25th August a Royal Commission was issued to James, Marquis of Montrose, the Earls of Caithness, Moray, Athole, Errol, Marischal, Mar, Dundee, Airlie, and Aboyne, the Lairds of Pluscardine, Kilcoy, Struan Robertson, Inchbreakie, Maclean of Lochbuy, Mackintosh, and others, "to pursue

¹ *Kinr. MS. ; Memoirs of Locheil*, 182.

² According to contemporary writers he was an inveterate drunkard, and Kirkton (*Hist. of the Church of Scotland*, 159) says that his death was caused by his falling down stairs on two different occasions when in a state of intoxication.

with fire and sword, besiege, apprehend as rebels and traitors, Evan Cameron of Locheil, Donald Cameron, tutor of Locheil, Evan Cameron *alias* McEan Vodich, Dougal Oig McCoull vic Allaster, and others, tenants of the said Evan of Locheil, because the said Evan had not obeyed the terms of a decret by the Lords of Privy Council at the instance of Lauchlan M'Intosh of Torcastle, ordaining the said Evan Cameron to repossess the said Lauchlan M'Intosh in the lands of Glenlowy and Locharkag, and to find security in 20000 merks that he would not molest the said Lauchlan or his tenants in the said lands, which decret was dated 5th July 1661, on which the said Lauchlan raised letters of horning against the said Evan, executed on 23rd September of the same year; neither did he obey a decret of removing by the said Lords, at the instance of the said Lauchlan, dated — July 1662; nor did he compear before the Lords in answer to their summons first on 31 July 1662, and then on 13 August 1663, then on the date of this commission, 25 August 1663.”¹ At the same time Letters of Concurrence and Intercommuning, proceeding on the narrative of the Commission, were issued against Locheil and his clan, charging the lieges in the shires of Inverness, Ross, Nairn, and Perth, and especially “the Laird of Mackintosh his kin and friends of the name of Clan Chattan,” that they “all boddin in feir of weir” assist the said Commissioners in the pursuit and apprehension of Evan Cameron and his

¹ *Privy Council Register—Acta*, 1661-7, 287.

tenants, &c., who are convoked in arms against his majesty's authority.¹

To all appearance Mackintosh had now the game in his own hands. "One would now think," says the author of *Locheil's Memoirs*, "that when near one half of the kingdom was armed against a private gentleman and his family, it was scarcely in the power of fortune to save them from utter ruine, especially when that power was to be conducted by an enemy who was become implacable on account of the losses, affronts, and disappointments that he and his ancestors had received at the hands of the persons whom he was to attack. But we shall see that Providence had ordered matters otherways."

Immediately after obtaining the Commission, Mackintosh left Edinburgh for the north, calling on such of the Commissioners associated with him as lived on his route. From Dunachton he wrote to others, and made long journeys for the purpose of employing personal persuasion. But his labour had small reward. To most of the persons named as Commissioners the question whether Mackintoshes or Camerons should possess certain lands in remote Lochaber was of no interest whatever; while others were disposed, from party feeling or jealousy of Mackintosh, to favour Locheil. One phase of the opposition encountered by Mackintosh seems to show that the requirements of clanship were beginning to be regarded as contrary to

¹ *Privy Council Register—Acta*, 1661-7, 292; *Kinn. MS.*; *Memoirs of Locheil*, 183.

the social circumstances of an improving civilization. Many of the men who as clansmen were bound to follow him happened to be tenants of neighbouring barons, such as Athole, Calder, and Kilravock. These clansmen, wishing to attend their chief, were prevented by their landlords, who, as the writer of the MS. History puts it, "showed the greatest insolence and cruelty to the Clan Chattan living under them that wished to accompany Mackintosh to Lochaber."

In fine, of all the nobles and gentlemen of the four shires from which Mackintosh was to obtain aid, only four gentlemen, and those connections of his family, came to him in person. They were John Grant of Rothimureus, William Forbes of Skellater, David Ross of Urchany, and John Campbell of Auchindoun.¹ Among neighbouring chiefs, Seaforth and Grant were distinctly opposed to Mackintosh, but several of their principal clansmen, as Pluscardine, Lochslin, Redcastle, and Kilcoy, among the Mackenzies, and Elchies and Gartinbeg among the Grants, were inclined to favour him, and only restrained their inclination to assist him actively in deference to their chiefs.

In the long list given in the Kinrara MS. of those who did *not* concur with the chief we see the names of some whose families, in days not very far bygone, had profited by the friendship and aid of the Mackintoshes, and in more than one case had received such

¹ Grant and Forbes had married daughters of William Mackintosh of Killachie, and Ross and Campbell were related to Mackintosh himself on his mother's side.

useful service as could scarcely ever be repaid. It is pleasant, however, to find one instance of gratitude, and that apparently of a purely spontaneous character. Between the Earls of Sutherland and the chiefs of Mackintosh a close friendship had for some time subsisted. As we have seen, Lachlan Mor Mackintosh had taken part on the Sutherland side in the quarrel with the Earl of Caithness; and the MS. mentions "certain services" performed by Sir Lachlan to the father of George the 18th Earl. This nobleman, although not mentioned in the Commission, "in memory of these services" sent Mackintosh 180 armed men and supplies of necessaries for the campaign.

Though baffled by his neighbours, Mackintosh was still bent on carrying his designs into effect. He had no reason to doubt the loyalty of his own clan; and he accordingly resolved to prosecute his commission with their aid alone and that of the few friends and neighbours who had promised to act with him. "He believed," says the Kinrara MS., "that his own clan in a short time would either reduce the Clan Cameron to due obedience or wholly extirpate them."

But here he met with additional and more grievous disappointment. There can be little doubt that if the whole body of Clan Chattan had followed their captain into Lochaber, the position of Locheil would have been at least embarrassing. But the Macphersons of Cluny, with their large following, were becoming almost a clan apart from Clan Chattan, and in spite

of the strict band of 1609, were chary of doing anything which might seem to imply an acknowledgment of Mackintosh as their head; while "Locheil, who neglected nothing that he deemed proper for his interest, had so artfully managed matters with the leading men of the Mackintoshes by secret agents that their chief was surprised and confounded to find them so divided in their opinions and refractory to his commands that two-thirds of them refused to follow him."¹ So the account of the Camerons, but the Kinrara MS. says nothing of Locheil's intrigues; in fact, being secretly conducted, the writer could scarcely be expected to know of them. Only once does he suggest that there was any understanding between Locheil and some of the leading men of Clan Chattan. Speaking of the arrangement in 1664, he says that his nephew, apprehending some collusion between Locheil and these men, by whose influence alone he had agreed to the disadvantageous terms of the arrangement, determined to try their fidelity by asking them separately if they would accompany him in the autumn.

Intrigue with the Mackintoshes was not the only method which Locheil adopted to avert the threatened invasion. In April 1664, while his opponent was waiting only for the arrival of Sutherland's force to march into Lochaber, he sent to the Earl and the Bishop of Moray and others, soliciting their mediation and professing his readiness to come to terms so as to

¹ *Memoirs of Locheil*, 184.

avoid the shedding of blood. His desire was simply to gain time. The Earl of Moray, a friend of both Argyle and Locheil, and the others whose mediation had been invoked, succeeded in bringing the contending chiefs to a verbal agreement. On the 7th May, Mackintosh, supported by Moray, Mackenzie of Pluscardine, Alexander Cuthbert, Provost of Inverness, and 500 men, took up his station on the Haugh at Inverness, on the east side of the river. Opposite them, between the river and Tomnahurich, were Locheil and his supporters, Lord Lovat, Alexander, tutor of Lovat, Hugh Cameron of Strone, and a force of 300 men. The Bishop of Moray and the Laird of Altyre acted as mediators, crossing and recrossing the river to consult with the respective principals. At last an arrangement was decided upon, to which Mackintosh was compelled by the attitude of some of his principal clansmen to yield a reluctant assent. Under this arrangement he was to pass from all his former losses and damages, and to sell and dispoise the hereditary right and freehold of Glenluy and Locharkaig to the Earl of Argyle.¹ He declined absolutely, and it must be admitted somewhat vexatiously, to make the sale to Locheil.²

¹ This was the son of the Marquis of the preceding chapter; and in 1663 had been restored to the titles and estates of his grandfather; his father's titles, including that of Marquis, having been forfeited on his conviction and execution for high treason in 1661.

² The particulars of this arrangement are taken mainly from the Rev. Lachlan Shaw's MS. History of the Mackintoshes.

For the fulfilment of his part—that he would give peaceable possession, &c.—Locheil was to find security within a month. This he failed to do; and having gained his object in warding off the impending invasion, “whether from a deliberate intention to violate his faith, or, as was generally reported, from the persuasion of the Earl of Argyle and the Laird of Glenurthy, he retracted his promises.”¹ On this, Mackintosh determined to act on his commission as soon as possible, and called on the refractory members of his clan to accompany him.

Autumn had now arrived, and prompt action was necessary if anything was to be done that year. The chief’s negotiations with his clansmen, however, occupied him till the middle of winter, when a march into Lochaber was out of the question. His prime difficulty was with Andrew Macpherson of Cluny, who at length offered to accompany him on three conditions—that the heads of the Macphersons should always hold the next place in the clan to the chiefs of Mackintosh; that all lands then in possession of the Mackintoshes which had at any time been held by the Macphersons should be restored to them; and that Mackintosh should give a written acknowledgment that the assistance he received from Cluny was not of the nature of service which he had a right to

The *Kinrara MS.* mentions it, with the mode in which it was brought about, but no reference is made to it in the *Memoirs of Locheil.*

¹ *Kinr. MS.*

demand, but simply of goodwill, and what one neighbour might render to another.

The answers to these articles were easily given. To the first it was answered that the bestowal of honours and places of dignity is not to be assumed by any subject, and that no subject below the rank of a baronet could demand as a right any pre-eminence over others, although such might be allowed out of civility on account of personal worth, extraction, hereditary rank, or power.¹ To the second the reply was that none of the Macphersons had ever been violently deprived of their possessions, and that therefore none of the Mackintoshes could hold these unjustly; but that they would be willing to give up such possessions for the money expended in acquiring them, and on the return under similar conditions of the lands they had ever possessed which were in the hands of Macphersons. The third article, which implied that Mackintosh should resign his right as Captain of the *whole* Clan Chattan, the writer of the MS. History says his nephew at one time thought of "treating with the neglect and contempt it merited." But "that persons who were strangers to the mutual obligations between Mackintosh and the Clan Chattan might not be led to think the demand supported by reason, and especially as the present

¹ Sir Æneas Macpherson in his MS. adds that Mackintosh stated that to Cluny already belonged the command of the right in battle and of the vanguard of the clan on the march.

state of his affairs required the calm proceedings of reason rather than the dictates of heated passion, Mackintosh judged proper to give a strong and striking reply to which no argument could be opposed." This reply was founded on the fact—apparent from public records, charters, and deeds, and from various written and printed histories of Scotland—that the chiefs of Mackintosh had been publicly esteemed and designated chiefs of the Clan Chattan; on the circumstance, too, that in 1609 all the leading men of the clan, including Andrew, grandfather of him who made the demand under answer, had bound themselves to follow the chief of Mackintosh as their chief; consequently, for Mackintosh to declare himself no longer chief of the Macphersons would be to declare himself no longer chief of the rest, a proceeding not only disgraceful to himself and his family, but detrimental to the whole Clan Chattan.¹

None of the principals of the Macphersons but two, says the Kinrara MS., went with Cluny in these demands. "Several chose rather to keep aloof until some agreement should be arrived at than bring disgrace on him, as they thought, by testifying their strong disapprobation of the articles he proposed;" and John Macpherson of Invereshie went so far as to require their withdrawal, and to declare that in any case his own branch and that of Pitmean should continue to own to and follow Mackintosh. But

¹ *Kinr. MS.*; *Macpherson MS.*

“conditions” were now so much the rule that even Invereshie’s outspoken profession of adherence to Mackintosh was modified by one—that William Mackintosh of Borlum¹ should give up his lands of Raits for a sum equivalent to that paid for them by his grandfather.

Mackintosh next set himself to procure a solemn renewal by the clan of the band of 1609. His request was met on all sides, even among his own name, by attempts at evasion or demands of exorbitant conditions. The Macphersons of Badenoch testified their willingness to subscribe the band if the principal men of the Mackintoshes would do so first. Alexander Mackintosh of Connage refused to do anything unless the chief would persuade his uncle, Angus of Daviot, to give up to him the lands of Daviot, he having obtained the reversion of the mortgage held by Angus. William of Killachie would only subscribe if Connage did so; and Donald Macqueen of Corribrough refused to sign unless Killachie were induced to give up his right to Ravochbeg, which had been wadsetted by Donald’s grandfather.

After the lapse of a few months Mackintosh overcame these difficulties. At a meeting near the kirk of Kincardine in Strathspey, on the 19th Nov.

¹ Grandson of the William who had signalised himself as tutor to his nephew Sir Lachlan about fifty years previously. The lands of Raits—on which stood Raits Castle, a ruined stronghold of the Comyns, and where now stands the mansion of Belleville, occupied by James Macpherson of Ossianic celebrity—had been acquired by this William by purchase from the Gordons.

1664, all the leading men of Clan Chattan, including Cluny, signed a renewal of the band. Cluny and Connage, however, still refused to do anything more; they signed the band with the reservation that they should not accompany Mackintosh against the Camerons unless he agreed to the stipulations they had previously propounded; and thus, so far as they were concerned, the chief found his object in renewing the band defeated.

During the progress of the negotiations between Mackintosh and his clansmen, several successful raids were made by the Camerons into the Clan Chattan country. Mackintosh retaliated by despatching a small but select force, "twenty vigorous youths," to Lochaber for the purpose of capturing some of the principal persons against whom his Commission was issued, in order that he might force Locheil into compliance with his demands by detaining these persons prisoners and threatening their lives. His small force lay for some time in the Lochabrian wilds, but their only success consisted in the slaughter of "two of the enemy," as the Kinrara MS. styles them; or as the Cameron account has it, they "returned home with the poor satisfaction of killing two cowherds whom they met by accident." The failure of this project is stated in the *Memoirs of Locheil* to have brought about Mackintosh's resolve to reconcile himself with his clan at any price, even by complying with their most exorbitant demands.¹

¹ *Memoirs of Locheil*, 184; *Kinr. MS.*

The majority of Clan Chattan having at last agreed to support their captain, it behoved Locheil to adopt further measures for averting the execution of the commission against him. "He had so far insinuated himself into the favour of many of the leading lords of the Parliament and Privy Council, that he in January 1665 procured an order, subscribed by the Duke of Rothes, Commissioner to the Parliament, commanding Mackintosh to attend them at Edinburgh, and discharging him to put his commission of fire and sword in execution till the pleasure of the Council was further made known."¹ Mackintosh obeyed, though not without complaint. He was desired to remain in Edinburgh until the arrival of Locheil, and thus the months of January and February passed.

On Locheil's arrival the case was considered by the Privy Council, both parties being present. The king's letter, already noticed, having been read, the Chancellor made a speech to the effect that his majesty's royal zeal for the welfare and happiness of his people, and his particular commands to his Parliament and Council to endeavour to end the dispute so that the public peace might not be disturbed, could not fail to have due influence on persons so well affected to their sovereign as Mackintosh and Locheil, or to dispose them to agree to such measures as should seem agreeable to justice and the wisdom of the Council. He therefore put the question whether they would submit their

¹ *Memoirs of Locheil*, 185.

controversy to the Council's arbitration, and received from each an affirmative answer.

Two days afterwards another conference was held, and another speech was made by the Chancellor. The Council, he said, having informed themselves of the value of the estate and the particulars of the dispute, after due deliberation were of opinion that it was desirable that the lands should be sold by Mackintosh, and that an equitable price should be agreed upon—in deciding which regard should be had not only to the yearly rental, but to the considerations that the lands had been long occupied by the Camerons and that they lay contiguous to the rest of Locheil's property, but distant from that of Mackintosh;—that although Mackintosh had the better in point of law, this proceeded rather from advantages arising out of the misfortunes of Locheil's family or the public confusion of the state than from any preference of natural right or title yet heard of; that Locheil's *continued possession* seemed to have given him priority of claim on that score; and finally, that as it was believed the Clan Cameron, whatever their chief might do, would never allow any but themselves to inhabit these lands in peace, it was for the public good that the adjustment he had proposed should be carried out.

Mackintosh, we are not surprised to learn, “heard this speech with great indignation.” To have spent nearly five years—first in obtaining a declaration of his rights, and powers to enforce them, then in

working hard to obtain the support of his neighbours and of his own refractory clansmen,—to have in the end overcome nearly all difficulties, and then to find all his labour thrown away, was certainly enough to try severely the patience of a far more meek and long-suffering man. But, bad as matters were to him, “he could not make a better of the case, as it then stood”¹; and accordingly, seeing the Council unanimous, he consented to take the question of price into consideration.

Frequent meetings, with “great number of friends and lawers on both sides,” were held, but with little prospect of an agreement. A third time the two principals were called before the Council, when the Chancellor, backed by the rest of the members, proposed 72,000 merks, which he considered a just medium between the demand of the one and the offer of the other, should be paid to Mackintosh for his claim. “A naughty inconsiderate rate,” the Kinrara MS. calls the sum, and the author of *Locheil's Memoirs* says that “Mackintosh was so far from consenting that he could not even hear what was said with patience.”

Giving up all hope now of getting the matter settled to his satisfaction, the fiery young man resolved to return home and do himself justice. He prepared for an immediate and secret removal from Edinburgh, but was not successful in eluding the vigilance of his adversaries. He was setting out when he was arrested

¹ *Memoirs of Locheil*, 186.

and detained under an order from the Privy Council until he should give security for the peaceable behaviour of himself and his clan. Recent dealings with his clan, however, had shown him that he would scarcely be warranted in finding caution for all, and he seems to have conceived also that it was possible to evade the order. He therefore arranged that he should be bound only for his own tenants, and that in consideration of this limitation he would refrain from any breach of the peace and from raising troops for a time—a whole year according to *Locheil's Memoirs*, but according to the Kinrara MS., and more probably, only until the end of the summer of 1665.

The months of May, June, and July were spent by him in improving the good understanding he had come to with some of his refractory clansmen, and in endeavouring to secure the aid of those who still held out, especially of Cluny. He had decided to make a sudden descent on Lochaber in August; but although, to prevent obstruction, he communicated his intention only to a select few, it was by some means divulged. The MS. charges Killachie and Connage, who had already given their chief much trouble and were suspected of having dealt with Locheil, with disclosing the intention to the Earl of Moray, and suggesting to that noble the means of frustrating it; but according to *Locheil's Memoirs* this was done by Locheil himself, who "being not ignorant of what past, in order to perplex his

antagonist wrote to his friend the Earl of Murray, sheriff principall of Inverness-shyre, to hold his circuit courts in Badenoch and other places where the Macintoishes, Macphersons, and their followers lived, and to order such of them as were his vassalls to attend.”¹ Moray entered into the scheme, and refusing a request by Mackintosh that he would postpone his circuit, both he and the chief set out on the same day, the 10th August, for Strathspey.

Notwithstanding the numbers who attended Moray, Mackintosh’s summons was promptly and well responded to by his clan. His first muster at the Kirk of Insh comprised 400 men, chiefly from Strathdearn and Strathnairn, and including 25 Farquharsons under William of Inverey. He was soon joined by others, by Grant of Rothimurcus and Forbes of Skellater (both already mentioned in connection with the proceedings in 1663), John Mackintosh of Forter in Glenisla, and George Farquharson of Brouchdearg in Glenshee—these raising his force to about 500 men.

Killachie and Connage, with others of the clan who had attended Moray,² seeing that their chief was bent on invading Lochaber, and being desirous of maintaining his honour, yet at the same time apprehensive of trouble in case he might be acting illegally, thought

¹ *Memoirs of Locheil*, 188; *Kinr. MS.*

² It is not to be inferred that all of the Clan Chattan who attended Moray were opposed to their chief, many of them being compelled by the conditions under which they held their estates to accompany the earl in certain progresses and courts.

it desirable to bring about a meeting between him and the earl. A meeting accordingly took place on the 17th August at Ruthven, and proved so satisfactory that on the following day Moray announced his intention of returning home, having finished his courts in Badenoch, and of allowing such of his vassals as belonged to Clan Chattan to accompany their captain. These, after seeing him home, were to return to Mackintosh by the 24th.

Before leaving Badenoch Mackintosh was induced by some of his advisers to consent to an arrangement with Cluny, under which Cluny was to go with him into Lochaber in consideration of a hundred pounds sterling—Mackintosh at the same time agreeing to accept the aid of the Macphersons as that of friends and neighbours. This was on the 21st August. A previous proposal of Cluny's, that Mackintosh should prevail on Killachie to sell him the lands of Farr at the price originally paid for them by Killachie's uncle, was found to be impracticable, Killachie refusing to entertain it.

To avoid breaking the thread of the narrative further on, it may be well to state here the result of the negotiations with Cluny on this occasion. Payment of the £100 was deferred until Mackintosh's force was within a day's march of Lochaber. It was made at Kiltyre on the 12th Sept., when, the Kinrara MS. says, "many unbecoming and preposterous requests were made by Andrew Macpherson of Cluny, some of them complied with, others not." The *Macpherson*

MS. History, mentioning the granting of the bond for £100, for which Aldourie was cautioner, is more specific. It states that Mackintosh had agreed in August to the third of the original proposals of Cluny, and that at Kiltyre he gave a declaration accordingly, as follows :—

“ I Lachlan McIntoshe of Torcastle doe declair that Andrew McPherson of Cluny, Lachlan McPherson of Pitmean, and John McPherson of Invereshie, and their friends and followers, have out of their meer good will and pleasure joined with me at this tyme for recovering of my lands of Glenluy and Locharkaig from the Clan Cameron and other violent possessors thereof (according to the king's commissione granted for that effect), and therefore I Bind and Oblige me and my friends and followers to assist, fortife, and join with the saids Andrew, Lachlan, and John McPhersones in all their lawfull and necessar adoes, being thereto required by these Subset. at Kyltire the twelft day of September 1665 years by me befor thir witnesses, Alexr. McIntoshe of Connadge, Alexr. McIntoshe, notar publick in Inverness, and William McIntoshe of Corribroch.”

That Mackintosh should have given such a declaration, after having so emphatically refused the concession in the previous year, only shows how strongly he was bent on carrying his quarrel with Locheil to a favourable issue, and how severe his mortification must have been when after all he was forced to come to terms.

On the 24th August the clansmen who were to have been sent by Moray did not arrive, nor did Killachie and Connage, both of whom had promised “ by their great oath ” to return on that day. Re-

moving on the 25th to Laggan in Badenoch, Mackintosh was joined by the Macphersons, and by Charles Farquharson of Monaltrie with twelve men. At Kyllarchile on the 27th he received letters from Moray, Killachie, and Connage, accounting for the non-fulfilment of their engagements. It appears that after quitting Badenoch the earl had received notice of a threatened attack on Inverness by a force under Macdonald of Keppoch, and had hastened to the town to prevent mischief. In the letters from his two kinsmen Mackintosh was urged to go at once to Stratherrick, leaving his men and baggage that he might travel expeditiously, to speak with the earl on weighty business. Though impatient at the protracted delay, he was induced by the alleged importance of the business to comply; but he determined to take part of his force and to proceed into Lochaber direct from Stratherrick. He accordingly appointed a *rendezvous* at Abertarff for those whom he left in Badenoch, and set out to meet Moray. On the 30th August he arrived at Dalchapple with banner displayed, and on the next day received a visit from his kinsmen of Killachie, Connage, Aberarder, and Corribrough, who, after setting forth the hazards and disadvantages of the step he was taking, and the desirableness of getting rid of the Lochaber lands on good terms, made an offer of 100,000 merks for the lands on Moray's behalf. On finding that he had been brought to Stratherrick only to hear this, Mackintosh flew into a violent passion, declaring that he had no

intention whatever of alienating his inheritance, and that even were such an act necessary he would never accept so despicable a consideration.

It soon appeared that, whatever the issue of his offer—which the author of the Kinrara MS., who was present, believes was made on behalf of Argyle¹—Moray was desirous of procuring a truce for a few days, Locheil having written to him with that object. He had also a letter from the High Commissioner, Rothes, desiring that Mackintosh would keep the peace till they could talk together. The chief's cholera was too great for any letter to affect his resolution, yet for other reasons, arising out of the delays which had taken place—delay being at any time disastrous to a Highland force—he found it necessary to consent to a suspension of hostilities till the 11th September. He took steps, however, to be ready for action at the end of the truce. Parties were despatched to bring in such of the clan as either had not before taken the field or had returned home; also to provide necessaries for the campaign. Mackintosh himself, with his principal supporters and a body of 200 men, moved to Glendo, near the south-western end of Loch Ness, and within easy distance of Lochaber.

On the 11th September, having been joined by the whole of his force, he found himself in command of more than 1500 men, among whom were some of the

¹ Argyle was proposed as security for the payment of the price, and one of his clan was in company with the deputies.

Macdonalds of Brae Lochaber ; and at last he entered the enemy's country.

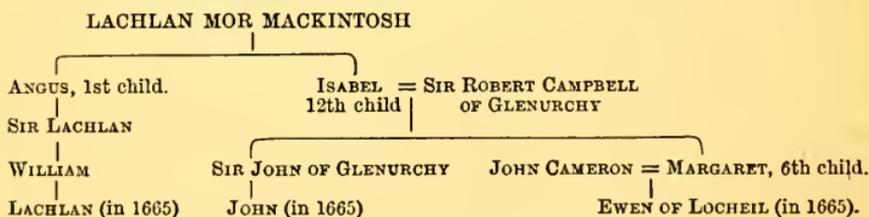
Meanwhile Locheil had not been idle. After the ill-success of Moray's proposals in Stratherrick he saw that the issue now lay between himself and Mackintosh alone, and he took steps accordingly. Appointing a muster of his clan near Achnacarry, he soon found himself at the head of about 1200 men, including besides his own clan a small party of the Clan Ian of Glencoe—soon to acquire a lamentable notoriety—and a few Macgregors. The greater part of this force was armed with guns, but about 300 men had only those weapons for which Major Dalgetty expressed his contempt—bows and arrows. These “quivered Numidians,” we learn from *Locheil's Memoirs*, were the last considerable body of bowmen seen in the Highlands.

On the 12th Sept. Mackintosh was met by John Campbell younger of Glenurehy, afterwards the well-known first Earl of Breadalbane.¹ He had been sent by his chief Argyle, who, as it was only by peaceable means that he could hope to acquire the lands, was desirous of preventing a decision of the matter in dispute by the sword. Campbell—whose selection for the mission was probably due to his

¹ He is spoken of in the *Memoirs of Locheil* and other works as actually Earl of Breadalbane at this time (1665), although the Earldom was not created until 1681. In *Mackay's Memoirs* (p. 199) he is described as being, later in life, “of fair complexion, having the gravity of a Spaniard, and being as cunning as a fox, wise as a serpent, and slippery as an eel.”

relationship to both the disputant chiefs,¹ as well as to his sagacity—proposed a conference. To this Mackintosh assented, and chose three of the principal men with him, Borlum, Connage, and Dugald Macpherson of Powrie, to confer with Campbell and Hugh Fraser of Foyers. Considering his own declared sentiments in regard to the dispute, his choice of two out of the three seems somewhat strange. Borlum was entirely devoted to him, but Connage had already evinced a leaning to Locheil and to a peaceable adjustment, while Powrie must have been known to him as a friend and supporter of Argyle.² The only explanation seems to be either that Mackintosh was deceived in Connage and Powrie, or that he had now come to the conclusion that he *must* dispose

¹ The relationship will be seen by the following table :—



² The *Kinrara MS.* remarks that it was believed at the time that Powrie had joined Mackintosh only for the purpose either of drawing off the Macphersons or of making a bargain for his patron Argyle. It will be remembered that he was captain of Ruthven Castle for the Covenanters in 1648, and in the Act of Levy of Dec. 1650—in framing which Argyle had no small share—was appointed one of the leaders for Badenoch, a position to which his sole title was that he was probably the only Macpherson of any note who had acted against the king. It is very likely that he was the moving spirit in the recent dissensions between his chieftain of Cluny and Mackintosh.

of the lands, and chose for his representatives at the conference Connage, as one who having always been for peace would have a strong interest in the case, probably also as a man of strict honour and integrity,—Powrie, as one anxious to get the lands for Argyle,—and Borlum, as one who would look well to the interests of Mackintosh himself.

The only result of the first day's conference was a short truce, during which the Clan Chattan men took up their position at Clunes, on the north side and near the mouth of Arkaig Water. The Camerons were on the opposite side, and had secured the ford. After a second conference Borlum left his colleagues, despairing of seeing any result attained compatible with what he understood to be the wishes of his chief. His two colleagues had little difficulty in agreeing between themselves and with the other party, and on the 16th Sept.—the day on which, at an hour after noon, the truce expired—they made their report, in a council of the principal men, to Mackintosh, who had now removed a few miles westward to the passes about Achnasauil. Connage was spokesman; he stated that the sale of the lands of Glenlui and Locharkaig appeared to be the only method of producing concord; that, although without special orders, he and his colleague Powrie had proposed terms of sale and insisted on a price of £50,000, but that Lochiel could be brought to offer no more than 72,500 merks (about £48,300), swearing by

his great oath that rather than give more he would risk all on the chances of war.

Mackintosh's indignant rejection of these terms, and a declaration that, like Locheil, he would rather hazard his whole fortune than consent to them, was the signal for a commotion in the council. The members, who up to this point had listened in expectant silence, no sooner heard the chief's decision than each began to speak his mind. Cluny, Donald Mackintosh of Aldourie, and Macqueen of Corribrough vowed that if the terms were not accepted they would never draw sword in the quarrel. Powrie said that he and others present would not hazard their lives, seeing there was no necessity for fighting. Connage pointed out that although they had the advantage of Locheil in numbers, their provisions were running short, and the enemy had the power, by avoiding an encounter, to starve them into a disgraceful retreat. Mackintosh, backed by only a small minority, and even they conscious of the truth of Connage's remarks, could not disguise his disappointment and wrath. In a violent rage he declared he would carry the matter through without the help of those who thus forgot their duties as clansmen, and breaking up the council gave some vent to his feelings by advancing his force a short distance to the banks of the loch.

But "with the morning cool reflection came," and on visiting him at daybreak his friends found him more willing to listen to reason. They urged the

great hazard of entering on what might prove a lengthy campaign in an enemy's country without proper store of provisions, and promised that if he accepted Locheil's offer of 72,500 merks, they would themselves make up the sum of £50,000. In addition to the chances of a wild-goose chase through Lochaber with starving followers, he had to contemplate the possibility of his being deserted at the last moment by some of the most powerful leaders of the clan. The policy, in a pecuniary point of view, of agreeing to Locheil's terms was also made apparent; the price of the lands would afford at interest an annual income much larger and surer than he could ever hope to get from the lands themselves. In fine, he did what he ought to have done five years before—he brought himself to consent to the disposal of the lands on the terms offered.

While Mackintosh was undergoing the persuasive attempts of his friends, young Glenurchy had arrived at the Clan Chattan camp, and had shown additional reasons why those attempts ought to succeed in a force of 300 men which accompanied him, and in a written order from the Earl of Argyle to employ all the power of the latter, if necessary, to bring the dispute to an end. Campbell's arrival and Mackintosh's assent seem to have taken place at an opportune moment, as Locheil had concocted one of the surprises for which he was famed and in which he was generally successful. On the preceding night he had despatched Cameron of Erracht with a body

of picked men by boats to the northern side of Loch Arkaig, there to remain concealed until an opportunity should present itself of taking the enemy by surprise. He himself in the meantime was to make his way with the main body by the head of the loch to the same place, a distance of some eighteen English miles. He had not advanced far on his march when he was met by young Glenurchy, bringing back with him Erracht and his party. It was only by advancing the same cogent reasons he had already shown to Mackintosh that Glenurchy could prevail on Locheil to give up his intention of fighting, and to consent to the agreement into which his opponent was now willing to enter.¹

On the following day (Monday, 18th Sept.) a formal contract was drawn up and signed, on the one hand binding Mackintosh to sell Glenlui and Locharkaig to Locheil or any person whom he might nominate, and on the other binding Locheil and six others to pay to Mackintosh 12,500 merks of the price in the town of Perth on the 12th January 1666, and at the same time to give sufficient security for the payment of the remainder of the price at the Martinmas terms of 1666 and 1667.

On the 20th, Locheil crossed Arkaig Water and met his late enemy at the house of Clunes. Both were attended by their principal friends and clansmen. They "saluted each other," says the Kinrara MS., "drank together in token of perfect reconciliation,

¹ *Memoirs of Locheil*, 191.

and exchanged swords, rejoicing at the extinction of the ancient feud." The feud had raged for three centuries and a half, during which time, says tradition with its usual looseness of expression, a Mackintosh and a Cameron had never even *spoken* together.¹

After some delays in the payment of the first

¹ The MS. Account of the Macphersons already mentioned—an account which depends too much on vague tradition, and which displays too strong and evident a partiality in matters of dispute to be accepted implicitly—makes it appear that Locheil was induced to seek for terms by discovering the presence of Clunie and the Macphersons in Mackintosh's army. (To *seek for terms* with his enemy before him would surely be one of the last things to be expected from Sir Ewen Cameron of Locheil.) "On 14th Sept. they came in view of the enemy . . . Locheil went to the top of ane hill to view Mackintosh's army, who asked at the skilfullest of his company each collour in M.'s army, one by one. 'But,' said Locheil, when he heard that Clunie's collours were with the rest, 'what the meekle sorrow brot Clunie against me who never prejudged him in a farding? Is it (said he) to gain his own birthright to ane other that he is come? I would (said he) that Clunie had ten merks of the forty merks of Glenly and Locharkag and he in Clunie this day.' Immedeatelie Locheil seeks for a new cessation and a free comoning betwix both parties."

At the meeting after the agreement, this account continues, "Locheall asked at ane gentleman of the name of McPherson what reward Clunie got for his pains at that tyme, who being ashamed to tell that he got but such a trifle, answered that to his opinion he got 10,000 merks or upwards. 'Then,' said Locheall, 'if he did give M'Intosh the thrid of the pryce of the lands it was very fair, for (said he) I assure you that if Clunie would not joine with M'Intosh there would be no agreement that year. But besides that (said he) this land was Clunie's undoubted birthright which now he has forced me to buy from ane other.'"

instalment of the price, a conveyance was executed on the 24th March 1666, at Edinburgh, by Lachlan Mackintosh of Torcastle in favour of Archibald, Earl of Argyle. This nobleman advanced the purchase money, Locheil—who, according to the Kinrara MS., acted all along for the earl—being unable to do so; and it was arranged that the lands should thenceforth be held by Locheil and his successors in feu of the Argyle family.

The money which he acquired by the sale enabled Mackintosh to clear his estate of considerable burdens, and to obtain the discharge of all servitudes due to the Gordons.

The question whether the alienation by Lachlan Mackintosh of the right to the lands was an advantage or a disadvantage to the Mackintosh family is one of no moment now. The possession of the lands in dispute by the Mackintoshes during the three hundred and fifty years of the feud had never been more than nominal; it had been the cause of vast loss, both of life and goods, to the whole of Clan Chattan; the long hold of the Camerons on the lands had given them a prescriptive if not a legal right against which the mere statement of original possession, and even the apparent advantage of ancient charters, could scarcely weigh; and, above all, the governing powers had evidently determined to put an end to the long dispute, and would doubtless have used more stringent means for doing so if

Mackintosh had continued to oppose their wishes. It is clear, therefore, that Lachlan was at least no loser by his disposal of the lands. The only matter for regret is that the transaction was so long delayed ; but before we blame the chief for his injudicious and rash proceedings, let us remember that he was a hot-headed, sanguine youth, who at the outset had been assured of his right, and countenanced in his resolution to maintain it, by Act of Parliament.

CHAPTER XI.

Farquharson of Inverey and the Gordons—Mackintosh and the Macdonalds of Keppoch; Fight at Mulroy—Dundee's Campaign in 1689; Keppoch at Inverness; his harrying of Mackintosh's lands—Renewed Commission against the Macdonalds of Keppoch—Lachlan's Family and Death.

SHORTLY after the events just narrated, the chief had an opportunity of displaying his gratitude to one who had stood by him in his troubles. This was William Farquharson of Inverey, who with others of his name had warmly taken their captain's part throughout the struggle with Locheil. It appears that John Gordon of Breachly, in Sept. 1666, proceeded against some of the Braemar Farquharsons for killing fish in a certain part of the Dee. Meeting several of Inverey's people returning from a fair at Kilmuir in Angus on the 15th of that month, he assaulted them with a body of his retainers, and took from them by way of a poind a number of horses. Two days afterwards, John, younger of Inverey, went to guard a fair at Tullich, and on his way sent a message to Breachly showing that the poinding of the horses was contrary to law, and demanding their restoration

—engaging at the same time that such of his men as were charged with killing the fish should stand their trial before quitting Tullich. On Breachly's refusal to give up the horses, Farquharson proposed that their dispute should be referred to arbitration. Instead of replying, Breachly, reinforced by Gordon of Abergeldie, entered the village of Tullich and at once changed the scene there by a fierce assault on the Farquharsons "with guns and pistols and drawn swords." Two of Inverey's men were killed at the first onslaught; the rest stood to their arms manfully, and after a sharp conflict found themselves masters of the field, Breachly himself, his brother, and James Gordon of Cutts being killed.¹ Inverey was now prosecuted by the relatives of the slain Gordons, and sought the assistance of Mackintosh, who readily undertook the task of extricating him from his difficulties. After three journeys to Edinburgh on his behalf, Mackintosh succeeded in making up the quarrel; "and so," says the *Kinrara MS.*, "in a short time a deserving kinsman had occasion to meet with a thankful requital from a loving chief."

¹ An account in *The Braemar Highlands*, p. 198, places the event after the battle of Killecrankie in 1689, and contains several other discrepancies in detail which are easily accounted for by the fact that they belong to mere tradition. The account of the *Kinrara MS.*, embodied in the text, is doubtless more trustworthy, having been written at the time by one who would be well acquainted with the circumstances.

The following year (1667) witnessed the “beginning of the end” of another long-standing dispute—that with the Macdonalds of Keppoch concerning the lands of Glenroy and Glenspean. A charter right to these lands, as has been seen, had been acquired by the Mackintoshes in the 15th century, but the Macdonalds had always refused to give up possession, and had generally declined to recognise the “parchment title” of Mackintosh.¹ In spite of several attempts made with and without the authority of law to eject them, they had managed hitherto to retain their hold on the Braes of Lochaber, and occasionally to resent what they deemed the interference of the Mackintosh chiefs. In Sept. 1667 a marauding party of them entered Glenesk and took a spreagh of cattle from the lands of Lindsay of Edzell, whose daughter Mackintosh had just before married. On hearing of this, the chief convened a meeting of his principal clansmen at Inverness, represented to them that the Macdonalds had not only for years withheld payment of his rents and the public dues, but had now in manifest contempt of himself robbed his

¹ “We have already hinted that Macdonald of Keppoch had possessed an estate belonging to the Laird of Macintoish, in property, as his kindly tenant, for many centurys of years; but there was so much of force and violence in this possession that Macintoish could look upon himself no further as master than that he sometimes received such small sums in name of yearly rents as Keppoch was pleased to give.”—*Memoirs of Locheil*, 229. See also Skene, *Highl. Scot.* ii. 187.

father-in-law, and declared his intention of going in person to Brae Lochaber and holding his courts there as hereditary steward.

His assembled clansmen all concurred in the propriety of his design, and although some—Borlum, Connage, Aldourie, Cluny, and Paul Macbean of Kinchyle—held back when the time arrived for setting out, he went to Lochaber with a large following, among whom were the Mackintoshes of Aberarder, Corrybrough, Balnespie, and Dalmunzie,¹ the Farquharsons of Invercauld and Inverey, William Macpherson younger of Nuid,² and Donald Macgillivray, Tutor of Dunmaglass. In spite of some opposition from the Marquis of Huntly, whose lands in Lochaber came under Mackintosh's jurisdiction as steward of the whole district, the chief held the courts he desired—one at Keppoch, in which he caused the cattle plundered from Edzell to be restored, and three on Huntly's lands. At one of these, held at Tirlundie, he came near a collision with Locheil, who had been persuaded by Huntly's baillie to appear with some of his clan for the purpose of intimidating Mackintosh. The Captain of Clan Cameron, however, had no mind to be found in arms against lawful authority when such authority did not affect himself, and he wisely

¹ This is one of the few occasions on which we find this distant branch of the Mackintoshes in close connection with their chief and the main body of the clan.

² William Macpherson married in this year (1667) the chief's cousin Isobel, daughter of Lachlan Mackintosh of Kinrara.

refrained from hostilities. We shall shortly see further evidence of the vitality of the ancient jealousy between the Gordons and the Mackintoshes.¹

In 1672 Mackintosh sued for a commission to eject Keppoch and his people from the Brae Lochaber lands, but no attention was given to his suit for some years, in consequence mainly of the representations of the Earl of Moray. Resolving at length not to wait for legal authority, he made preparations in 1678-9 for marching into Brae Lochaber to take the law into his own hands. Both Moray and Huntly endeavoured to obstruct him,—the former ordering his baillie, Donald Mackintosh of Killachie, to forbid such of the Clan Chattan as occupied lands under him to join their chief, the latter taking measures to ensure Mackintosh a warm reception in case of his entering the district. But the design was frustrated for the time in another manner—by the famous rising of the western whigs.

¹ A specimen of the not always straightforward way in which these opponents acted towards each other is seen in a letter (printed in the *Thanes of Cawdor*) from Lord Aboyne, Huntly's uncle, to Sir Hew Campbell of Calder, dated 1st April 1674, in which the writer says, "I must intreat you for a favour which I hope you will not deny me: which is that the laird of McIntosh having bought my lord Huntlie's teithes of Badenoch against himself contrar to the duetie of ane wassell to his superior, and to pay for the samen with the money he expects from you: My earnest desyr is that you pay him noe money at all till a terme, and I oblige myself to free you of all expence and damage you shall incur thereby." Whether Sir Hew complied with this request does not appear.

After the defeat of Claverhouse at Drumclog this rising had swelled into alarming proportions, and at one time threatened to overflow the Lowlands. Levies of men were sent for by the Privy Council from all parts of the kingdom, and Mackintosh amongst others was summoned to march with his clan to Stirling. His men being already in marching and fighting order, he set out at once, but at Perth he received the news of the utter rout of the insurgents at Bothwell Brig (22 June 1679), and his further advance being thus rendered unnecessary he returned to the north.

In Sept. 1681 the chief received a commission against the Macdonalds, but this had no satisfactory result. In December 1682 Archibald Macdonald of Keppoch died, and was succeeded by his son, the famous "Coll of the Cowes," at this time a youth pursuing his studies at the university of St. Andrews. Being in the north at his father's funeral, young Coll went to Inverness, whence—according to his own account in a petition to the Privy Council—he "did send some of his friends to the Laird of Mackintosh and offered an accommodation and his full resolution to submit himself and his interests to a legal decision or amicable determination." But Mackintosh, "in return to this message and humble desire, by his own clandestine warrant, caused summarily apprehend the petitioner and commit him prisoner within the Tolbooth of Inverness, without the least probation of his guilt or breach of

the peace," refusing also either to take bail for the prisoner's appearance when required or to put him on his trial. The result of Keppoch's petition was an order from the Council, dated 1st Feb. 1683, to the magistrates of Inverness "to set the petitioner at liberty on finding sufficient caution as stated in the books of Council to present himself at the Council bar the 15th day of March next for giving such security as the Council shall think fit to appoint, and that under the penalty of one thousand pounds."

The conduct ascribed to Mackintosh in this matter can only be stigmatised as ungenerous and unfeeling in the extreme. To take advantage of an hereditary foe, and that foe a mere boy, on such an occasion and in such a manner, might have passed without censure a few centuries earlier, but was scarcely worthy the enlightenment and politeness of a more civilised time. And although there is reason for doubting whether the petition to the Council sets forth the real state of the case, or whether Mackintosh did not issue the warrant merely in his public capacity as a magistrate—at the request of and for causes shown by certain third persons—it would have been more to his credit, considering his relations with the young man's family, had he kept aloof from the transaction,¹ or even shown such grace to the prisoner as the law permitted.

¹ It is right to mention that possibly Mackintosh was in a manner compelled to exercise his magisterial powers on this

The reason for doubting whether Coll's petition to the Council states the case correctly appears in an "Obligation" by Lachlan Mackintosh of Kinrara (the chief's uncle) to relieve the magistrates of Inverness of all cost, skaith, and damage in consequence of their releasing Keppoch, in virtue of the order of Council, from their Tolbooth, where he had been incarcerated *at the instance of* certain of the Commissioners of the assessment of the shire of Inverness until he, as "son and successor to umquhile Archibald McDonald of Keppoch should pay the cess and other public dues resting by his said umquhile father for the lands of Keppoch and others since his majesty's restoration &c."¹ The simple fact of Keppoch's being required by the Council to find caution for his appearance at their bar shows that there was some legal ground for his apprehension, although, as he stated in his petition, he had committed no breach of the peace.

The order of the Privy Council for Coll's enlargement was no doubt owing in some measure occasion. Keppoch's clan had already more than once made their way to Inverness and threatened the burghers with a view to plunder; and it is not unlikely that the magistrates of the burgh may have been fearful now of embroiling themselves and their town in an actual feud with this predatory race by issuing a warrant against their chieftain. As the text will show, it was necessary on public grounds to bring Keppoch to law, and so the magistrates of Inverness may have applied to Mackintosh—as having already a feud with Keppoch, with power to stand it—to extricate them from their dilemma.

¹ *Antiquarian Notes*, no. iv.

to the efforts of Huntly, whose jealousy of Mackintosh's legal hold over Lochaber has already been seen. In a letter¹ from the marquis to Sir John Gordon, his agent in Edinburgh, dated 23 Jan. 1683, considerable light is thrown on the transaction and on the relative positions of Huntly and the two chiefs. The marquis writes,—

“ 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 K. went to wait on M. by my advice, and how he was afterwards used. The supplication must carry that M. may be suspended from meddling in the Commission of Justiciary until his illegalities be tried; especially that my servants may be exempted from his judgment, 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 M.'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 K.'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 M.'s malice.”

For a few years the parties seem to have remained quiet, the Macdonalds continuing in occupation of the lands. But in 1688 matters came to a crisis, which resulted in the last clan battle

¹ Printed in *Dunachton, Past and Present*, by C. Fraser-Mackintosh.

fought in Scotland. On 1st March of this year the Privy Council renewed against Coll Macdonald the commission given to Mackintosh in 1681 against his father. Besides as usual ordering the concurrence of the men of Inverness and the neighbouring shires, the Council gave Mackintosh the aid of a company of regular soldiers under the command of Captain Kenneth Mackenzie of Suddie. Armed with the commission, and strengthened by Suddie's company, the chief arrived at Keppoch in the end of July. The Macphersons and Grants, and most of the others whose concurrence had been ordered had failed him; but his force numbered about a thousand men. The following letter, preserved in the Register Office, shows what took place during the first few days after his arrival. It is dated "Keppoch, August 3rd 1688," and is addressed to the Earl of Perth, Lord High Chancellor:—

"My lord, I came to this place six days agoe, and the first two nights these rebels in this countrey lay darned (*hid, secret*) and did not appear, but since, they with ther wicked accomplices and ther broken relations from all the countreyes about have convocate themselves to a great number and doe behave themselves most contemptuously, insomuch that this same day they have seased on some of the King's souldiers and his messenger at arms, disarmed, threatened, and ffettered them. My friends and I are here making up a little fort, in which we are to leave some men for secureing me in my possessione, this being the only most probable means for reducing the rebels, and had it not been for this we had been at them ere now; besides that the spates here are impassible; but how sone as the waters fall we hope to make accompt of them. All my concurrence from the severall shyres allowed by the Councell did fail me, except

such of my own relations as are with me, and Captain Mackenzie of Sidy and his company. The M'Phersones in Badinach, after two citations, disobeyed most contemptuously. I thought it my duty to acquaint you heirof, quhairby yr Lordship may tak any course yr Lordship pleases, by makeing it known to the Council; and I am, my lord, &c. &c., L. Macintoshe of Torcastell."

Keppoch and his men, lying "darned" for a few days, were soon reinforced by their kinsmen of Glengarry and Glencoe, as well as by some of the Clan Cameron—apparently, however, without Lochail's permission—and determined to encounter their enemy. They took up a position among the hills to the east of the Roy, and not far from their antagonists' position at Keppoch, with the intention of attacking on the following morning at day-break. Mackintosh, on being made aware of their proximity, had decided on a similar course with regard to them. The dawn of the 4th August found him setting out with his small army towards the eminence of Mulroy, somewhere behind which he expected to find the Macdonalds. These, however, had been stirring before him; and as the light increased he discovered them drawn up on the ridge, the possession of which gave them a decided advantage over his own force down below.

The Mackintoshes and their allies rushed forward to dislodge the enemy, and a sanguinary hand to hand conflict ensued. This cannot be better described than in the modest though graphic words

of one of the actual combatants :¹—“ Both parties (Mackintosh’s and Suddie’s) ordered their men to march up the hill. A company being in front, we drew up in a line of battle as we could, our company being on the right. We were no sooner in order but there appears double our number of the Macdonalds, which made us then to fear the worst ; at least, for my part, I repeated my former wish [that he had been spinning tobacco in Inverness]. The Macdonalds came down the hill upon us, without either shoe, stocking, or bonnet on their head ; they gave a shout, and then the fight began on both sides and continued a hot dispute for an hour. Then they broke in upon us with their sword and target and Lochaber axes, which obliged us to give way. Seeing my captain sore wounded, and a great many more with their heads lying cloven on every side, I was sadly affrighted, never having seen the like before. A Highlandman attacked me with sword and targe, and cut my wooden handled bayonet out of the muzzle of my gun ; I then clubbed my gun and gave him a stroke with it which made the butt end to fly off. Seeing the Highlandmen to come fast upon me, I took my

¹ Donald McBane, who having been badly treated in the house of a tobacco spinner in Inverness to whom he was apprentice, had run away and enlisted in Suddie’s company. He afterwards fought at Killecrankie and in the Duke of Marlborough’s wars, and, when in his old age gunner at Fort William, wrote an account of his life, with treatises on sword play and the art of gunnery.

heels and ran thirty miles before I looked behind me. Every person I saw or met I took him for my enemy.”

The Macdonalds, having the advantages of superior numbers and position, gained a decided victory, and inflicted severe loss on the forces of Mackintosh, taking that chief himself prisoner, and, contrary to Keppoch's wish, killing the commander of the Government soldiers. Lachlan Mackintosh of Aberarder and his brothers John and William, Macpherson in Benchar and Macqueen in Stranine, were among the principal persons killed. Many were taken prisoners, and it was by threatening their lives that Keppoch obtained the custody of the chief, whom, according to the *Memoirs of Lochiel*, he compelled to renounce his title to the disputed lands. The banner of the clan is said to have been only saved from falling into the hands of the Macdonalds by its bearer's leaping a chasm over which none durst follow him.¹

The victory of the Macdonalds was commemorated in a spirited Gaelic poem by a bard of their clan. The bard indulges in sarcastic reflections on Mackintosh's temerity in coming to blows with such opponents as the bold Coll and his men, whose “keen broadswords uncovered the marrow,” and who,

¹ The authorities for this account of the battle of Mulroy are—Shaw's *MS. Account of the Mackintoshes* ; *Memoirs of Lochiel*, 229-30, 361 ; *Gregory*, 415 ; *Skene*, ii. 188-9 ; *Scott's Tales of a Grandfather (Scotland)*, ii. 230-3 ; *Privy Council Register—Acta*, 26 Feb. 1698 ; and several others.

like brave dogs, held at the mountain cats and “regardless of their sharp claws took the mewling out of their nose.” In one stanza he seems to corroborate the statement in *Locheil's Memoirs* that Mackintosh was compelled to renounce his right to the lands; he speaks of Keppoch's getting his will at the close of the fight, “secured by the paper.”

Mackintosh was a prisoner for a short time only.¹ The Macphersons, who had refused to follow him into Brae Lochaber, had nevertheless mustered in strength and set out for the scene of operations. They arrived too late to take part in the battle, but in time to rescue the captive Mackintosh, who, as Skene says, had thus “the double humiliation of having been captured by the Macdonalds, whom he despised as mere refractory tenants, and rescued by the Macphersons, whom he had treated with so little forbearance or consideration.”

On Mackintosh's complaint of Keppoch's resistance to the law and his slaughter of Government troops, the Privy Council forthwith gave orders for laying waste the lands occupied by the Macdonalds with fire and sword, at the same time issuing letters of

¹ “When the captive heard the Macdonalds greet their chieftain with shouts of ‘Lord of Keppoch!’ he addressed him boldly, saying, ‘You are as far from being Lord of Keppoch at this moment as you have been all your life.’ ‘Never mind,’ answered the victorious chieftain, ‘we'll enjoy the good weather while it lasts.’ Accordingly the victory of his tribe is still recorded in the pipe tune called ‘*Macdonald took the brae on them.*’”—*Scott's Tales*, ii. 232.

intercommuning against them.¹ Two hundred of the Foot Guards (now the Scots Guards) under Captain Straiton, and a troop of Dragoons under Captain John Crichton, were sent about the end of August "to destroy man, woman, and child pertaining to the laird of Cap-pagh, and to burn his houses and corn."² On the approach of this party Keppoch took refuge among the mountains, the orders of the Council, so far as concerned the destruction of houses and crops, being executed with merciless severity. The detachment occupied the Braes until about the middle of September, when it was recalled preparatory to the general march of the Scottish troops into England.

In spite of the severity with which he had been treated under James VII., Keppoch was one of the first to rise on behalf of that monarch after the Revolution of 1688. He was despatched with eight hundred men by the western chiefs to escort Viscount Dundee into Lochaber: but instead of performing this service, he laid siege to Inverness, the inhabitants of which place, it is said, had assisted Mackintosh against him; here also, it will be remembered, he had been confined in the Tolbooth several years before. At Inverness Dundee found him, in April 1689, with

¹ The Privy Council Record is blank from 1685 to 1689, but these letters are referred to in the Act and Commission of 22 Feb. 1698 to be afterwards noticed.

² *Memoirs of Captain John Crichton* (in Swift's Works). Crichton prefaces his account of the expedition with a short narrative of the events which led to it.

some of the leading citizens in his custody, whom he was keeping as security for the payment of a large sum of money which he had demanded. The town was in the grèatest excitement, hourly expecting an irruption of the Macdonalds.¹ Dundee, anxious to make friends for his cause, acted the part of peace-maker, persuading both parties to compose their differences by a payment from the town to Keppoch of 2000 dollars, for which he gave the latter his own bond. He endeavoured to reconcile Mackintosh and Keppoch—both of whom, says Crichton, “were well affected to the king”—but Mackintosh declined to have anything to do with his enemy, and therefore refused to attend a friendly interview with the viscount, “although they were relations.”² To punish him, Dundee gave Keppoch the welcome task of driving off his cattle. Thus, although “well affected” to the cause of King James, Mackintosh did nothing for it, but refused to do anything against it.³

¹ “28th April, 1689, Sabbath. That day sermon was preached by Mr. Gilbert Marshall in the forenoon at the cross, and that by reason Coll Macdonald was about the town, boasting to come in with his whole force, consisting of 800 or 900 men, to plunder the town. Afternoon Mr. Mackenzie preached as aforesaid, all the citizens being necessitated to stand in a posture of defence. No collection. Tuesday no sermon, and that by reason of our confusions.”—*Inverness Kirk Session Records*.

² *Memoirs of Dundee*, by an Officer of the Army. Mackintosh’s mother was a Graham of Fintry.

³ “The Laird of Mackintosh declared for neither side.”—*Memoirs of Locheil*, 240. Burton, speaking of the Commission of Fire and Sword given by the Government to Mackintosh against

Shortly afterwards, during the marching and counter-marching which preceded the battle of Killecrankie, Keppoch had another and a larger piece of revenge. Dundee's army being in Badenoch, he and his followers went, of their own accord, to Mackintosh's house of Dunachton, burnt it to the ground, and harried the lands in the neighbourhood, returning laden with booty. For this exploit he received a severe rebuke from his leader.

In the battle of Killecrankie, fought on the 27th July 1689, when the cause of the exiled king received its deathblow by the fall of Dundee, no considerable body of the Clan Chattan took part. The reason for the absence of the Mackintoshes and other septs who followed Mackintosh has been seen. The Macphersons had been found "very keen and hearty in their inclinations for the service" of King James, but could not move without an order from their superior the Duke of Gordon.¹ The Farquharsons of Braemar, as a body, were prevented from joining Dundee by a

Keppoch in 1698, erroneously states—in order apparently to show some reason for the granting of such a commission—that Mackintosh had aided General Mackay against Dundee.—*Hist. Scot.* 1689 to 1748, i. 176. The same historian commits another error in making Moy in Strathdearn, "the seat of government of the Mackintoshes," the place of *rendezvous* for Dundee's forces.—*Ib.* i. 122. The place was Moy in Lochaber, as sufficiently appears from Dundee's letters and other contemporary sources. On the writer's representation, the first error has been modified in the 2nd edition of the History.

¹ *Memoirs of Lochiel*, 238. The Dukedom of Gordon had been conferred on George, 4th Marquis of Huntly, on 1st Nov. 1684.

strong force left in their country by General Mackay to keep them in check; a few of them, however, were in the battle. Braemar was occupied by troops for more than a year after Killecrankie, but in May 1690, on the arrival in the neighbourhood of General Buchan, who had been sent by King James to head the Jacobites, John Farquharson of Inverey joined him with about 600 men, and remained with him until he gave up his efforts in despair.

In 1690 the devastations committed by Keppoch on the property of the Mackintoshes were brought by the chief before the Scots Parliament, of which he was a member. On the 18th July two Acts were passed on the subject.¹ The first is "Anent the petition given in by Lauchlan Mackintosh of Torcastle and his tenants showing that Coll Macdonald with his associates not only illegallie possesses the petitioner's interest in the Brae of Lochaber, but also with the concurrence of the other rebels in arms because of the said pet^rs not joyneing the late Lord Dundie upon his coming to the countrey did most barbarously in contempt of the present government burn his house of Dunnachton, haille furniture and office houses belonging thereto, and did harrie and robb his haille lands in Badzenoch, Strathnairn, and Stratherne, thereby exposing the pet^r to a vast loss and his tennents to beggarie, whereby his haille lands are laid waste and will so continue until the pet^r be in a condition to replenish them."

¹ *Scots Acts*, ix. 190.

The second Act is “In favour of the Laird of Mackintosh anent his cess.” It sets forth how the “petitioner and his predecessors stand infeft under the Great Seal in the lands of Keppoch, Glenroy, and Glenspean, and obtained severall decreits of removing and maills and duties against the inhabitants and possessors thereof, and in prosecution of the same being deforced the said pet^r upon application to the Lords of Privy Council,¹ and upon not compearance they were declared fugitives, and not only letters of intercommuning but alsoe a commission of fire and sword obtained against them, in executing of which commission the pet^r had several of his kinsmen and followers killed.” It then goes on to Keppoch’s proceedings at Dunachton and elsewhere, and specifies the lands harried—“Dunachton, Kinrara, Pitourie, Kinraig, Dalnavert, the davoeh lands of Moy and Sipline [Schiphin], and the lands of Lairgs”—, relating how Coll had carried away “all the portable goods thereupon worth at least 40000 merks, so that the whole tenants and possessors thereof were forced to flee, and 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.” Exemption is accordingly granted to Mackintosh from the payment of cess on his lands in Brae Lochaber until he obtain peaceable possession of them, and on his lands of Dunachton &c. so long as they remain waste.

A similiar privilege is given in an Act of the 22nd

¹ So in the printed Act, but apparently some omission.

July on account of "losses caused by Coll Mackdonald and other Rebels in arms on —— dayes of July 1689 and —— April last to William Mackintosh of Aberarder, Ferquhar M'Ilvrae of Dunmaglass, William Mackintosh of Borlum, and Lachlan of Daviot, by burning, pillaging, and destroying the petitioners' dwelling houses and those of their tenants, carrying off all portable goods &c." ¹

Although Parliament in these Acts recognised Mackintosh's right to the Brae Lochaber lands, they did nothing to advance it. At last, in 1697-8, Lachlan determined on making one more attempt to dislodge the tenacious Macdonalds. He complained to the Privy Council that all previous attempts had been ineffectual, and at the same time he was fortunate enough to draw the attention of King William III. himself to his case. His Majesty, in a letter to the Council, declares "that it is below the justice of his Government that any of his loyall subjects should be disappointed of the benefite of his laws," and "therefore requires their lordships to fall on methods for reducing the saids rebels and repossessing ther pet^r in his saids lands and estates." ² Lachlan had gone through the preliminary process of putting the

¹ On the same day an Act was passed "In favours of the Laird of Mackintosh for holding of fairs and markets on his lands of Obsdale in Ross, Dunachton in Badenoch, and Kep-poch in Lochaber." The heritable right of the lands of Obsdale, in the parish of Rosskeen, had been acquired by Lachlan in 1665.

² Quoted in Act of Privy Council of 22 Feb. 1698.

Macdonalds to the horn in June 1697, and in the following month the Lords Commissioners of Justiciary had issued "letters of criminal caption" (warrants for apprehension) against Keppoch and one hundred and thirty of his clansmen and supporters. As these had proved unavailing, Mackintosh, on the strength of the king's declaration, and on the ground that it was his "lenity in not executing" the commission of fire and sword originally given in Sept. 1681 and renewed in March 1688—"in hopes of the said Coll M'Donald and his accomplices ther being reclaimed according to the professions and promises made"—that had so long prevented the restoration of his lands, demanded a renewal of the commission, "not against any indefinitely that were the accomplices of said Coll and his father in tyme past, but such of them as are *nominatim* and *per expressum* denounced outlaws and fugitives, and duly registrat and under caption . . . and against the said Coll and such persons as shall associat themselves to him in opposition to the execution of the said commission, or shall offer to resist the repossessing of the pet^r in his saids lands &c." He also asked that the governor of Fort William might be associated with him in the commission.

On the 22nd Feb. 1698¹ the Council passed an

¹ See *Register of Privy Council (Acta)* of this date for the Act, Commission, and Letters of Concurrence and Intercommuning. The Commission itself is very lengthy, and gives the full name

“ Act renewing M’Kintoshes Commission for raising Fire and Sword against Coll M’Donald and others ” on account of the continued resistance made by these to previous commissions, and of their “ murdering of Captain M’Kenzie and some of the standing forces with diverse gentlemen of the petitioner’s nearest relations and followers ; ” also because, though lying and abiding under letters of intercommuning and outlawry, “ taking no regard therof nor of our authority and laws, they in manifest contempt therof dayly and continually frequents and repairs to kirk, mercat, and other public places within this realm as if they were our free liedges.”

The persons appointed to execute the Commission are “ Lachlan M’Intosh of that Ilk, the Governor or Commanding Officer at our garrison of Fort William for the tyme being, Ludovick Grant of that Ilk, John Grant Sheriff Depute of Inverness, Duncan M’pherson of Clunie, Charles Farquarson of Monaltrie, Patrick Grant of Rothimurcus, Angus M’Intosh yr. of Killochie, Mr. William M’intosh of Aberardour, John Farquarson of Inercauld, — Shaw of Dell, Farquhart Makilvrae of Dunmaglash, Alexander Shaw of Guislich, Donald M’queen of Corribroch, Alexr. Shaw yr. of Tordarroch, William M’intosh yr. of Borlum, Francis Farquarson of Fingon, Malcolm Fraser of Culduthell, John M’intosh yr. of Holme, John M’Klean of Doch-

of each of the denounced persons, among whom it is interesting to find “ Angus M’Donald alias M’Alister roye vic Ean, some-tyme in Glenco, son to the deceast M’Donald of Glenco.”

garroch, George Monro of Culrairie, Laehlan M'intosh, tutor of Dalhmunzie, and Lauchlan M'Intosh of Stron." These persons are to "convocate our lieges in arms and to pass and search, seek, hunt, follow, take, apprehend, imprison or present to justice, and in caice of resistance, hostility, or opposition, to pursue to the death" Coll Macdonald and the other persons outlawed or found resisting. In case the outlaws flee to houses or strengths, full power is given to the commissioners to "pass, pursue, and assiege the said houses or strengths, raise fire and use all force and warlike engynes that can be hade for winning thereof and apprehending the said Coll M'Donald and other outlaweds aforsaid."

At the same time Letters of Concurrence and Intercommuning were directed to the Sheriffs of Inverness, Ross, Nairn, Perth, and Aberdeen, charging all men between sixty and sixteen years of age to assist Mackintosh, and forbidding them to assist the Macdonalds in any way, under pain of being esteemed and punished as having art and part in their rebellious deeds.

At the next meeting of the Council, on the 24th February, the Earl of Leven presented a letter written by Keppoch to Lord Tarbat, but was not allowed to read it, the Council deciding that Keppoch must apply in the ordinary way by a petition if he had anything to say. Orders were also given to Colonel Sir John Hill to show a copy of the commission to Brigadier Maitland, governor of Fort William, that its terms might be carried out by him.

In spite of all this array of authority for their extermination, the Maedonalds were not exterminated, nor were they even removed from the lands they had so long held. After all the trouble expended in setting the machinery of the law in motion, it might be expected that an expedition would have been organised and despatched into Brae Lochaber; but nothing of the kind appears to have been done. History preserves a profound silence as to the affair after the proceedings in the Privy Council last mentioned; there is no record even of Mackintosh's having made any attempt to use the authority granted to him. It is probable, however, that he did make some effort in this direction, but found, as in the case of his feud with Locheil nearly forty years before, that the Letters of Concurrence were of no avail, and that if he wished to execute his commission he must execute it by means of his own clansmen alone. This alternative, judging by his experience in 1688, was scarcely advisable. A campaign in wild Lochaber against a warlike race of outlaws fighting for hearth and home was not to be lightly undertaken, except with a fair prospect of success; and on this occasion such a prospect was by no means apparent. Mackintosh himself was no longer a young man, and in all the circumstances might withdraw from the prosecution of the affair without imputation on either his courage or the justice of his cause. Whether he did so withdraw does not appear; but in the absence of record we may fairly assume that he

made no campaign. Another probability is that, as some time must necessarily elapse before he could mature measures for proceeding against the outlaws, his preparations were cut short by the operation in Keppoch's favour of the ministerial changes consequent on the death of William III. in 1701.

Lachlan was twice married. By his first wife, Magdalene, only daughter of Lindsay of Edzell, he had a son, who succeeded him; and by his second, Anne, dau. of Sir George Munro of Culrain, and widow of Donald, Master of Reay, he had a daughter, Christian, who m. David Dunbar of Dunphail.

He died on the 9th Dec. 1704 at Dalcross Castle,¹ and was buried in the family burying-place at Petty, after lying in state till the middle of January.

¹ The barony and castle of Dalcross, in the parish of Croy, had been purchased by Lachlan Mackintosh younger two years previously, on his marriage. Sir James Fraser of Brea, of the Lovat family, having become possessed of them, had assigned them to his son-in-law, Major Beatman. Mackintosh had acquired a wadset right to them in 1668, and in 1702 his son purchased them outright.

It appears that after the destruction of the house at Dunachton Mackintosh had the intention of making Dalcross his residence instead of the castle in Loch Moy, which he found inconvenient. But Dalcross Castle proved equally inconvenient, and he accordingly built a new house (the one in which Prince Charles Edward was harboured) at the north end of Loch Moy.

The walls of Dalcross Castle and several of the rooms are still entire, although the building has long been uninhabited. It is said to have been built by Lord Lovat in 1620, and is therefore of about the same age as its neighbour, Castle Stuart.

According to Sir Eneas Mackintosh's MS., 2,000 armed men of the clan, not including the Macphersons and Farquharsons, attended his funeral. "The funeral feasts and entertainments were kept up for an entire month. Cooks and confectioners were brought from Edinburgh at great expense, and on the day of interment the procession extended from Dalcross Castle to the churchyard of Petty, a distance of four miles. It has been said that the expense incurred on this occasion proved the source of pecuniary embarrassments to the Mackintosh family to a recent period."¹

¹ Anderson's *State of Society in the Highlands in 1745*. The impoverishment of the estate was more particularly due to the expense of the funeral of this chief's son and successor of the same name in 1731.

CHAPTER XII.

Lachlan, 20th chief—Rising of 1715—John, Earl of Mar—Mackintosh's seizure of Inverness and Proclamation of James VIII.—Brigadier Mackintosh—Clan Chattan in Mar's army—Expedition into England; Preston—Imprisonment of the captured Jacobites; Escape of the Brigadier; Release of the Chief—Subsequent career of the Brigadier—Mackintosh's Patent of Nobility.

(20) LACHLAN. The chiefship of Lachlan brings us once more among events of national interest, in which Clan Chattan performed a not undistinguished part. Passing over the ten years succeeding the death of the last chief, in which nothing worthy of special note occurred in the history of the clan, we come to the first of the two great attempts made in the 18th century on behalf of the Stuart dynasty—the Rising of 1715.

On the death of Queen Anne (1 Aug. 1714), the hopes which had been nursed by the Jacobites of a restoration of the exiled family were rudely dissipated. Owing to the irresolution or insincerity of those on whom they had depended, and to the activity of the Whig leaders, the Elector of Hanover was proclaimed king without opposition; and seeing no prospect of aid from France, besides, it may be,

being somewhat awed by the determined appearance and unanimous strength of their political opponents, the Jacobites of both England and Scotland were obliged to acquiesce.

But for the ambition of one man, even the Scots Jacobites might have remained quiet, at least for some years. This man was John Erskine, Earl of Mar. A Whig at the Union, he had changed sides during Bolingbroke's tenure of power, and had been made Secretary of State. Having the general management of Scottish affairs under the Tory Government, he was entrusted with the distribution among the clans of money voted by that Government, in imitation of the policy of William III., for the purpose of keeping them quiet. This giving him some influence over the chiefs, he had little difficulty on the accession of George I. in using them for his own purposes. His first aim was to obtain power, irrespective of party; and he appears to have been desirous of retaining his political influence under the new order of things. With this object, and by way of showing that so far as influence went his adherence was worth securing, he procured from the Highland chiefs a letter addressed to himself, asking him to assure the new king of their loyalty, and to protect them against the misrepresentations of their enemies; stating also that they would be as ready to concur with him in serving King George as they had been in serving Queen Anne. He also drew up an address to the new king in

similar terms, to which he procured the signatures of about a hundred of the heads of clans and other principal persons in the Highlands. Among the subscribers of both letter and address were Glogarr, Mackintosh, Locheil, Cluny, and many others who subsequently took arms against the monarch.

George's refusal to receive the address, or to accept the services of the noble who tendered it, accelerated the breaking out of the troubles. Mar, full of bitter disappointment, determined to revenge himself by exerting all the influence and talent which had been thus despised against those who had repulsed him, and the most obvious way of doing this was to take up the cause of the Chevalier de St. George. At the memorable hunting of Braemar in September 1715 he proclaimed the Chevalier as James VIII. ; the fiery cross was sent round to raise the Highlanders in arms, and within a few weeks the earl found himself at the head of a considerable force.

Among the first of the clans to rise were the Farquharsons. On his arrival in Braemar the earl had taken up his residence with John of Invercauld, but had been unable to induce that chieftain to join in the proposed undertaking. Invercauld was perhaps too well acquainted with the earl to run the risk of joining him in so momentous an adventure, and he at first refused to engage himself until the Chevalier de St. George should land in the country, although he soon afterwards yielded. The great body of his name, however, were at once raised by Inverey, son

of John the Black Colonel, and suffered severely in the course of the Rising.

The Mackintoshes and Macphersons, with the rest of Clan Chattan, were likewise not slow to respond to Mar's call. On the 13th September, four days after the raising of the standard, the chief of Mackintosh, supported and encouraged by his kinsman William Mackintosh younger of Borlum, marched into Inverness, where he proclaimed King James, and seized upon the public money and such arms as he could find.¹ Although a decided Jacobite, he, like Invercauld, had been at first unwilling to engage in what seemed a hazardous and insufficiently backed undertaking. But "having once engaged," says Lachlan Shaw, "no man could behave with greater honour and bravery." His loyalty to the Stuarts had been signified early in the previous year. In a letter preserved among the papers of the Duke of Montrose, dated 24 Sept. 1714, it is stated that "Mr. William Mackintosh yr. of Borlum, who had come in March from Bar-le-Duc, was traversing the country from west to east, and had

¹ *Shaw's MS.* Lord Lovat's account of the taking of Inverness—printed at the end of the 1717 edit. of Patten—commences thus:—"On the 15th (? 13th) Sept. the Laird of M'Intosh convened his men at Farr, as was given out to review them; but in the evening he marched streight to Inverness, where he came by sunrising with colours displayed; and after he had made himself master of what arms and ammunition he could find, and some little money that belonged to the publick, proceeded to proclaim the Pretender King."

prevailed on the Laird of Mackintosh to join the Pretender's cause"; also that "the Laird of Mackintosh had held a meeting of his kinsmen at the head of Strathmairn on the 11th April, after which arms had been diligently provided by the tenantry." In another letter, dated 1 Oct. 1714, Mackintosh is stated to have had an interview three weeks before with Glengarry, Chisholm of Comar, and others, within twelve miles of Inverness.

The proclamation at Inverness is generally, though erroneously, attributed to Borlum younger. Burton¹ states that he was deputed to perform the act; but, although this may have been so, he wisely allowed his chief, whose influence was more extended and attractive than his own, to take the lead in matters where such influence might be of use, while he himself undertook the not less honourable task of doing the greater part of the actual work required. He was in fact the real leader of the Mackintoshes and their allies on the occasion, a position to which he was entitled by his experience in warfare. He made a temporarily important move by taking possession of the castle of Inverness, thus to some extent cutting off the Munroes, Rosses, and other northern clans favourable to the Government. He also intercepted the post by which a commission as commandant of Inverness was forwarded to Munro of Foulis.²

¹ *Hist. Scot.* viii. 263.

² Charles's *Transactions in Scotland*, i. 341.

It is unfortunate that but little is known of Borlum's life and actions previous to this Rising: indeed all the records concerning him, except those in connection with the Rising, are fragmentary and occasionally obscure. In 1715 he was about fifty-two years of age; his father being still alive, he was properly "Mackintosh *younger* of Borlum."¹ He had attained some distinction in the French service, but how long he had been abroad is not known. There is, however, reason to believe that up to 1715 he had lived for some years in his native country and in England, where he had married an English lady, Mary Reade, of the family of Reade of Ipsden, Oxfordshire. He had been engaged as a Jacobite agent for some time before the commencement of the Rising, and in 1713-4 had been on a mission to Bar-le-Duc in Lorraine, the residence of the Chevalier de St. George. After his return in March 1714 he had been employed in consulting with the Jacobite chiefs and gentlemen in the Highlands.

He is usually held to have been of a rude, unscrupulous, and savage nature;² and the Rev. Robert Patten, the historian of the Rising—who after Preston turned king's evidence against his late friends—charges him

¹ He is so styled in the Summons issued to him under the Act of 30th August 1715 "for encouraging loyalty in Scotland," as well as in several other documents and letters in the same year.

² Thus Burton calls him "a rough-handed, unscrupulous soldier, who had gained experience in all descriptions of warfare."—*Hist. Scot.* viii. 285.

with avarice and covetousness.¹ Of his bravery and constancy to the cause he had espoused, as well as of his military ability, his actions can be left to speak.² The Master of Sinclair sneers most unmercifully at his pretensions to military skill, and does not spare his poverty;³ but the Master's pen was urged by disappointment and spleen, and no doubt jealousy of the brigadier himself. It is likely, also, that the charges of Patten were prompted by personal malice, and coming from such a man they can scarcely be received with implicit confidence. The rudeness ascribed

¹ *Patten*, 18.

² "The Brigadier had served abroad, and maintained the character of an intrepid and experienced officer; his followers were the most resolute and best armed of any that composed the army."—*Charles*, i. 283. *Patten* (p. 6) speaks also of the good order and equipment of the Mackintoshes; and *Rae* (p. 237) says that the regiment "was reckoned the best the Earl of Mar had."

³ *Memoirs of the Insurrection in 1715*. The Brigadier was, says the Master, "one who had no pretensions to know anything of service, who the world had no better opinion of at that time than they have at present, and who had nothing to recommend him but that his chief, the Laird of Mackintosh, who all lookt on to be a very weak man, imagin'd him wiser than himself, and delivered himself and his clan up to his disposal, all which, if considered, and that this Brigadier had not credite for 30 pounds in the countrie (witness the straites he was put to when Drummond sent him Plenipo to France) it will look odd how so many lords and gentlemen trusted themselves to him, or that Mar had the face to choose him for such a command."—p. 156. "Mackintosh was yet less qualified for the command, for he had neither rank nor any distinguishing thing about him except ignorant presumption and an affected Inverness English accent not common amongst Highlandmen."—p. 255.

to the brigadier is altogether imaginary. A Highland gentleman of that day was by no means a savage or a boor; he had generally some learning, frequently a university education, and was accustomed to polite society. The brigadier's position as heir to a considerable estate, and therefore a person of some note in the north, of itself argues his having received some amount of education; while it is reasonable to suppose that a lengthened sojourn in France must have imparted some degree of polish to his manners. But apart from these inferences we have actual proof of his having been a man of at least the ordinary genteel education. The records of King's College, Aberdeen, show that he and his brother Lachlan, together with Angus, son of Mackintosh of Killachie, were entered on the books of the college in 1672;¹ and on the 7th July 1677 we find young William heading the list of those who had earned the degree of Master of Arts—"Lauream magisterialem adepti sunt juvenes quorum sequuntur nomina, Mr. Gulielmus M'Intosh de Borlum, &c."² The Rev. Lachlan Shaw describes him as "a gentleman of polite education and good knowledge." We have further evidence in a book which he printed at Edinburgh in 1729, entitled "An Essay on Ways and Means for Inclosing, Fallowing, Planting &c., Scotland." In this work he displays considerable classical and general knowledge, and mentions the fact of his having been acquainted with and often in the society of the great and good Sir Robert Boyle.

¹ *Fasti Aberdon.* 491.

² *Ibid.* 528.

The sentiments expressed are those of a religious, humane man, while some of the ideas enunciated are far in advance of his age, and worthy a *lover of his country*, the name under which he publishes the work.¹ In a word, the evil characteristics ascribed to him seem to be either greatly exaggerated, or else entirely to proceed from the malice of his unfriends.

After his seizure of Inverness, the chief, with the aid of Borlum younger, at once set about preparations for marching southward. A supply of arms had been obtained at Inverness ; but acting probably on information derived from some of the letters which had been intercepted, Mackintosh led a force to Culloden House and demanded the arms and ammunition in it.²

¹ For example, at p. xxvi of his Dedication to the Lords and Gentlemen of the Scots Nation in the British Parliament he says, "Do, my Lords and Gentlemen, give up your services you have of your farmers, *give them long leases*, that now at last they may believe they can, without fear of another turning them out, enjoy their improvements and the fruit of their own labours. It is just, it is human, and what Religion requires of us."

² The following letter, in which Mackintosh demands as a right the concurrence of such of his clansmen as resided on the Culloden estate, affords one of the latest illustrations of the old principles of clanship. It is dated the day after the seizure of Inverness :—

"To the Hon^{ble} My Ladie Cullodin yo^r att Cullodin.

Madam, You can't be a stranger to the circumstances I have put myself in at the tyme, and the great need I have of my own men and followers wherever they may be found. Wherefor I thought fitt, seeing Cullodin is not att home, by this line to entreat you to put no stopp in the way of these men that are

Mrs. Forbes, in her husband's absence, courageously refused the demand, and put the house in a state of defence. Mackintosh remaining in the vicinity, she communicated her situation to Munro of Fowlis, who set out with 200 men to her relief, but was stopped at Conon Water by a message from Seaforth.¹ Giving up his attempt on Culloden at Seaforth's request, the chief joined Mar at Perth on the 5th October with a battalion of about 700 well armed men. Of this battalion he received the command as colonel,² Farquharson of Invercauld, who came with him accompanied by 200 men, being made lieutenant colonel. Mar, remembering Invercauld's hesitation when first asked to join the Rising, wished him on his arrival to put and have been my followers upon your ground. Madam, your compliance in this will very much oblige your most humble servant, L. Mackintoshe. 14 Sept. 1715. P.S. Madam, if what I demand will not be granted I hope I'll be excused to be in my duty."—*Culloden Papers*, No. 49.

¹ *Charles*, i. 341. *Rae*, 328-9.

² We not uncommonly find mention of the "battalion of *Brigadier Mackintosh*" in histories of this Rising. This is incorrect; the battalion was under the command of the chief of Mackintosh, and the Brigadier had nothing to do with it except as having command of the whole force of which it formed a part. This is clear from Patten (p. 57)—"The sixth Regiment was called Macintosh's Battalion, a relation of the Brigadier's who is chief of that clan. He is of an ancient family, descended from the old Thanes of Fife . . . He is a gentleman that few people expected in the Rebellion, having always appeared on the other side, but the persuasions of the Brigadier prevailed with him. He is a handsome, brave young gentleman." Patten (p. 107) also speaks of Brigadier Mackintosh and Colonel Mackintosh in the same sentence.

himself under the command of his kinsman of Inverey; but he refused, and "Indercale and his men continued with the Mackintoshes."¹ Of the thirty-two officers of the battalion, twenty-eight bore names belonging to Clan Chattan. The list, as given by Patten, is as follows:—

M'intosh's Battalion consisted of 13 Companies, fifty men in each Company before the desertion at Langholm.

[*John*] *Ferguson* [i.e. Farquharson] Lieutenant Colonel of Invercall, Pardoned by the Prince.

John M'intosh, Major, brother to the Brigadier, escaped.

Laughlan M'intosh Senior, Captain.²

*Farquhar M'gilroy*³ „

Angus M'bean [of Kinchyle] „

Robert Shaw [younger of Tordarroch] Captain.

Duncomb M'intosh,⁴ Captain.

William M'intosh „

Angus M'cintosh [of Killachie] Captain.

Laughlan M'intosh Junior⁵ „

Francis Farquharson of Whithouse, acquitted.

Laughlan M'clean, Captain.

William M'gilroy,⁶ Lieut.

John Farquharson of Kirktown, Lieut., acquitted.

John M'intosh, Lieut.

Farquhar M'gilroy [of Dalcrombie] Lieut.

John M'bean, Lieut.

¹ Sinclair's *Memoirs*, 104.

² Lachlan was of Knocknagael, and was second son of Borlum, John the Major being third son, and the Brigadier eldest son.

³ Macgillivray of Dunmaglass.

⁴ Another brother of the Brigadier.

⁵ Eldest son of the Brigadier.

⁶ Brother to Dunmaglass, and called afterwards the "Captain Baan."

Angus Shaw,¹ Lieut.
*Benj. M'intosh*² „
James M'intosh „
William Maquin [Macqueen] Lieut.
John M'intosh, Lieut.
Doncan M'intosh „
John Abercromby, Lieut. and Aid de Camp.
 — *Skeen* „ „ „
David Stuart „
Will. Mackintosh „
Jo. M'intosh, Aid de Cong.
Daniel Grant, Adjutant.
Dav. M'quean, Paymaster.
Will. Shaw, Quartermaster.

The Macphersons formed a separate battalion under the orders of the Marquis of Huntly, son of their superior lord; but owing to that noble's jealousy and distrust of Mar they had not much opportunity of exhibiting their prowess. At the indecisive battle of Sheriffmuir they were compelled to remain inactive, either in obedience to Huntly's order or by the enemy's strategy.

The most important event of this unfortunate Rising was the campaign in the south of Scotland and in England; and in this the Mackintosh battalion took a prominent part. Desirous of encouraging the Jacobites in England and on the Borders, Mar conceived the idea of despatching a force across the Firth of Forth to their assistance, he himself remaining at

¹ Second son of Alexander Shaw of Tordarroch.

² A natural son of the Brigadier.

Perth with his main body until the clans which still held aloof should yield to his persuasions and join him. A more politic and soldier-like course would no doubt have been to move his whole force against the Duke of Argyle, who occupied Stirling. Argyle must then have retired before him or have been beaten; and either result would have opened a way into the south, and at the same time have brought the undecided chiefs flocking to the Jacobite standard. But it was not without reason that an aged chieftain made the pathetic exclamation at Sheriffmuir, "O for one hour of Dundee!" Mar was no leader of men, and with such an army as his, under similar circumstances, the great viscount would in all human probability have placed his master on the throne of Britain.

The force sent across the Firth of Forth comprised six regiments,—Lord Strathmore's, Lord Mar's (composed of his own vassals, among them some of the Farquharsons under Inverey), Logie Drummond's, Lord Nairn's, Lord Charles Murray's, and Mackintosh's — about 2500 men altogether, and, except Strathmore's regiment, all Highlanders. The chief command was given to Brigadier Mackintosh, younger of Borlum, but whether he had any precise orders or any detailed plan of operations assigned to him is not certain. The nights of the 11th and 12th Oct. were chosen for the passage of the Firth. All the boats that could be found along the coast had been pressed into the service and kept in readiness at Pittenweem, Crail, and other villages near. From these places

the 2500 men set out at the appointed times on their perilous voyage of some eighteen or twenty miles, in crowded open boats, and with the knowledge that several hostile men-of-war were cruising in their vicinity. Only about 1500 men, including the whole Mackintosh regiment, achieved the passage.

Collecting his scattered forces at Haddington and Tranent, the brigadier marched on Edinburgh. In a letter dated 21st Oct. to Lord Kenmure, Mar terms this march "an unlucky mistake."¹ Certainly no advantage came from it, though at the same time it occasioned no loss. It is probable that the brigadier had heard from friends in Edinburgh that he had a chance of seizing the capital, an acquisition which would have given vast *éclat* to his army and the cause and at the same time have supplied him with arms and money. But Lockhart of Carnwath and other leading Jacobites in the city were apparently ignorant of the expedition; and the authorities, on hearing of the landing of Borlum's force, had at once lodged Lockhart himself in the castle, thus awing the rest,² and had sent to Stirling for aid from the Duke of Argyle. Borlum, therefore, on seeing the position of affairs, turned his back on the capital and took possession of Leith, where he entrenched himself in a fort originally built by Cromwell. On the 14th, Argyle appeared before the fort, but only to receive a resolute defiance from its occupants, and to see that an assault would be useless without cannon. The brigadier,

¹ *Patten*, 75.

² *Lockhart Papers*, i. 495.

having now no object in remaining near Edinburgh, moved his force the same night to Seton House, the residence of Lord Wintoun. Here on the 18th he received orders from Mar to march towards England and form a junction with the forces of Lord Kenmure and Mr. Forster. He joined these at Kelso on the 22nd Oct.¹

It is not necessary to follow the Jacobite forces step by step in their fatal march into England. The responsibility of this disastrous movement rests with Forster and the English Jacobites; it was from the first strongly opposed by the Scots leaders, and only finally assented to on the assurance of Forster and his friends that a general rising would take place in Lancashire on their arrival there.² No one was at first more opposed to the movement than Brigadier Mackintosh, who was desirous of joining the western clans under General Gordon—a step which if taken would doubtless have secured Scotland to the Jacobites. But when the march into England was decided upon, he went into it heart and soul, and used all his influence to prevail on the rest of the Highlanders to follow his example.³ After crossing the border Mr.

¹ “The Highlanders came into the town with their bagpipes playing, led by old Mackintosh; but they made a very indifferent figure, for the rain and their long marches had extremely fatigued them, tho’ their old Brigadier, who march’d at the head of them, appeared very well.”—*Patten*, 38.

² *Patten*, 71.

³ When orders were given to cross the Border “the Highlanders refused obedience. Their leader Mackintosh, who had

Forster became commander-in-chief of the whole force, by virtue of a commission from the Earl of Mar.

On the 10th Nov. 1715 the army entered the town of Preston in Lancashire. On the second day after their arrival, Forster gave directions for a march towards Manchester, but before these could be carried out the approach of the Hanoverian General Wills was announced. In some consternation, Forster first ordered that the bridge across the Ribble should be defended—Mackintosh's battalion having the honour of being chosen for this service ¹—but soon afterwards,

no prejudice against active service wherever it could be obtained, endeavoured with all his eloquence and authority to prevent their desertion, and by one who was sent from the army to know their final determination he was found standing in the middle of the Esk, endeavouring to stop them in their attempts to march northward, and heard emphatically cursing their obstinacy and exclaiming, 'Why the devil not go into England, where there is both meat, men, and money! Those who are deserting us are but the rascality of my men.'"—Burton's *Hist. Scot.* viii. 301, quoting *Journal of a Merse Officer*.

Burton gives another characteristic anecdote of the Brigadier from the Merse Officer's Journal. During the debates which took place previous to the march into England, "Mackintosh, who was a practical man, and had seen abundance of savage fighting, became disgusted with all these councils and cross-marches. He heard that there was an enemy (General Carpenter) near, and called on them to stop their consultations and fight him off-hand—a proposal which only made his more deliberate allies say that he saw nothing before him but starving or hanging."—*Ib.* viii. 300.

¹ "The foot that were advanced to the Bridge were about 100, but they were choice, stout, and well-armed men, and

and without waiting for the enemy's attack, he drew all his men into the town. Here he resolved to hold out against Wills.¹ The entrances to the town were speedily barricaded and manned. The four main barriers were—"one a little below the church, commanded by Brigadier Macintosh," and supported by the gentlemen volunteers; another at the end of a lane leading to the fields, under Lord Charles Murray; "the third was called the Windmill, and was commanded by Colonel Mackintosh; and the fourth was in the street which leads towards Liverpool, commanded by Major Miller and Mr. Douglas."²

The first three barriers were attacked with great fury, but without success. The attack on the brigadier's barrier was repulsed with considerable

commanded by Lieut.-Colonel John Farquharson of Invercall belonging to Macintosh's Battalion. He was a good officer and a very bold man, and would have defended that important pass to the last drop."—*Patten*, 104.

¹ Forster, elated by the number of recruits he had received at Preston, appears at first to have thought it possible that Wills would not dare to face him, but Brigadier Mackintosh advised him not to be too confident. "Forster treated this advice very lightly, but Mackintosh added, 'I tell you, man, he (Wills) will attack and beat us all if we do not look about us.' Thereupon, observing from a window a party of the new recruits passing by, the veteran warrior thus contemptuously addressed the inexperienced chief, 'Look you there, Forster, are yon fellows the men ye intend to fight Wills with? Good faith, Sir, an ye had ten thousand of them I'd fight them all with a thousand of his dragoons.'"—*Browne*, ii. 307, quoting *Annals of 2nd Year of George I.*, 136.

² *Patten*, 107.

loss to the assailants, and with the loss of at least one brave man, Captain Peter Farquharson of Rochalzie, of Mar's regiment, to the defenders.¹ That on the Windmill barrier, held by the chief of Mackintosh in person with about 300 men, was equally unsuccessful. "Mackintosh with his men behaved very boldly, and made a dreadful fire upon the king's forces, killing many on the spot, and obliging them to make a retreat."²

On the following day (Sunday 13th Nov.)³ the Government force was strengthened by the arrival of General Carpenter's army, which had followed the Jacobites from the north of England. The town was now regularly invested, and it soon became obvious to the besieged that surrender or death was inevitable. Of the first alternative the Highlanders never dreamed; they "were for sallying out, and dying, as they called it, like men of honour, with swords in their hands," says Patten. Forster and the English were of another mind. They decided on a capitulation, in

¹ "A gentleman of an invincible spirit and almost inimitable bravery. Being shot through the bone of the leg, he endured a great deal of torture in the operation of the surgeon. When he was first brought into the Inn called the White Bull, he took a glass of brandy, and said, 'Come lads, here is our Master's health; though I can do no more, I wish you good success.' His leg was cut off by an unskilful Butcher rather than a Surgeon, and he presently died."—*Patten*, 110.

² *Patten*, 113.

³ On the same day the battle of Sheriffmuir was fought, and the town of Inverness was retaken by Lord Lovat for the Government.

the hope of obtaining good terms ; but they carefully kept their intention a secret from their northern allies. The despatch of a messenger to Wills was therefore accounted for by the pretext that he had sent to offer honourable terms.

To the message of Forster, as well as to the inquiry of Captain Dalziel as to the terms which would be granted to the Scots, Wills returned answer that he would not treat with rebels, and that they might expect no other terms than to lay down their arms and surrender at discretion. Sending later in the day for an immediate decision, he was asked to grant a truce till next morning in order that differences between the English and Scots officers might be settled and the best means of surrendering decided upon. This request was granted under certain conditions, one of which was that the chiefs of the English and Scots should be given up as hostages ; and accordingly the Earl of Derwentwater and Brigadier Mackintosh were sent to Wills's headquarters.

The Highlanders, on perceiving that surrender was resolved upon, were "terribly enraged, and declared they would die fighting." All night the streets were in a state of the wildest confusion ; men marching to and fro, exclaiming against those who had betrayed them, and threatening—even killing—any who talked of surrender. Had Forster appeared in the streets, says Patten, he would certainly have been cut to pieces ; and even in his own chamber he only escaped death by the promptness of his chaplain—Patten

himself—in striking up a pistol which was fired at him.

At the appointed time next morning Wills received a message from Forster to say that the besieged were willing to surrender at discretion. Brigadier Mackintosh, according to the deposition of Wills at Lord Wintoun's trial in the House of Lords, "being by when the message was brought, said he could not answer that the Scotch would surrender in that manner, for that the Scots were people of desperate fortunes, and that he had been a soldier himself and knew what it was to be a prisoner at discretion. Upon this the deponent said, 'Go back to your people, and I will attack the town and not spare one man of you.' Mackintosh went back, but came running out immediately again, and said that the Lord Kenmure and the rest of the noblemen, with his brother, would surrender in like manner with the English."

The Government forces now took possession of the town and disarmed its defenders, whom they kept under guard until orders should be received for their disposal. The prisoners numbered nearly 1500, two-thirds of them being Scots. Those of most note were sent to London; some were kept at Lancaster, Liverpool, Carlisle, and other towns, while many of inferior rank were shipped off to slavery in the American plantations.

The prisoners sent to London for trial were conducted into the metropolis in a kind of mock triumphal

procession—a less dishonour to them than to those who stooped to authorise and enjoy such a spectacle. At Barnet they were pinioned as if they were the vilest criminals, the noblemen even not being exempted from this indignity. From Highgate they were escorted by horse grenadiers and foot guards, and attended by the jeers and revilings of a large mob, to their respective prisons,—the Tower for the noblemen, Newgate, the Marshalsea, and other prisons for the remainder. Among them were Brigadier Mackintosh and the gallant young chief, with several other members of Clan Chattan who were deemed of sufficient note to be tried in the capital. “Brigadier Mackintosh,” says Burton,¹ “remarkable for the grim ferocity of his scarred face, attracted in the captive procession glances which, through the influence of his formidable presence, had in them more respect than ridicule, even from the exulting crowd. Ere he had been long among them he performed a feat which made him still more the object of admiring awe” (alluding to his escape). Forster and the brigadier, with some of the Clan Chattan officers, were among those confined in Newgate. The chief appears at first to have been lodged in the Fleet, but he was subsequently removed to Newgate. He writes from the Fleet to the Duke of Montrose, on the 20th Feb. 1716, showing the desirableness of banishing the prisoners for the sake of saving the Government so many trials,

¹ *Hist. Scot.* viii. 333. Mr. Burton gives no authority for his description of the Brigadier's personal appearance.

and for the sake of the prisoners' families; and mentions that those in the Fleet were about to petition accordingly. It is probable that the condition of the Fleet Prison at this time was no better than in the days of the Star Chamber, when its misery and loathsomeness were proverbial.

On the 14th April Forster, Brigadier Mackintosh, and other principal commoners engaged in the Rising were attainted of high treason, and examined before a Commission. They pleaded Not Guilty, and on a motion for time had three weeks allowed them to prepare for their trial, which was fixed for the 5th May. But several found a means of evading trial. Forster effected his escape from prison by stratagem; and at about 11 o'clock on the night of the 4th May the brigadier and fifteen of his fellow prisoners, apparently having arranged to act in concert, knocked down and disarmed the turnkeys and sentinels of Newgate, and rushed out. Owing probably to their ignorance of the mazes of London, seven were retaken; but the rest, including the brigadier, completed their escape. Government offered rewards for their recapture, £1000 for the brigadier, and £500 for any of the rest, but these were all ineffectual, at least for some years.¹

¹ *Rae*, 383. A letter dated "London, 5th May 1716," from Mr. John Forbes to Duncan Forbes of Culloden, states that "Brigadier Mackintosh and six more made their escape out of Newgate last night."—*Culloden Papers*, No. 69. The following description of the brigadier was placarded in and about London by the chief turnkey of Newgate, with offer of a reward of £200

“The Londoners,” remarks Burton, “amazingly enjoyed the pomp of justice assembled next day to hear that the bold mountaineer had superseded its functions. Mackintosh was decidedly popular among the Hanoverian mob, who celebrated his heroism in ballads not flattering to their own countrymen.” One of these ballads, entitled “An Excellent New Song on the Rebellion,” is given in Hogg’s *Jacobite Relics*. It is described as “the best model of a street ballad extant,” and in the matters of rhyme, measure, and sentiment it fully justifies this description. The last of the following extracts shows that the London mob of that day had the same relish as their descendants of to-day for a little flouting at the ruling powers. The ballad commences thus,—

“Mackintosh is a soldier brave,
 And did most gallantly behave
 When into Northumberland he came
 With gallant men of his own name.”

Referring to the events preliminary to the surrender at Preston, it gives a broad paraphrase of the brigadier’s speech to Wills, but was no doubt founded on that general’s evidence at Lord Wintoun’s trial :—

“Then Mackintosh unto Wills he came,
 Saying, ‘I have been a soldier in my time,
 And ere a Scot of mine shall yield
 We’ll all lie dead upon the field.’”

for his recapture :—“A tall, raw-boned man, about sixty years of age, fair complexioned, beetle-browed, gray-eyed, speaks broad Scotch.”—*London in Jacobite Times*, by Dr. Doran, i. 205-8.

In a subsequent stanza the writer seizes on the apparent jealousy between his hero and the English leader.¹ It may be necessary to state, in explanation of the last line of the stanza, that it was supposed at the time—though no doubt without any just grounds—that Forster had betrayed the forces under his command, and that his escape from Newgate was in consequence connived at by the Government :—

“ Mackintosh is a gallant soldier,
 With his musket over his shoulder ;
 ‘ Every true man point his rapier,
 But damn you, Forster, you are a traitor.’ ”

¹ Much enmity seems to have existed between Forster and the brigadier, and this is probably the reason for the denunciation of the latter so frequently indulged in by Patten, Forster’s friend and chaplain. “Mr. Forster showed several times forwardness enough for action, and particularly that he was far from being a coward, by his riding up to Macintosh’s barrier twice in the very face of the King’s troops ; where I heard him command the brigadier to advance without the barricade and make a sally, which he positively refused. What reason he gave, I know not ; Mr. Forster, however, warmly told him he would have him tried by a Court Martial if he outlived the service of the day and if ever his King came. This occasioned the grudge which still continued betwixt them even in Newgate. The brigadier has got the character of brave and bold ; he has given signal instances thereof beyond seas ; but we all must say we saw very little of it at Preston.”—*Patten*, 126.

Forster was certainly no soldier ; and it is likely on the one hand that the brigadier did not conceal his impatience at his superior’s ignorance of military matters, and on the other that Forster resented the interference and plain-speaking of his subordinate but more experienced ally. The brigadier’s refusal to obey Forster’s order for a sally seems justified by the fact

The concluding lines are by far the best :—

“ Brave Derwentwater he is dead,
 From his fair body they took the head ;
 But Mackintosh and his friends are fled,
 And they'll set the hat on another head.

“ And whether they're gone beyond the sea,
 Or if they abide in this countree,
 Tho' our king would give ten thousand pound,
 Old Mackintosh will scorn to be found.”

The chief of Mackintosh remained in prison until August, when he was set at liberty. The Diary of a gentleman in Newgate at the time mentions that “ the Laird of Mackintosh, chief of his clan, was discharged upon the intercession of his lady, who made it plain that he was trepanned into the rebellion by the craft of the brigadier ”—rather a tame and commonplace sequel to his spirited conduct during the few months of the Rising. From a letter sent by Simon Lord Lovat, after his capture in 1746, to the Duke of Cumberland, dated 12th June 1746, it appears that intercession had also been made on behalf of the chief by Lovat himself, then professedly a staunch Hanoverian.

Several of the inferior members of Clan Chattan suffered death. Among those tried and condemned

that Wills had with him, besides the yeomanry of Lord Lumley and others, three regiments of regular Dragoons, a force against which the Highlanders would have had little or no chance ; and this fact was pleaded by the brigadier in a subsequent conversation with Lord Widdrington.—*Patten*, 134.

at Liverpool from 20th Jan. to 9th Feb. 1716 were Thomas Shaw, James and George Mackintosh, John Macgillivray, and William "Ferguson" (Farquharson).¹ The officers of the clan regiments appear to have been taken to London for trial, and most of them were ultimately pardoned.²

As the greater part of the subsequent career of Brigadier Mackintosh passed without event, it may not be out of place to complete his story here. After his escape from Newgate he went abroad, and his father dying in the same year he became "of Borlum." From a contemporary MS. account of the Jacobite expedition in Scotland in 1719 (discovered a few years ago among the papers of a distinguished Jacobite family) it appears that Borlum was one of the small force of Scots and Spaniards who in that year landed in Lewis under the command of the Marquis of Tullibardine and the Earls Marischal and Seaforth.³ This force was a portion of an army of some 6000 men which had set out from Spain, but which had

¹ *Rae*, 378.

² Among the Cawdor Papers is an interesting letter (dated Calder, 6 Jan. 1716) from Sir Hew Campbell of Cawdor to his grandson John in London, concerning one of the captains in Mackintosh's regiment, Angus Mackintosh of Killachie, then a prisoner in London.—See *Thanes of Cawdor*, 415.

³ It is probable that Borlum had been in Scotland in the preceding year. In a pamphlet printed in 1718, entitled "The Necessity of a Plot; or, Reasons for a Standing Army," it is stated that peril was already looming from Scotland, Brigadier Mackintosh's ghost having been seen in the Highlands.

been dispersed by storms off Cape Finisterre. On landing in Scotland it was augmented by some of the Mackenzies, but was too inconsiderable to cope with the regular forces of the Government, aided by the Munroes, Rosses, and other Whig clans. After a skirmish in Glenshiel it was disbanded, and its leaders returned abroad. Borlum lingered for some time in Scotland without detection, but he was at length apprehended, and confined in Edinburgh Castle. It was during his captivity, which endured for the rest of his long life, that he wrote and published the treatise on agriculture already noticed, as well as, only a year before his death, a scheme for curbing depredation in the Highlands—"which scheme," says the Rev. Lachlan Shaw, writing some thirty years later, "is now executed with success." He was thus, from the time of his return from foreign service at the beginning of the century—when he set the example of planting on his own lands at Raits in Badenoch—to the time of his death, occupied in doing good, or what he conceived to be good, to his country. After a captivity of nearly a quarter of a century, and after a rough earthly pilgrimage of eighty years, the gallant old warrior passed to his rest on the 7th Jan. 1743, true to the last to his Jacobite principles.¹

¹ His death is thus noticed in the *Gentleman's Magazine* for Jan. 1743 :—"Jan. 7. W^m Mackintosh of Borlum, Esq., aged 80. He had been confined 15 years in the Castle of Edinburgh for being concerned in the late Rebellion." The notice in the *Caledonian Mercury* speaks of him as "a complete gentleman, friendly, agreeable, and courteous."

The chief of Mackintosh was rewarded for his services to the Stuart cause by a patent of nobility from James VIII. The royal warrant for this, preserved in the Mackintosh charter chest, is dated at Avignon, 21st Jan. 1717, "the sixteenth year of Our Reigne," and is countersigned by the Earl (titular Duke) of Mar. It sets forth that "James, by the Grace of God King of Scotland, England, France, and Ireland, Defender of the Faith, &c. being satisfied with the duty, loyalty, and affection of Our trusty and well-beloved Lachline M'intosh of M'intosh, and the good service performed by him to us, particularly in the late attempt in Brittain . . . as appeared by his Receiving the necessary Orders from the then Earl, now Duke of Mar, to whom We had committed the direction of that affair, and Joining Our Royal Standard with his men; and by his afterwards passing the Forth by Our said General's orders under the command of his cousin Brigadier M'intosh to encourage and promote the Riseing in England for Our service, When at the affair of Preston his family suffer'd considerably; and being resolved . . . to attach the said Lachlin and his family the more to the interests of the Crown and of Us and Our Lawfull Successors, and to make them further usefull to their Countrey, and as a mark of Our Royal favour, to confer on the said Lachlin M'intosh and his lawfull heirs male the Tittle and Dignity after-mentioned . . . ordains Letters Patent to be past under Our Great Seal of Our ancient Kingdom of Scotland making and

creating, as We hereby make and creat, the said Lachlin M'intosh a Lord and Peer of Parliament of Our said ancient Kingdom by the Name and Tittle of Lord M'intosh."

It only remains to notice briefly the result of the Rising, of which the expedition into England was but a part. As might have been anticipated, the irresolution and military incapacity of Mar soon proved the ruin of an undertaking which in more able hands might have succeeded. The question whether Mar or Argyle should hold Scotland ought to have been settled long before Sheriffmuir was fought ; and even as things fell out, Sheriffmuir ought to have been a Jacobite victory. After this battle, Mar's army was reduced by about half, many persons of consequence retiring with their followers, some disgusted with their leader's incapacity, and despairing of success while he remained at their head ; others, in addition to these motives, driven away by his insolence. The army lingered on until February 1716, when it was disbanded by order of James himself, whom Mar had invited over. Mar accompanied his prince back to the Continent, and for a few years acted as his prime minister.

CHAPTER XIII.

Glenroy—Arrangement with Cluny as to headship of Clan Chattan—Lachlan's Character and Death—William, 21st chief—Angus, 22nd chief—Jacobitism in the Highlands—The Black Watch Deserters, 1743—The Rising of 1745—Anne Farquharson, Lady Mackintosh—Battle of Falkirk—Prince Charles Edward at Moy; the "Rout of Moy"—The Prince at Inverness—Battle of Culloden.

AFTER his release in 1716, the chief gave up the trade of king-making, and returned to the north to spend the remainder of his life among his clansmen. "He zealously devoted himself to the improvement and consolidation of his estates, and had several long-outstanding disputes with the Duke of Gordon, Cluny, Rothimurcus, and others settled, besides establishing the family's claims on Keppoch."¹ In the settlement of the dispute with the Duke of Gordon we hear the last of the old debates concerning the Brae Lochaber lands,—Glenspean becoming the property of the Gordons, who had previously obtained a right to it, and Glenroy passing into actual possession of the Mackintoshes. Glenspean has since changed hands, but the Mackintoshes still hold their share of the

¹ *Antiquarian Notes*, no. ix.

old debateable land, and, as Mr. Fraser-Mackintosh remarks, “have with undiminished possessions seen the Gordons, their inveterate foes and oppressors, virtually extinguished in Inverness-shire.”

Another dispute of some importance which was settled in this chief's time was with Cluny. We have seen that the Maephersons had for some time been following the house of Huntly, and that Huntly—or more properly the first Duke of Gordon—had been using every means to trouble Mackintosh. In imitation of the policy of his great-grandfather the first marquis, the duke had stirred up the chieftain of Clan Mhuirich to assert his independence of Mackintosh, and to claim the headship of Clan Chattan. This had been done, as we have seen in Chap. II., by Duncan of Cluny, who, by the way, with strange inconsistency—considering that he founded his claim on his *male* descent, and repudiated Mackintosh's claim through female descent, from the old Clan Chattan chiefs—had endeavoured to make a settlement of his estates and command on his son-in-law, Archibald, second son of Campbell of Cawdor.¹ On the

¹ Fortunately he was unable to effect his object, or the ancient family of Cluny would have sunk before the Campbells as did the not less ancient family of Calder. The Maephersons met, and signed a contract dated at Benchar the 14th March 1689. In this they say, “Considering that our chief is of full purpose and resolution to talyie not only his whole estate but also the representatione of us and all others our kinsmen . . . with his daughter to a stranger, and that our ruine is thereby threatned, if God Almightye by ane entire unione among ourselves doe not prevent the same, [We] declare and swear upon

death of Duncan in 1722 he was succeeded by his kinsman Lachlan Macpherson of Nuid, son of William of Nuid, as heir male. This chief refused to continue the proceedings of his predecessor, and consented to a proposal made by Mackintosh that the matter in dispute should be finally settled. A meeting of the Clan Chattan¹ accordingly took place at Moy in September 1724, and on the 15th an agreement was signed by Mackintosh and Cluny, proceeding on the narrative of the "differs betwixt those parties and their immediate

our great oath that we shall not own nor countenance any person as the said Duncan M'phersone his representative (failing heirs male of his own body) excepting William M'phersone of Noid, who is his true lineal successor, and the heirs male of his body, quhilkis failing the heirs male quhatsumevir and safurth successibly; and that wee shall to the utmost of our power assist and maintain the said William and his forsaid in attaining and possessing the said estate by all just means imaginable." This is signed by sixteen Macphersons, William of Noid and Alexander of Pitmean heading the list.—*Thanes of Cawdor*, 37.

¹ Nearly all the names of the tribes of Clan Chattan are found in the list of those present, most of whom signed the agreement as witnesses. The friends of Mackintosh were William Mackintosh of Daviot, John Farquharson of Invercauld, Peter Farquharson of Inverey, Farquhar Macgillivray of Dunmaglass, James Shaw of Dell, Angus Shaw of Tordarroch, William Macbean of Kinchyle, Donald Macbean of Faillie, Robert Macphail of Inverernie, James Macqueen of Corrybrough, Lachlan Mackintosh of Killachie, Lachlan of Strone, Shaw of Borlum, William of Aberarder, John of Holm, Alexander of Blairvie, William of Corrybrough, and others. Cluny was supported by John Macpherson of Invereshie, Angus of Killiehuntly, James of Pitchern, John of Strathmashie, John of Cruben, John of Benchar, and others of his own name.

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 anno twelve hundred and ninety-one years, and is still willing to represent them as such;” therefore, and in consideration of a grant of lands by Mackintosh, Cluny binds “himself and his successors to pass from and renounce to and in favour of 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 writts as shall be found conducing to that end . . . for the said Lachlan M. of M. his further security of the said L. M. of C. and friends, their dependence, owning, and following him, the said L. Mackintosh, as their principal Captain and Chief be virtue of the said marriage.” Mackintosh on his part binds himself to assign and dispone “to Cluny, his heirs and successors, heritably and irredeemably, the davoeh and land of Gelovy, comprehending Kinloch, Muckull, Inverviddan, Ardverikie, with the two easter ploughs of Gelovy now wadset, &c.”—Cluny, however, not being allowed to

sell or dispone the lands or any portion of them except to Mackintosh, and being required with his tenants on the lands to "answer to the said Lachlan Mackintosh his courts twice a year if cited thereto," as well as to pay certain feu duties to Mackintosh for the lands. The agreement was formally carried into effect on 24th Oct. 1726.

The wife of Lachlan Mackintosh was Anne, daughter of Alexander Duff of Drummuir. By this lady, who survived him nineteen years, he had no issue. His character, both as a chief and as a gentleman, appears to have been worthy of imitation. The Rev. L. Shaw in his MS. says, "He was of a middle stature, ruddy complexion, straight and lively, and having had a liberal education, was courteous and polite in his address. His easy and ready wit, his free and facetious conversation, rendered him a most agreeable companion. His strict and untainted honour and integrity endeared him to all ranks. He was a most affectionate husband, firm friend, kind master, and indulgent chief, and though he had no children of his own he acted as a parent to the younger gentlemen of his clan, and particularly to his near relations." Shaw was no doubt well acquainted with him, but perhaps fully as good an estimate may be formed of his character from a deed of mortification the provisions of which are still in force. The mortification is of 2000 merks for the maintenance of a student at King's College, Aberdeen. The deed commences—

“Wee Lachlan Macintosh of that Ilk, chieff and principall of the Clan Chatton, and Mrs. Ann Duff my spouse do for promoting the glory of God and in thankful acknowledgment of His mercies bestowed on us, and for the advancement of religion learning and virtue, give grant and dispo to the King’s College in Old Aberdeen the sum of 2000 merks of principall the yearly annual rents of which is to be applyed for subsisting a student in philosophy and such parts of learning for the space of four years.” Such student, not under the age of twelve years, is to be nominated “by the lairds of Mackintosh successively in all time coming ;” a youth of the name of Mackintosh or of Clan Chattan is to have the preference, though the right of nominating “a well qualified youth of any other clan or name” is reserved to the patron in case no youth of Clan Chattan offers ; and the youth selected is to be as exempt from all servitude and restriction, and possessed of as ample immunities and privileges, as are allowed by the laws or practice of the University to any other thereat.¹ At the same time Lachlan and his wife mortified 3000 merks for the support of two or three boys at Raining’s School in Inverness.

Lachlan died at Moy on the 20th October 1731, aged about sixty years. In consequence of the absence of his successor his funeral was delayed for two months, not taking place until the 22nd of December. In *Antiquarian Notes* (no. ix.) are

¹ *Fasti Aberdon.* 205.

quoted several documents relating to the circumstances. The first of these, dated "Moyhall, 22nd Oct. 1731," shows the exact date of the chief's death. It is a "Petition of Mrs. Anna Duff, Lady Dowager of Mackintosh," to the commissary of Inverness, setting forth "that Lachlan Mackintosh of that Ilk, Captain of Clan Chattan, the petitioner's husband, having deceased on the 20th instant, and William Mackintosh of Daviot, the heir male, being out of the country, such of the repositories of the writings of the family as were lodged in this house (Moyhall) were immediately on Mackintosh his decease sealed;" and praying that the official would cause them and the repositories of papers at Dalcross Castle to be sealed in the regular legal manner for the behoof of the said heir male.¹

Another paper quoted is a criminal information and complaint to the Sheriff of Inverness-shire, made 24th January 1732, by Shaw Mackintosh of Borlum against three Macphersons. This sets forth that

¹ The next two papers are the declarations of the Commissary, Alexander Monro, that the repositories at Moy and Dalcross had been sealed as requested. Among the witnesses to the sealing at Moy are Shaw Mackintosh of Borlum (second son of the brigadier), William of Aberarder, and Lachlan of Killachie, Farquhar Macgillivray of Dunmaglass, and James Macqueen of Corrybrough. Killachie and Aberarder were also present at Dalcross. At the "unsealing" at Dalcross in January following were present the widow and the half-sister of the deceased chief (Christian, widow of David Dunbar of Dunphail), William, the new chief, Macqueen of Corrybrough, and James Mackintosh of Strone.

“upon Thursday the 23rd day of December last past, as your informer was riding in a quiet and peaceable manner from Petty to the house of Dalcross, without any arms or weapons or so much as a servant in company with me, in my return of waiting of several gentlemen that had *the day before* been at the late Laird of Mackintosh’s funeral, the said Ewan, Andrew, and James Macphersons, who without any just cause had been lurking and lying in wait to execute their wicked designs against me, did all three, armed with swords and pistols, attack and assault, &c.”

The funeral took place from Dalcross Castle, whither the body had been transported from Moy. As was customary, open house was kept during the whole period of lying in state and at the funeral; and so great was the expense of this hospitality that the estate was burdened for many years afterwards. Some idea of the consumption of food and drink may be formed from the fact that the chief’s body was followed to the burying-place at Petty by several thousand persons.

(21) WILLIAM, the next chief, was grandson of Angus of Daviot, third son of Sir Lachlan; and was thus the deceased chief’s second cousin. He had been a cornet of Dragoons, but had abandoned the military profession in consequence of ill-health. His chiefship was spent in relieving the family estate from the burdens which previous extravagance had laid

upon it, and the Rev. L. Shaw states that "in the short time he enjoyed the fortune of the family he extinguished near to £2,000 of the debts of it." Shaw adds, "He did not affect the clannish grandeur, the numerous attendants and servants, common among Highland chieftains. He chused rather to live genteelly, but not great; and in order to this he abridged the number of servants and cut off much of the superfluous expenses of his family."

He appears to have been engaged in his time in several duels—a fact which seems at first sight somewhat to militate against a statement by Shaw that "his life was a pattern of virtue and goodness;" but which, when we consider the state of society at the period, is not incompatible with that statement.¹ The circumstances, as related in Sir Æneas Mackintosh's MS., under which one such affair had well-nigh happened, are sufficiently curious to warrant their narration here. The sword worn by Viscount Dundee at Killecrankie—a large horseman's sword, silver-hilted, with the Graham arms on the hilt—had been presented to the late Mackintosh, when a young man, by the viscount's family. It was worn by Lachlan during the '15, and at Preston was given

¹ A silver-hilted sword is still kept at Moy which was worn by this chief, and with which, according to Sir Æneas Mackintosh, "he had been successful in several affairs of honour." This sword, and another presented to Sir Lachlan Mackintosh by Charles I. "out of the great regard he had for him," are placed across the coffins of the Mackintosh chiefs when lying in state.

up by him to an officer of the name of Græme in General Wills's force, with the understanding that it should be returned to him if he escaped the law. Though he survived his pardon fifteen years, Lachlan never again saw the sword ; but he did not forget it, for he made a special request on his death-bed that his successor should be asked to procure, if possible, its restoration to the family. Captain Græme being with his regiment at Fort Augustus some time afterwards, received a message from the chief of Mackintosh desiring him either to deliver up the weapon or "name his own." He chose to comply with the first alternative, and the sword, with its romantic history, is still preserved among the curiosities at Moy Hall.

William's short chiefship was almost wholly without event. He married Christian, daughter of Sir Alexander Menzies of that Ilk, but had no issue. This lady was greatly and deservedly beloved, and her early death—which took place at Chanonry (Fortrose)—appears to have been a severe blow to her husband, who survived her only a few years. Her beauty and virtues are pathetically described in a Gaelic elegy by the famous warrior-bard John Roy Stewart.

The chief's delicacy of constitution, and a tendency to consumption which he had manifested, were so worked on by grief for the loss of his wife, that his physicians found it necessary to order him to the south of France. He accordingly spent some time

at the invalid station of Montpellier, but as his malady still gained ground he resolved to return home and end his days in his native country. At Edinburgh his little remaining strength gave way, and he died there on the 24th September 1741, being buried in the Abbey Church of Holyrood. "No gentleman," says Lachlan Shaw, "could be more valued and esteemed than Mackintosh was by all his acquaintance. His sedate and decent air, his polite and affable conversation, his strict honour and virtue, and his universal goodness and benevolence, made his life agreeable to, and his death much lamented by, all who had the honour of his acquaintance. Far from indulging in the levity, extravagance, luxury, and infidelity of a corrupt age, his life was a pattern of virtue and goodness."

(22) ANGUS. William was succeeded by his brother Angus, or Æneas, in whose time was made the last great attempt to replace the Stuarts on the throne of Britain. In this, as in the Rising of 1715, the Clan Chattan evinced their loyalty to the fallen house, and won new laurels.

The attachment of the Highlanders to the Stuarts, and their antipathy to the successors of that dynasty, were perhaps at no period since 1688 more intense than during the few years preceding "the '45." The generation which had fought at Sheriffmuir and Preston, which had seen Scottish blood flow like water on the scaffold, and loyalty to the old race of

kings punished with banishment and slavery far away beyond the ocean, was largely represented and anxious for an opportunity of wiping out the stain of previous defeat. There were even patriarchs who could tell of glorious "Ian Dubh nan Cath" and Killecrankie, of William "the Cruel" and Glencoe, and whose fond yearning for the return of the banished royal race, for whom they and their fathers had been fighting for a whole century, would not fail to communicate itself to the sons and grandsons to whom they told their stories. Brought up with the loyal deeds of their ancestors engraven on their minds, the new generation felt that to preserve the honour of their name—ever a first consideration with Highlanders—they must follow in the same path; and this was the more easy to them as they had imbibed with their mothers' milk a genuine love and reverence for the dethroned family, and a fervent hatred for the dethroners. So much was this the case that during the Rising there were several instances, occurring even among the clans known generally as "Hanoverian," in which the very mainstay of a Highland chief's power, the principle of unlimited obedience by the clansmen, proved insufficient to cope with the principle of loyalty to the Stuarts.

Among the chiefs professing hereditary Jacobite principles the same feelings existed, though tempered by larger knowledge and the consciousness of having much to lose. Many no doubt were entirely sincere and disinterested in their professions; others, perhaps

equally sincere, were not so disinterested, hoping to attain rank and distinction on the return of the Stuarts, of which scarcely any doubted.

To prevent the Jacobite sympathies of the Highlanders from again breaking out, the Government, after the Risings of 1715 and 1719, had adopted measures which, however judicious from a military point of view, could only succeed in rousing increased dislike and opposition from the proud, high-spirited mountaineers. These measures had for their object not the conversion of the Highlanders from foes to friends, but the repression and overawing of them by force. Forts were built and occupied by English garrisons; General Wade's famous roads and bridges were made for the purpose of facilitating the movements of troops; and orders were given for depriving all Highlanders of their arms. These three courses were almost equally obnoxious. The first served only to rouse the natural pride and spirit of the Gael, and to determine him *not* to be overawed. The second was resented by all classes from a dislike of innovation, and by the chiefs particularly because such an opening up of the country would diminish the strength of their fastnesses in time of war, and expose their clansmen to the tampering of strangers in time of peace.¹ The third course, that of a general

¹ "As late as 1727," says Sir Æneas Mackintosh, "General Wade was so sensible of the danger the workmen ran that he wrote Lachlan Mackintosh desiring to know in what direction he wished to have the road carried through his estate, and that he would desire his people not to molest his workmen."

disarming, pressed very hard on the warlike clansman, who seldom stirred abroad without his weapons, which he might at any moment find occasion to use, and which not unfrequently were treasured as having been handed down from his ancestors.¹

Thus the danger of a disturbance of the peace was increased rather than diminished by the action of the Government, which also to some extent failed in its operation and actually did injury to its authors. For example, the Disarming Act operated more in favour of the Jacobite cause than otherwise, inasmuch as the Hanoverian clans, anxious to show their obedience, carefully complied with the Act, while the Jacobites generally contrived to retain most of their weapons, giving up only such as were old and unserviceable. As a consequence, when the war broke out the clans in the Hanoverian interest were almost totally unarmed, while the Jacobites had only to take their weapons from their hiding-places to be ready for the field. Mr. Fraser-Mackintosh mentions his reading a list of

¹ The Disarming Order to the Clan Chattan by General Wade, dated 6th Sept. 1725, is given in full in Mr. Fraser-Mackintosh's *Antiquarian Notes*, no. xiv. It strictly requires and commands "all of the name of Mackintosh, and their tribes and followers, in the parishes of Dunleckity, Doors, Moy, Dallaricie, Croy, and Petty, and all others of them inhabiting the four parishes of Badenoch, viz. Inch, Alvy, Kinghuizie, and Laggan, and those in the parish of Calder in the shire of Nairn," on or before Saturday the 18th Sept. "to bring or send to Inverness all broadswords, targets, poynards, whinzars or durks, side-pistol or side-pistols, guns, or any other warlike weapons," to be delivered up for the use of His Majesty, his heirs and successors.

arms given up by the Mackintoshes, "a most beggarly return;" and he adds, "Twenty-six years later, at Culloden, when the Clan Chattan appeared as a clan for the last time, they showed that they were as accustomed to the use of arms as at any period from Bannockburn downwards—that they had arms, and knew how to use them."

Devotion to the Stuarts and detestation of the Hanoverian kings having flowed into and filled the hearts of the great majority of Highlanders, little was required to congeal and fix them there. That little was not long wanting. The treatment of the Black Watch in 1743, the execution of three of its members and the banishment of others, raised throughout the Highlands, among Whigs as well as Jacobites, a general cry of indignation. It seemed to many as if Government was bent on gradually exterminating the Highlanders, its own servants and adherents with the rest, and that no trust was to be placed in any of its oaths or protestations. If the Hanoverian rulers betrayed, shot, and banished those Highlanders who were in their own service, what mercy could they be expected to show to those who owned a Stuart king? Thus many Jacobites felt that their feud with the Government was to the death.

The episode in Highland history of the Black Watch deserters, the treatment of whom is generally believed to have been a means of accelerating the Rising of 1745, has a special interest for Clan

Chiattan inasmuch as the three men punished with death were members of the clan. It has therefore a right to be particularly noticed here.

The independent companies raised in 1730 for the purpose of preserving order in the Highlands were in 1740 formed into the 43rd regiment of the line—since changed to the 42nd, and best known by the original name of the “Black Watch.” It being understood at the time that they were to be employed only in their own country, no difficulty was experienced in finding recruits, many of them gentlemen of good family and estate. Early in 1743 it was decided to send the regiment to Flanders, and orders were given accordingly. Strong remonstrances were made against this step by some even of the warmest partisans of the Government, Lord President Duncan Forbes among others, but without effect. It is evident that difficulty was anticipated from the regiment, for the men were informed that their destination was Edinburgh, where they were to be reviewed. But at Edinburgh the place of the alleged review was shifted to Berwick, and from this place they were induced to go on to London in the belief that the king himself was anxious to inspect them.

On arriving at London they were encamped near Highgate. On the 14th May they were reviewed—not, as they had been led to expect, by King George, but by General Wade. The king had left for Hanover on the day of their arrival. Soon the

vague suspicions which had haunted them during their march were deepened into a feeling of certainty. Whispers were circulated among them that Government, doubting their loyalty, designed to get rid of them altogether by sending them to the American plantations—a fate which they had learned from the edicts and occurrences of thirty years before to regard as worse even than death. Considering the apparent eagerness of the Government to get them to London, and the manner in which they had been decoyed thither, we can scarcely wonder at their giving credence to these whispers, however baseless they really may have been. A secret meeting was held, and a number of the men resolved to escape the trap they believed to be laid for them by returning to their own country. On the night of the 17th May about a hundred of them set forth in a body for the north, avoiding as much as possible the public roads and the towns. Nothing was heard of them by the authorities until late on the 19th, by which time they had reached Northampton. They were discovered in a wood a few miles from Oundle, and after some parleying were induced to surrender.

Being taken back to the metropolis they were tried for desertion, found guilty, and sentenced to death. Only three, however, suffered this punishment,—Samuel and Malcolm Macpherson, corporals, and Farquhar Shaw, a private. In an interesting pamphlet published immediately afterwards by the minister who attended them in their preparations for death,

the following particulars are given of their parentage and character :—¹

“ Samuel Macpherson, aged about 29, unmarried, was born in the Parish of Laggan in Badenoch ; his father, still living, is brother to M'Pherson of Breachie [Breachachie], a gentleman of considerable estate in that country, and is himself a man of unblemished reputation and a plentiful fortune. Samuel was the only son of a first marriage, and received a genteel education, having made some progress in the languages and studied for some time at Edinburgh with a writer, until about six years ago he enlisted as a volunteer in Major Grant's company, where he was much respected both by the officers and private men, and was in a short time made a corporal.²

“ Malcolm M'Pherson, aged about 30 years and unmarried, was born in the same Parish of Laggan, was son of Angus M'Pherson of Driminard, a gentleman of credit and repute, who bestowed upon Malcolm such education as that part of the country would afford. He enlisted about seven years ago in my Lord Lovat's company, where his behaviour recommended him to the esteem of his officers, and he was soon made a corporal.

“ Farquhar Shaw, aged about 35, unmarried, was born in the Parish of Rothimurcus in Strathspey. His father Alexander Shaw was an honest farmer, but gave his son no education, as living at a distance from schools and not in a condition to maintain him elsewhere. Farquhar lived for some time by droving, but meeting with misfortunes in that business was reduced and obliged for subsistence to enlist in the regiment, where he has lived till now without any reproach.”

¹ “ *The Behaviour and Character of the Three Highland Deserters who were shot at the Tower on the 18th July 1743* : by the Clergyman of the Church of Scotland who conversed with them in their own language from the time of their Sentence till their Execution.” London 1743.

² A brother of Samuel's, General Kenneth Macpherson of the East India Company's Service, died in 1815.

These three men were shot on the 18th July within the precincts of the Tower of London. The minister who attended them says that "they walked to the place [of execution], close up to the chapel in the Tower, without expressing the least horror or despondency in their gait or countenance, but with a Christian composure and resignation of mind." He then details the scene and events of the execution.¹

The rest of the offenders were sent abroad, being distributed among the garrisons in the Mediterranean, the West Indies, and America.

The severity of the Government, though justified by the necessity for preserving discipline, had the effect of impressing the clansmen in the north with the belief that the sufferers had had good reason for their attempt at escape. It was of course a powerful weapon in the hands of the Jacobite chiefs and agents, for most of the clans had representatives among the sufferers, and their revengeful feelings would require little prompting. "The Clan Chattan," says Henderson,² "observing that three of their name, to

¹ The *Scots Magazine* for July 1743 gives the following account:—"On Monday the 18th July at 6 o'clock in the morning, Samuel and Malcolm Macpherson, corporals, and Farquhar Shaw, a private man, three of the Highland deserters, were shot upon the parade within the Tower, pursuant to the sentence of the Court Martial. The rest of the Highland prisoners were drawn out to see the execution, and joined with them in their prayers. They behaved with great decency and resolution. Their bodies were put into three coffins by three of the prisoners their namesakes, and buried in one grave near the place of execution."

² *History of the Rebellion*, 131.

whom most of them—as the other Highlanders—were related, had fallen a sacrifice for the crime of which several Grants and Monroes were equally guilty, breathed nothing but revenge; however, their resentment was smothered for a while, till it began to burn with the greater violence.” Altogether, the tragic fate of the three men, and the transportation of their comrades to distant and unknown lands, sent through the hearts of the Highlanders at home such a thrill of dismay and distrust of the Hanoverian Government as did not soon lose its effect.

There could be little doubt in the minds of the Jacobite agents that, independently of their natural leaning to the house of Stuart, the Highlanders of Scotland would, as a body, readily concur in any attempt to overthrow the Hanoverian dynasty. Their country was therefore deemed by Prince Charles Edward, elder son of the Chevalier de St. George, or James VIII., the most suitable for his brave but desperate attempt in 1745. This attempt was of the prince’s own designing. After the miscarriage in 1744 of a project for invading Britain in which he was to be aided by a French force, and on the subsequent unwillingness of the French king to take any fresh steps in the matter, he had declared his intention of going to Scotland, where he had been repeatedly assured he would find an army ready to rise at his call. The crushing defeat of the British troops at Fontenoy seemed to afford a good opportunity for

striking a blow, and, the French government still holding aloof, he set sail with only two ships—one of which had to quit him on the way,—landing in the Western Highlands with seven followers on the 25th July 1745.

Within a month of the raising of the standard in Glenfinnan on the 19th August, the prince entered the Scottish capital and proclaimed his father king. On the 20th September he met and routed General Cope at Prestonpans, and after wasting some weeks in Edinburgh, set out on his ill-judged and ill-fated march into England. At Derby, 130 miles from London—near enough to create a panic in the metropolis,—it was decided in a council of war to return to Scotland; and this step, full of bitter disappointment to Charles and the majority of his army, was taken just at the time when, humanly speaking, the chances of success for the Rising were at their greatest height.

The chief of Mackintosh was personally on the side of the Government, although it is said he was at heart a Jacobite. Early in 1745 he had raised and had been appointed to command one of three new companies of the Black Watch;¹ and according to Stewart of Garth it was owing to his sense of duty on this account that he kept back his clan from joining the Jacobite army. But this is scarcely correct, for he did nothing to prevent the raising of his clan by his wife, and at one time subsequent to

¹ *Scots Magazine* for Feb. 1745; *Stewart's Sketches*, i. 114.

his appointment he appears even to have entertained the idea of leading it himself to the aid of Prince Charles.¹ He was probably of somewhat weak, vacillating character, although it is not unlikely that he imitated the policy of his friend Lord Lovat. If he did this, he succeeded admirably, as events proved; for while his wife and the clan covered themselves with honour on behalf of the losing cause, and would have merited the highest reward had that cause not been the losing one, he himself, by his adherence to the other, preserved his estates.²

¹ Ewen Macpherson of Cluny, who also held a commission under King George, had been taken prisoner near Ruthven by Prince Charles's forces on their march southward in August. He was taken to Perth, and after some natural hesitation, considering his position, was induced to cast in his lot with his captors. The prince nominated him to the command of the Clan Chattan in the Rising, a circumstance which seems to have aroused Mackintosh's jealousy, for on the 1st Oct. he sent Cluny the following letter:—"Dear Sir, As I am now fully determined to command my own people and run the same fate with them, having yesterday rece^d a letter from the Prince and another from the Duke of Atholl, I hope, notwithstanding of the order you obtained from the Prince, you will not offer to middle with any of my men, as wee are booth designed on the same errand. I am resolved to maintain the rank due to my family, and if you think proper to accept the nixt rank to me youl be very well-come. If you judge otherwise act as you have a mind. But do not put me to the necessity of requiring my men of you in a more publick maner, the consequence of which may be disagreeable to booth. My kind compliments to Lady Cluny and Miss Fraser, and I am, Dear Sir, your most humble Serv^t and affectionate cousine, Æneas MacIntosh.—Inverness 1st October."

² He is referred to in the Jacobite song, "Cam' ye by Athol

The Clan Chattan as a body were intensely Jacobite in their sympathies, as they had been thirty years before; and, as we have seen, they had now in addition to these sympathies a desire for vengeance to gratify. All sections of the clan were clamorous to be led to the Jacobite standard. Ewen Macpherson of Cluny—son of the Lachlan who had succeeded in 1724—was prevailed upon, chiefly by his own clan, to break his oath to the Government, and joined Charles at Edinburgh with 600 of his name after the battle of Prestonpans. He accompanied the prince into England, and with his clan distinguished himself in the skirmish at Clifton during the retreat. The Mackintosh and Farquharson sections did not rise until later, both being in difficulties as regarded their leaders—Mackintosh being on the opposite side, and the headship of the Jacobite portion of the Farquharsons having just devolved on an imbecile son of the Colonel Peter Farquharson of Inverey who had fought in the '15. But on the prince's return from England in January 1746, he found awaiting him some 700 or 800 Mackintoshes, Farquharsons, and others of Clan Chattan besides the Macphersons.

The romantic circumstances attending the raising of the Mackintoshes are well known; but the part played by the heroic lady of the chief is usually

braes;" and in the well-known lines placed by the author of "*Waverley*" in the mouth of Flora MacIvor,—

"MacNeil of the Islands, and *Moy of the Lake*,
For honour, for freedom, for vengeance, awake!"

misrepresented. This lady was Anne, daughter of John Farquharson of Invercauld. She had married Angus on the 14th of January 1741, and in 1745 was only twenty years of age. Though her father was a friend of Government, most of his name in and about Braemar were devoted Jacobites, and it was probably through them that she became imbued with the notions which she so conscientiously and nobly followed out. Sir Æneas Mackintosh's MS., already referred to, throws considerable light on the events in which she was concerned, and may no doubt be taken as perfectly trustworthy, the writer, who was her nephew, being much with her in after years. "Pitying the prince for misfortunes which he had not brought upon himself," she resolved to exert all her influence in his behalf. She therefore took steps, soon after the commencement of the Rising, for embodying her husband's clan—whether with or without his connivance does not appear. Her summons was quickly answered by the willing clansmen; a strong well-armed battalion was formed and placed under the command of Alexander Macgillivray of Dunmaglass, who had seen service abroad, and whom the lady had called to her aid. Dunmaglass led the men to Perth, the rendezvous during the absence of the main body of the Jacobites in England; and on joining the prince at Stirling in January 1746 he received the rank of lieutenant-colonel of the battalion, which was raised to a strength of about 800 by the addition of some 300 Farquharsons.

“Of all the ladies who testified their Jacobite tendencies,” says General Stewart,¹ “few were more accomplished, more beautiful, or more enthusiastic than the Lady Mackintosh.” Sir Walter Scott² says, “She gave vent to her own Jacobite feelings and those of the Clan Mackintosh by levying the fighting men of that ancient tribe to the amount of 300 men, at whose head she rode, with a man’s bonnet on her head, a tartan riding-habit richly laced, and pistols at her saddle-bow.” Further on Sir Walter speaks of her as a “gallant Amazon.” Another writer speaks of her as “figuring largely in the battle of Falkirk,” and describes her as riding at the head of her men there in the costume mentioned by Scott.³

It is only just to the memory of one of the noblest and gentlest of her sex to state that she was guilty of none of the unladylike proceedings ascribed to her by these writers. She saw the Mackintosh regiment but once after it was raised, and was at

¹ *Sketches*, i. 114.

² *Tales of a Grandfather—Scotland*, iii. 270.

³ Taylor’s *Braemar Highlands*, 277. The coarse, lying *History of the late Rebellion* by James Ray, a volunteer in Cumberland’s army, is perhaps the authority for these statements. After speaking of the lady as joining the rebels at Inverness, and being “reckoned the beauty there,” it describes her as marching at the head of her clan, “with a white cockade, &c.,” and presenting them “to the mock prince.” It continues in a strain unfit for publication now, and for which even then the writer would have been mildly dealt with had he been punished with a sound horsewhipping.

Moy the whole time from its departure to the south till after the battle of Culloden. The ideas of her Amazonian propensities were those held by the English soldiery and others who had never seen her. Her spirited conduct in raising the clan was widely reported both in England and Scotland, and rumour, fond of anything extraordinary, magnified it until she was actually said and believed to have taken part in the battle of Culloden.¹

At the battle of Falkirk, on the 17th Jan. 1746, the Mackintosh and Macpherson regiments fought side by side in the centre of the front line—the Farquharsons under James of Balmoral being next but one on the right.² Another body of Farquharsons, under Francis of Monaltrie, had charge of the guns. Although this battle was a decided success for the Jacobites, it was judged expedient to retire towards the north. The chiefs represented that the army, now somewhat reduced, could be usefully employed in taking the northern forts until

¹ “The people of England and the soldiers,” says Sir Æneas, “were prepossessed with a notion that Lady Mackintosh was a woman of a monstrous size, had always rode at the head of her regiment, and that she charged with it in the battle of Culloden, fully accoutred and mounted upon a white horse; but this was far from truth, for she was a very thin girl, never saw the men but once, and was at her own house the time of the action.”

Her portrait by Allan Ramsay, taken a few years after this period, and still in excellent condition, shows her to have been a pretty and somewhat delicate-looking girl, with a retiring, modest look, handsome figure, and rather high forehead.

² Home's *History of the Rebellion*, 121; *Lockhart Papers*, ii. 501.

spring, when there would be no difficulty in raising it to 10,000 men, exclusive of reinforcements expected from abroad. The prince was at first eager to follow up his advantage at Falkirk, but finally yielded to his council, and the retreat was commenced.

On the 16th February (Sunday) the prince arrived at Moy Hall, and with a few attendants was hospitably received by the lady there.¹ The advanced guard accompanying him, about 500 of the Camerons under Locheil, encamped at Moybeg. As the sequel showed, Charles ran some risk in

¹ The following extract from a paper read before the Inverness Field Club in April 1879, founded on the business books of John Mackintosh, merchant and bailie of Inverness in the last century, is of curious interest:—"On Sunday, 16th Feb. 1746, Prince Charles reached Moy Hall. The laird was absent in the service of the Government, but the lady was there and welcomed the prince—Chambers says with great hospitality. The entries in Mackintosh's account justify this, for they increased rapidly, but it does not appear whether the goods were sent to Moy Hall or to the residence in Inverness. Every day brought orders for claret and sherry, sugar, biscuits, coffee, sweet wine, &c., but chiefly claret and sherry, all in small quantities, not more than half-a-dozen at a time. Two interesting items appear in the account a few days before the battle of Culloden, namely, on the 8th April six quarters, and on the 11th five quarters, of 'white Riban,' both no doubt bought by Lady Mackintosh for the purpose of making white cockades for her guest, Prince Charlie, and his followers!" [In the prince's Household Book it is stated that the supper which Lady Mackintosh gave to Charles and all his retinue on the night of their arrival "was exceedingly genteel and plentiful." As a rule the prince paid his own expenses.]

The bed in which the prince slept while at Moy, and a Highland bonnet left there by him, are still treasured as heirlooms in the family.

taking up his quarters here, for at Inverness, only twelve miles away, Lord Loudon was posted with about 1700 Hanoverian troops, chiefly the independent companies and Whig clans. On learning the prince's vicinity, Loudon at once determined to take advantage of his comparatively unprotected state. He placed a cordon of sentinels round the town of Inverness to prevent any of the Jacobites there from giving the alarm at Moy, and set out for that place in the evening of Sunday with about 1500 men.

Of the manner in which this carefully planned scheme was frustrated there are various accounts. The following appears to be the best:—Lady Mackintosh, on the arrival of the prince and his retinue at Moy Hall, had sent out five or six armed men under Donald Fraser, the smith of Moy, to watch the road from Inverness—the old road which crosses the Nairn at Faillie Bridge. About midnight the scouts became aware of the approach of troops; these were Loudon's advanced guard under the chief of Macleod, who had been for some time “lying in a hollow not knowing what to do by reason of the flashes of lightning from the heavens that was confounding all their designs.”¹ With great presence of mind, considering that he did not know the attempt was to be made, the smith drew back his companions to the pass near Craig-an-Oin, and giving them instructions how to act he posted them on each side of the road and awaited the enemy. A number of

¹ *Jacobite Memoirs*, 102.

peat stacks standing about, which in the darkness and the excitement of a contemplated surprise might be taken for bodies of men, no doubt contributed to the success of his design. When the head of Loudon's force came into view, Fraser fired his piece among them. His companions followed his example, and ran noisily in different directions, the smith ordering imaginary Macdonalds and Camerons to advance on the right and left, and to give no quarter to the villains who wished to murder their prince. The advanced guard, already dazed by the lightning, fell into a panic and rushed back on the main body, throwing that also into confusion. None doubted that the whole Jacobite force was upon them; and the entire army, inspired by an indescribable terror, turned their faces towards Inverness and made their way to that place of safety with all the speed of which they were capable. "The panic, fear, and flight," says Home, "continued till they got near Inverness, without having been in any danger but that of being trampled to death, which many of them, when they were lying upon the ground and trod upon by such numbers, thought they could not possibly escape." The Master of Ross, from whom Home obtained his account, said "he had been in many perils, but had never found himself in a condition so grievous as that in which he was at the *Rout of Moy*." ¹

¹ Home's *Hist. Rebell.*, 143. Sir Æneas Mackintosh says very little of this occurrence, and does not mention Fraser the smith.

While this was going on, intelligence was received at Moy Hall of Loudon's design. Accounts differ as to the manner in which the news was conveyed, but it is clear that the smith had been sent out before its arrival. An account in the *Jacobite Memoirs* says that some of the prince's female friends in Inverness "despatched a messenger to inform him of his danger, and at the same time his landlady, *without knowing anything of the design*, had ordered one Fraser, a blacksmith, a trusty stout fellow who lived hard by and knew all the road, to keep a sharp look-out the whole night, as there were but a very few of the prince's people with him at her house." Alexander Stewart, Charles's footman, says that a boy of about 12 or 14 years of age gave the alarm at Moy.¹ Sir Æneas Mackintosh says that a lady (in Inverness) who was disaffected, bribed a dragoon to take up a small boy behind him under his cloak, and drop him on the outside of the sentries, which being effected the boy arrived at Moy about the time Lord Loudon had got half way." From the account in the prince's Household Book, given in the *Jacobite Memoirs*,² we learn that the lady in Inverness was no other than "old Lady Mackintosh"—Anna Duff, widow of the 20th chief—and that her

He says that "a party of the militia who formed the advance fell in with a parcel of peat stacks, which mistaking for men they fired about thirty shots. This alarmed the country, and threw the main body into such confusion that many ran away, and a piper with a few men were killed by their own people."

¹ *Jacobite Memoirs*, 102.

² *Ibid.*, 167.

messenger was one of the clan :—“ Old Lady Mackintosh sent a youth, Lachlan Mackintosh, who waited and hid till the soldiers had left, and then took another road to Moy.” The Household Book adds that the gallant and resolute behaviour of the five (*i.e.* the smith and his comrades) happened much about the same time when the boy arrived at Moy to give the alarm.”

These accounts seem conclusive as to the manner in which Lady Mackintosh was made acquainted with her royal guest's danger. Home says that her own mother, who, though a Whig, was unwilling that Charles should be killed or taken in her daughter's house, was said to have been the sender of this message; but his informant in all probability thought that “ old Lady Mackintosh ” must be mother of the chief, and called her Lady Mackintosh's mother-in-law, which Home has inadvertently written *mother*.¹ The same author mentions Fraser of Gortuleg as having been said to have despatched the information. The Chevalier Johnstone² says that a girl, while waiting upon some of Loudon's officers in a tavern, learned the design from their conversation, and escaping from the town hurried to Moy.

¹ Chambers says that “ the Dowager Lady Mackintosh put her *daughter-in-law* and the prince on their guard.—*Hist. of Rebellion*, 224. But the husband of the dowager and the chief in 1746 were no nearer relations than second cousins.

² *Memoirs*, 145. Johnstone may be partly correct, for the girl may have heard the conversation, as related, and have communicated it to “ old Lady Mackintosh.”

On being roused from sleep by the startling news at an early hour in the morning of Monday the 17th, Charles quickly dressed and descended to the courtyard of the house. His hostess met him here, and used every exertion to secure his safety. He was conducted to Locheil's encampment at Moybeg, where he resolved to make a stand in case of an attack. But within a short time a messenger came to acquaint him of the smith's gallant exploit, and he returned to Moy Hall.

The panic of Loudon's force did not cease with their arrival at Inverness. Believing that the prince's whole army was encamped on Moy Moor, and that they themselves had only been saved from annihilation by the darkness of the night and their own fleetness of foot, they did not feel safe even in the town. Loudon accordingly on the 17th and 18th crossed Kessock Ferry, and on the latter day Charles's force, now greatly augmented, entered the town in time to see the last of the independent companies land on the Ross-shire shore. A few days afterwards, the prince established his head-quarters in Inverness. He was entertained during his stay, from the end of February till the middle of April, by the Dowager Lady Mackintosh in her house in Church Street, opposite St. John's Chapel.¹

¹ Prince's Household Book in *Jacobite Memoirs*, 173. The house of the dowager is said to have been the only one in the town which had a room in it without a bed. In Anderson's *Guide to the Highlands* (p. 69) it is stated that "for a long time the houses of the burgh seem to have been crowded near the

While at Inverness, Charles took the Government fort there, and despatched one detachment to take Fort Augustus, and another early in March into Ross against Lord Loudon. In the latter, commanded by the Earl of Cromarty, were the Mackenzie, Mackintosh, and Mackinnon regiments, with some Macgregors and Macdonalds. Under the Duke of Perth, who superseded Cromarty, the attempt resulted in the dispersal of Loudon's force, and the capture of about 200 prisoners, among whom was Captain the chief of Mackintosh. It is said that on his being brought to Inverness the prince sent him to his own wife, saying that "he could not be in better security or more honourably treated."

On the 14th April, news having reached Inverness of the passage of the Spey by the Duke of Cumberland's army, the prince moved to Culloden, from which place he advanced, with his first troop of Life-guards and the Mackintosh regiment, as far as the Loch of the Clans, within four miles of Nairn, to support the Duke of Perth. His army bivouacked that night in the woods of Culloden, he himself and

Castle and along the Church Street, which was commanded by it. They were erected in the old Flemish style, with large courts and arched gateways, and gables turned towards the street." The house in which Prince Charlie—and after Culloden his successful rival Cumberland—was entertained, was standing in 1843, and it is stated in a *History and Description of Inverness*, published four years later, that in taking it down in that year two ancient-looking muskets were found concealed in a wall, and a jewelled ring under a large stone.

his principal officers occupying Culloden House. On the following day, the 15th, the army was drawn up on Drumrossie or Culloden Muir, in expectation of the enemy's advance; but no enemy appeared. This was in some sense satisfactory, as the army was only about 6000 strong, and a day's delay would enable many absentees, among whom were the Frasers, Macphersons, Mackenzies, and other clans, to come up. The Macphersons had been left in Badenoch after Lord George Murray's raid into Athole in March on the understanding that they should join whenever called upon; and they were actually on their way to the field when they were met by their fugitive friends after the battle. This day being Cumberland's birthday, it was proposed by the prince and Lord George Murray to take advantage of the festivity that might be expected to take place in the English camp, by making a night attack. This was acceded to, as being in all the circumstances the best thing that could be done, for not only would the enemy's superiority in cannon and cavalry be neutralised by the darkness, but it was necessary that the Highlanders should have every possible advantage, being at the time on the verge of starvation. In fact it was found, on parading the men, that after being dismissed in the morning many had gone away to Inverness and other places to procure food. At 8 p.m. the army, considerably smaller than in the morning, began its march. Two officers and about thirty men of the Mackintosh regiment, who lived in

the neighbourhood and knew the country, acted as guides, others being distributed along the line. The distance to the enemy's camp at Nairn was only nine miles, but owing to the darkness and to the necessity for avoiding roads and public places, as well as to the condition of the men from want of food, the van had only arrived within three miles of Nairn at 2 o'clock in the morning. At this rate of progress, a night *surprise* was out of the question; the order to return was given, and between 5 and 6 o'clock the army arrived once more at Culloden—not a few going on to Inverness in the hope of satisfying the cravings of hunger.

Within two or three hours intelligence was brought of the enemy's advance, and the army was at once placed in position. It numbered only about 5000 men, and these exhausted by hunger and the fatigue of the previous night. Cumberland's army was more than 8000 strong, in fresh condition, and with good artillery. There could be little question as to the issue of an encounter between two bodies so unequal in every respect, and it appears to have been only the prince's faith in his Highlanders that induced him to run the risk.

The battle was begun at about 1 p.m. by a fire from the Jacobite artillery, neither leader being willing to leave his position for the purpose of attacking the other. The firing was kept up by both sides for nearly half an hour, the few badly-served guns of the Jacobites doing little or no execution,

those of the English making terrible havoc in the close ranks of the clansmen. At last Charles made up his mind to charge the enemy, but too late for his broken and diminished lines to do so with much prospect of success. He sent an order to Lord George Murray, but its bearer was killed on the way by a shot. Lord George had just come to the determination of ordering a general advance on his own responsibility when his order was anticipated, first by the Mackintosh regiment, and then by the rest of the front line. When it is remembered that the starving Highlanders had been standing on the bleak muir for some hours, with latterly a storm of sleet from the north-east beating furiously in their faces, and the shot from the English guns making gaps in their ranks—also that such tactics as those at Culloden were totally opposed to their system of fighting—their steadiness and discipline during the first terrible half hour of the battle must be allowed to have been beyond all praise. But there are limits to human endurance; and the devoted clansmen, having so long stood firm, mere targets for the English gunners, and seeing their brethren and friends slaughtered by their sides, can hardly be blamed for their impatience.¹

¹ “Galled beyond endurance by the fire of the English, . . . the Highlanders . . . called aloud to be led forward without further delay. Lord George had just resolved upon an advance, but before he had time to issue the order . . . the Mackintoshes, with a heroism worthy of that brave clan, rushed forward enveloped in the smoke of the enemy’s fire.”—*Browne*, iii.

This brave, desperate charge cannot be better described than in the words of Chambers: "The action and event of the onset were throughout quite as dreadful as the mental emotion which urged it. Notwithstanding that the three files [? ranks] of the front line of English poured forth their incessant fire of musketry—notwithstanding that the cannon, now loaded with grapeshot, swept the field as with a hail-storm—notwithstanding the flank fire of Wolfe's regiment—onward, onward went the headlong Highlanders, flinging themselves into, rather than rushing upon, the lines of the enemy, which indeed they did not see for smoke till involved among their weapons. All that courage, all that despair could do, was done. It was a moment of dreadful and agonising suspense, but only a moment—for the whirlwind does not reap the forest with greater rapidity than the Highlanders cleared the line. Nevertheless almost every man in their front rank, chief and gentleman, fell before the deadly weapons which they had braved; and although the enemy gave way, it was not until every bayonet was bent and bloody with the strife.

"When the first line [of the English] had been

246. "Lord George had scarcely determined on ordering a general movement when the Mackintoshes—a brave and devoted clan, though not before engaged in action—unable to brook the unavenged slaughter by the cannon, broke from the centre of the line and rushed forward through smoke and snow to mingle with the enemy."—*Chambers*, 251. This author is wrong, however, in saying that the Mackintoshes were here engaged for the first time. They had been in the centre of the front line at Falkirk.

thus swept aside, the assailants continued their impetuous advance till they came near the second, when being almost annihilated by a profuse and well directed fire, the shattered remains of what had been but an hour before a numerous and confident force began to give way. Still a few rushed on, resolved rather to die than forfeit their well-acquired and dearly-estimated honour. They rushed on, but not a man ever came in contact with the enemy. The last survivor perished as he reached the points of the bayonets.

“The persevering and desperate valour displayed by the Highlanders is proved by the circumstance that at one part of the plain . . . their bodies were afterwards found *in layers three and four deep*, so many, it would appear, having in succession mounted over a prostrate friend to share in the same certain fate. The slaughter was particularly great among the brave Mackintoshes; insomuch that the heroic lady who sent them to the field afterwards told the party by whom she was taken prisoner that only three of her officers had escaped.”¹

The feelings of the unfortunate prince on witnessing this scene can only be imagined. The rush had taken place in such short time as to render it almost impossible for him to take part in it or to support it; but he at once sought to avenge those who had so nobly fallen for him. He attempted to rally the fugitives and to move forward his second line; but

¹ *Chambers*, 252.

these, seeing the slaughter of their comrades, and confused by the survivors from the first line retreating upon them — “their hearts broken with despair rather than terror”—gave way on seeing the English advancing, and fled in confusion. Unwilling to believe that all was lost, and in his despair ready to sacrifice his own life, Charles lingered; and it was only by adding personal exertion to entreaty that his attendants withdrew him from the field.

“The battle of Culloden,” says Chambers,¹ “is said to have lasted little more than forty minutes, most of which was spent in distant firing, and very little in the active struggle. It was as complete a victory as possible on the part of the royal army, and any other result would surely have been very discreditable to the English army. Their numbers and condition for fighting were so superior, their artillery did so much for them, and the plan of the battle was so much in their favour, that to have lost the day would have argued a degree of misbehaviour for which even Preston and Falkirk had not prepared us. Great praise was awarded afterwards to Barrel’s, Munro’s, and some other regiments, for their fortitude in bearing the attack of the Highlanders, and for their killing so many; but these battalions were in reality completely beaten aside, and the whole front line shaken so much that had the Macdonald regiments made a simultaneous

¹ P. 256.

charge along with the other clans, the day might have had a different issue.”¹

¹ In a note on p. 255 Chambers quotes the following from a letter written by Bishop Donald' Mackintosh in 1810 :—“ John Miln, an old bellman in Edinburgh, is still alive ; he is one of the *fifteen* men whom our Clan Chattan left of Barrel's regiment at Culloden.”

I have quoted thus largely from Chambers' account of the battle because I consider that no other words could convey so clear and true an impression of the circumstances in the same space.

CHAPTER XIV.

Battle of Culloden, *continued*; Actions and Losses of the Mackintosh regiment—After the Battle; Captivity of Lady Mackintosh—"Wae's me for Prince Charlie"—Downfall of the Clan System.

"THE brunt of the battle fell on Clan Chattan." So wrote the ex-Provost of Inverness, John Hossack, a few days afterwards, and the most elaborate description could scarcely convey a more faithful picture of the clan's devotedness and loss than these few words. The first to attack, the Mackintosh regiment had received the fire of the English centre fieldpieces, and a withering volley from the Scots Fusiliers, before the English soldiers had had their nerve disturbed by the general advance of the Highlanders and their coming to close quarters. Still the survivors from this fire had rushed on, broken the first line of their opponents, and gone on to attack the second, as we have seen. Their major, John Mor Macgillivray, was seen "a gunshot past the enemy's cannon, surrounded by the reinforcements sent against the Mackintoshes; he killed a dozen men with his broadsword, while some of the halberts

were run through his body.”¹ Every man who had gone up to the second line perished. Seven hundred of the regiment had taken their places in the ranks in the morning; not more than three hundred left the field: and of the twenty-one officers at the commencement of the action only three were alive at its close.² Two of these were Donald Dallas, lieutenant of the company commanded by James Dallas of Cantray, and Farquhar Macgillivray, a youth of nineteen, who in the battle was “younger of Dalcrombie,” but immediately after became “of Dalcrombie” by the murder of his father.³ Dallas “with difficulty crawled

¹ Letter from Bishop Mackintosh, quoted in *Chambers*, 252. The Bishop’s informant was Macdonald of Glenaladale, an eyewitness of what he related.

² “Notwithstanding this severe loss,” says Sir Æneas Mackintosh, “Æneas (the chief) recruited 500 men for the 42nd regiment almost in the same country.” The loss of Clan Chattan is thus alluded to in John Roy Stewart’s poem, “The Day of Culloden,”—

“And now I say woe for the sad overthrow
 Of the clan that is honoured with Fraser’s command;
 And the *Farquharsons* bold, on the Mar braes enroll’d,
 So ready to rise and so trusty to stand.
 But redoubled are shed my tears for the dead,
 As I think of *Clan Chattan*, the foremost in fight;
 O woe for the time that has shrivell’d their prime,
 And woe that the left had not stood at the right.”

³ Donald Macgillivray of Dalcrombie, who was not in the battle at all, was seen by some English dragoons during their pursuit of the fugitives, about two miles from the field, wholly unarmed. They attacked him, robbed him of his clothes, and then shot him dead. “If they had had but swords and he one,” says the Rev. James Hay, who relates the occurrence, “he would

off the field with the loss of an ear, a large slash on his forehead, and a piece of his elbow cut off.”¹

Alexander Macgillivray of Dunmaglass, lieutenant colonel of the Mackintosh regiment, fell in the centre of Barrel’s regiment, shot through the heart.² “He was colonel of the (Clan Chattan) Mackintoshes in this country,” says the Rev. James Hay,³—“I may add, many have not produced a finer youth. Had all acted the part that these two gallant young gentlemen [Dunmaglass and Cantray] did, with Golice MacBain, Major Angus Mackintosh of Farr, Alexander Macgillivray and Robert Macgillivray, all three captains who fell upon the field, and the rest of that clan with some others, that day would have brought forth other things than it did.” James Dallas of Cantray is further specially referred to by Mr Hay as “a loyal, kind, brave young man, who raised his company at a great expense to serve his royal master.”

have given two or three of them enough of it.”—*Jacobite Memoirs*, 256.

¹ *Sir Æneas Mackintosh’s MS.* See also *Jacobite Memoirs*, 314, where it is stated by Mr. Hay that Dallas crawled to the house of Cantray, some three miles off, and recovered from his wounds.

² *Sir Æneas Mackintosh’s MS.* His remains lie under the threshold of Petty Kirk, whither they were removed six weeks after his death. A few days after the battle his body had been thrown with others into a large trench, near the well still known by his name and by the name of the Dead Men’s Well. Here it lay until the departure of the English enabled his friends to move it. On being taken up, Sir Æneas says, it was found perfectly fresh, and the wound bled anew—the mossy ground in which it had lain having probably contributed to its preservation for so long.

³ Letter in *Jacobite Memoirs*, 315.

Numerous are the stories of the individual prowess of the men of the Mackintosh regiment. One clansman, Robert Mor Macgillivray, living in Dalziel of Petty, killed seven of the English with the tram of a peat cart before he himself was overpowered and killed.¹ Another, Gillies or Golice Macbean, won world-wide fame. He was six feet four inches and a quarter in height, and of corresponding bodily strength. Too badly wounded to join his flying comrades on the advance of the English line, he placed his back to a turf wall and prepared to sell his life dearly. He was assailed by a large party of dragoons, and for some time held his own against them with claymore and target. "Save that brave fellow!" cried some officers with a touch of generosity, but the dragoons, maddened by Macbean's gallant resistance and the slaughter he had made among them, pressed on him and finally succeeded in cutting him down. *Thirteen* of his assailants had fallen under his terrible weapon and strong arm.

The standard of Clan Chattan was the only one in the prince's army that did not fall into the enemy's hands. All the rest were burned by the common hangman in Edinburgh. The manner in which the Mackintosh colours were saved from this fate is curious. Sir Æneas relates that, the standard-bearer being shot, a private man tore the colours from the pole and wrapping them round his middle

¹ *Antiquarian Notes*, no. xxix.

got clear off. To the praiseworthy efforts of Mr. Fraser-Mackintosh the clan is indebted for further particulars of this interesting episode in its history. The hero of the colours was Donald Mackintosh, born on the estate of Flemington, and personally known to Mr. Fraser-Mackintosh's informant, an aged resident in Petty some years ago. Donald seized the colours on seeing the ensign's fall, carried them while the line stood, and then, wrapping them round his body, escaped. He obtained from his exploit the *sobriquet* of "Donuil na Braiteach" (Donald of the Colours).¹

The wanton atrocities which followed the victory of the English army are matters of history, and have left a stain on the memory of Cumberland which no amount of praise or flattery by his own party can ever gloss over. It was perhaps well, for the sake of human life and the honour of British arms, that this campaign was the only one in which he was successful; had he been in a position to exercise his callous barbarity in his continental wars, Britain might have won a transient glory in victory, but would in all probability have been covered with infamy for generations. There is no worse enemy than a successful coward, and no doubt the English dragoons, who had fled as if panic-stricken before the Highlanders at Prestonpans and Falkirk, were ready to go to any lengths of brutality now that circumstances had given them the upper

¹ *Antiquarian Notes*, no. xcvi.

hand; still their leader's crime cannot be palliated on this account. It was by his orders that on the day after the battle about seventy wounded Jacobites were despatched in cold blood by volleys of musketry. He likewise sent parties on the ensuing day to search out and kill such others as had found shelter in neighbouring houses, and one of his own followers afterwards stated that on this day he saw seventy-two persons killed in cold blood. The sickening details of some of the wholesale executions, as well as of individual murders, may be read in any impartial account of the battle, and even in accounts by the duke's own followers.¹ In nothing did the Hanoverian prince show to such disadvantage beside the defeated Stuart prince than in his ignorance of the duty of a victor towards his beaten foes. At Prestonpans and Falkirk Charles had treated the wounded and captive of his adversaries with marked humanity and kindness; Cumberland followed up his first victory with the most marked inhumanity and brutality. He received from Parliament a vote of thanks and a yearly sum of £25,000 for his services; but his barbarities earned for him the title of *the Butcher*, and the undying detestation of the Highland people.

Taking possession of Inverness immediately after

¹ See Chambers' *Hist. of the Rebellion*, chap. xxiv.; Scott's *Tales of a Grandfather*; also the accounts in *Jacobite Memoirs*. An officer in Cumberland's army speaks of the men after the battle as splashing in the blood of their fallen enemies and looking "like so many butchers."—*Scots Mag.* for April 1746.

the battle, Cumberland, not content with murdering the men of the Jacobites, proceeded against the women. Several ladies attached to the lost cause "were made prisoners and confined in the common guard; amongst them was the dowager Lady Mackintosh, who was confined for the space of fourteen days."¹ Parties were sent out to ravage the country; houses were burnt, unoffending men and women were killed, and cattle were carried away; in short, the disaffected districts, as they were called, were subjected to the strictest martial law. One of these parties—a detachment from Col. Cockayne's regiment—went on the 17th to Moy and drove off all the cattle they could find there, while another detachment was sent on the same day to convey Lady Mackintosh to Inverness.² Mr. Hay says that Col.

¹ *Jac. Mem.* 236. The duke took up his quarters in the dowager Lady Mackintosh's house, using the room and bed which the more welcome Prince Charles had had shortly before. The old lady, in speaking afterwards of these stirring events in her domestic annals, was wont to remark, "I've had two king's bairns living with me in my time, and to tell you the truth, I wish I may never have another."

² The Diary of the Rev. John Bisset (*Spald. Club Misc.* i. 395) speaks of her as being taken at Castle Dounie. "Lord Lovat's house at Castle Douny is burnt, and there the Amazonian Lady Mackintosh was taken." But this is wrong, as will be seen by the text. The Rev. James Hay's account in *Jacobite Memoirs* (233) expressly mentions the lady's being taken "from her house at Moy." Sir Æneas Mackintosh says that "on 17th April Sir Everet Falconer was sent from Inverness to apprehend Lady Mackintosh, then at Moy, where they expected opposition, but without reason, as most of the men of the country were

Cockayne's men behaved "very brutally," and his statement is corroborated by Sir Æneas Mackintosh. Lady Mackintosh was first accosted by a party of stragglers, who, not thinking that such a slight girl could be the warlike Amazon of their fancy, enquired of her for "that —— rebel Lady Mackintosh." The minister of Moy, Mr. Lesly, had made the best of his way to the house, thinking by his presence to check irregularity; "but he might as well have remained at his house," says Sir Æneas, "for men after a victory are not easily kept within bounds." Taking out his watch, it was snatched from him by one of the soldiers, who, when Lady Mackintosh offered him a guinea to return it, turned upon her and took her purse containing all her stock of money, fifty guineas. Another soldier insisted that she had more, and struck her with his bayonet. There is no knowing to what insults and injuries she might have been subjected had not one of the party now interfered on her behalf. This man, it appears, had some years previously been saved from a flogging at Perth by the intercession of the lady, then Miss Farquharson, and recognising her now he showed that her kindness was not forgotten by seizing her cowardly assailant, and threatening his life if he did not desist from his insults. The troop sent

killed on the field." It has already been remarked that Sir Æneas's account of the proceedings in which Lady Mackintosh was concerned is no doubt founded on information supplied to him by the lady herself.

to take Lady Mackintosh coming up immediately afterwards, the stragglers dispersed. Here another recognition took place. The commander of the troop, Sir Everard Falconer, Cumberland's secretary, had been an admirer of Miss Anne Farquharson, and apparently did not know until they now met that she was the object of his expedition. On learning the cause of her agitation he gave orders for the pursuit and apprehension of the soldiers who had behaved so badly; but she begged that no further inquiry might be made.

Lady Mackintosh was then mounted on the only horse left at Moy, and accompanied Sir Everard and his troop to Inverness. "It happened to be at retreat beating when they arrived at the duke's camp close upon the town," says Sir Æneas, "when the horse pricking up his ears carried her to where the drummers were. 'O ——,' cried the soldiers, 'this is surely the horse she charged upon at the battle.'" She was placed in custody by order of the duke, and was kept under guard in her own room for six weeks, at the end of which time she was set at liberty.¹ On one occasion during this

¹ "A day or two after the battle large detachments were sent out, who killed some, and brought in several prisoners, among whom was the Lady Mackintosh, a woman of a masculine spirit, who raised the clan of that name, notwithstanding her husband was in Lord Loudon's army. She behaved quite undaunted and with great unconcern. She said we had made a sad slaughter of her regiment, for that all her officers were killed except three."—*Letter from "A Gentleman in the King's*

period, while her fate was still undecided, the brutal braggart Hawley publicly at the duke's table expressed his wishes concerning her in the words, "—— that rebel Lady Mackintosh; I shall honour her with a mahogany gallows and silk cord,"—sentiments to be expected from the individual who uttered them, but scarcely befitting a lieutenant-general in the British Army.¹

Although by his adherence to the Government side the chief of Mackintosh preserved his estates intact, he was not free from trouble and inconvenience in minor matters. On the 18th April, a party from a *Army*," in *Scots Mag. for May 1746*. "Four of the principal ladies are in custody, viz. Lady Ogilvie, Lady Kinloch, Lady Gordon, and the Laird of Mackintosh's wife."—*Papers from the Duke of Cumberland dated 18th April, and published by Authority in London on 27th April 1746*.

¹ In a letter of Bishop Mackintosh quoted by Chambers (260, note) it is said that Lady Mackintosh being present at a ball given by the Duke of Cumberland in London, the first tune played was "*Up and waur them a', Willie*," to which the duke requested her to dance. She complied, and then asked her partner whether, as she had danced to his tune, he would dance to hers. A great gallant, he could not refuse; and accordingly danced to "*The auld Stuarts back again*," the tune for which his singular partner asked.

The Bishop states in this letter that Lady Mackintosh, after being taken prisoner, was conveyed to London and liberated there. He is mistaken in this, however, as the whole of her captivity was spent in Inverness; but she visited London in 1748, when, Sir Æneas says, "she was caressed by ladys of quality of the same way of thinking, was very intimate in the Prince of Wales's family, and so favourably received by the publick that she never met with any insult on account of her principles."

Whig clan—whom Sir Æneas carefully abstains from naming, for a sufficient reason, but who, he says, “had no great affection for the Mackintosh family”—was sent to collect all the arms in Strathdearn, and with others took those which had long been handed down in the family at Moy as heirlooms. Mackintosh on hearing of this at once got Lord Loudon to ask the duke for their restoration, which was granted. Some important family papers were also destroyed by the party of the clan referred to, who indeed might have left the family without any writs or title deeds whatever had it not been that their proceedings reached Mackintosh’s ears in time for him to take steps for checking them. At the breaking out of the troubles the charters and other documents had been placed in the castle on the island in Loch Moy for security. The “unfriendly clan” reported to Cumberland that there were men on the island, and that the boats had been sunk to prevent a search. On being questioned by the duke’s secretary, Lady Mackintosh stated that she knew nothing of the occupation of the island, and had given no orders for the sinking of the boats. The boats being raised, the island was found to be uninhabited, but the papers were seized and taken to Moy Hall, where several of importance were burnt. Lady Mackintosh, however, had made her husband aware of the danger to his property and interests, and obtaining a party of 200 men to protect his house, he arrived there just in time to see some of

his papers burning and others scattered about his dining room. The "inimical clan" were at once sent about their business.

The perilous and romantic adventures of Prince Charles Edward during his wanderings after Culloden are known to all. After his brief interview with Lord Lovat at Gortuleg on the day of the battle, he seems to have despaired of any satisfactory result from a further prosecution of his enterprise. He accordingly sent word to the clansmen who, in obedience to orders given during the flight, might assemble at Ruthven, that they should disperse and provide for their own safety. He made for the west coast, where he expected to find a French vessel in which to return to the continent; but circumstances postponed his departure for five months. During this period he underwent the most severe hardships with heroic fortitude—all the while with a price of £30,000 on his head. But the vastness of this reward proved smaller than the good faith and nobility of the numerous Highlanders with whom he came in contact; and not even in the heyday of his triumphs in the preceding year had he found more sincere affection or more pure loyalty than during these five months of adversity and precarious existence. The noble and spirited self-devotion exhibited by Miss Flora Macdonald, the generous presence of mind and loyalty evinced by Roderick Mackenzie in his dying agonies, the good faith of the many in

whose hands he placed his life, will not be forgotten until virtue and generosity shall be condemned by the human mind. And in these perilous wanderings Charles proved himself worthy of the devotion lavished upon him, behaving all the time with the greatest consideration and regard for others, and bearing his own sad lot with patience and even cheerfulness. His conduct throughout was that of a valiant and great-hearted man, and one could almost wish, with one of his biographers, that on reaching this stage of sublimity his life had suddenly been cut short, before it sank to the degradation of after years. For at last, worn out by his unavailing struggles against fate—sickened of life by constant deferrings of hope—condemned after a youth of vigorous action and passionate existence to a state of stagnation and nothingness in middle age—the unhappy prince succumbed to the temptations which assail and too often overcome those who go through similar experiences. “A merciful tear springs to the eye, obscuring the fatal outlines of that last sad picture. There sank a man in wreck and ruin who was a noble Prince when the days were. If he fell into degradation at the last, he was once as gallant, as tender, as spotless a gentleman as ever breathed English air or trod Scottish heather. And when the spectator stands by Canova’s marble in the great Basilica, it is not the silver trumpets in the choir, nor the matchless voices in their *Agnus Dei* that haunt the ear in the silence; but some rude long

drawn pibroch note, wailing over land and sea—wailing to earth and heaven—for a lost cause, a perished house, and most of all for the darkening and shipwreck and ruin of a gracious and princely soul.”¹

The measures taken by the Government to prevent a recurrence of the calamities brought on the country by the devotion of the Highlanders to the Stuarts scarcely come within the province of this work. They are, however, worthy of some reference as marking a revolution in the condition and institutions of the Highlands. The statutes abolishing the hereditary jurisdictions so long enjoyed by many chiefs, discharging tenants from the fulfilment of the services which they had given in exchange for their lands, and prohibiting under severe penalties the carrying of arms and the wearing of the Highland dress, while they completely effected the immediate object for which they were framed—though involving a few years' impotent discontent and local disorder—resulted also in the downfall of the system of clanship.

The first two measures were specially directed against the power of the chiefs; and looking to the advanced stage of civilization at the time, no one can find fault with them. The hereditary jurisdictions—to some extent a necessity in the rude earlier times, inasmuch as they afforded then the only means

¹ *Historical Sketches of the Reign of George II.*, by Mrs. Oliphant, i. 387.

of providing for the maintenance of any degree of law and order—had now become opposed to the spirit of the age. Government accordingly very properly abolished them, offering their possessors compensation in money. The compensation claims sent in amounted to £490,000, but only £150,000 was actually allowed. Thus Mackintosh claimed £5,000 for the hereditary Stewardship of Lochaber, which had been held by his family for exactly three hundred years; but on the ground that the right of holding courts had been unexercised for more than forty years previously, his claim was set aside altogether.

The second measure—that of abolishing the wardholdings—struck still more deeply into the power of the chiefs by taking from them all hold over their clansmen and vassals other than that supplied by affection. The occupation of lands for the performance of military service was declared unlawful, all tenures on such condition being converted into feu or blanch. Like the heritable jurisdictions, this form of tenure—which, by the way, partook more of the character of the feudal than of the clan system—though originally perhaps necessary and beneficial, had become repugnant to the circumstances of an improved state of society. Its destruction involved great changes throughout Scotland, to the whole of which country the measure applied, but in the Highlands gave a deathblow to the power of the chiefs and to the system of clanship.

The measure prohibiting the wearing of the Highland dress seems harsh and arbitrary in the extreme.¹ Yet this and the measure prohibiting the wearing of arms were perhaps the only means by which Government could hope to gain its ends, so far as the Highlanders were concerned—the crushing of their warlike spirit, and the assimilation of their ideas and customs to those of the orderly and peaceable Lowlanders. Together with the abolition of wardholding, these measures provided excellent security for the immediate preservation of the country from another Highland rising; and after the lapse of a few years, the enforced change of habits and conduct among the Highlanders, and the necessity for their adopting some peaceful mode of livelihood, combined with the absence or poverty of many chiefs, and the departure of thousands of martial clansmen at the call of Pitt to fight Britain's battles abroad, to effect a total change in their ideas and sentiments. The spirit of Jacobitism gradually decayed; and in the next generation Government was enabled, without apprehension, not only to repeal the obnoxious statute regarding dress, but also to restore to their

¹ The Act (20 Geo. II. cap. 51) ordained that if any person, man or boy, were found after the 1st Aug. 1747 wearing the clothes commonly called the Highland clothes, that is, the plaid, philabeg, trews, shoulder belts, or any part whatsoever of the Highland garb, or if any person were found wearing a dress composed of tartan or parti-coloured cloth, he should be imprisoned six months without option of bail for the first offence, and on its repetition be transported for seven years.

ancient owners such of the estates as had been forfeited—that of Cluny with others—in consequence of the Rising of 1745. As a motive power, Jacobitism in the Highlands was by this time to all intents and purposes dead; it did not and scarcely could long survive clanship.

The clan system itself, before the '45, had been undergoing a series of innovations tending to its subversion, and doubtless would have yielded, before the century closed, to the influence of advanced civilization and an improved state of society generally. It virtually received its deathstroke on the red field of Culloden, expiring as it were in a halo of glory and after exhibiting for a brief space some of its noblest and most brilliant features—a more desirable and fitting death for so ancient and stately an institution than that which would have completed the process of a lingering decay.

CHAPTER XV.

Sir Æneas, 23rd chief ; his Entail of the Mackintosh estates—Alexander, 24th chief—Angus, 25th chief—Alexander, 26th chief—The Curse of Moy (*note*)—Alexander Æneas, 27th chief—Alfred Donald, 28th chief.

THE twenty-second chief survived the Rising for a quarter of a century, dying in 1770. His lady lived until 1784, and died in Edinburgh on the 2nd March of that year, regretted by all who knew her. The last notice which we have of this noble lady's life is contained in the following letter written on the 5th March by her nephew, who had succeeded her husband, to his future father-in-law, Sir Ludovic Grant of Dalvey ;—" Dear Sir, It is with pain I am to acquaint you that Lady Mackintosh died on Tuesday, the 2nd inst., after suffering much by five months' illness, which she bore with becoming fortitude, retaining her reason to the last, and leaving the world without a sigh. When I consider the friendship that subsisted betwixt our familys, before and during her time, I thought it proper to acquaint you of this event. Make my best respects acceptable to Miss Grant. I have the honour to be, Dear Sir, your most obedient and very humble servant, Æneas Mackintosh."

(23) *ÆNEAS*. The 22nd chief, dying without issue, was succeeded by his nephew *Æneas*, only son of Alexander, the third son of Lachlan of Daviot, son of Angus, third son of Sir Lachlan the 17th chief. In 1775, during the American War of Independence, *Æneas* raised a company for the second battalion of Fraser's Highlanders, a regiment which was then revived as the 71st and placed under the command of the Hon. Simon Fraser, son of the famous Lord Lovat. The senior captain in the same battalion was Angus Mackintosh of Killachie, uncle of Sir James Mackintosh. The chief, appointed to the command of the company he had raised, sailed with the regiment for America in 1776, and saw some fighting on his voyage, the transport in which he sailed being attacked by an American privateer. He and his company took part with the rest of Fraser's in the battle of Brooklyn, and in the campaigns from 1777 to 1781. In the latter year the capitulation of Lord Cornwallis put an end to their military exploits, and they remained in America as prisoners of war till the conclusion of hostilities. On returning home in 1783 the regiment was disbanded.

In 1785 *Æneas* married Margaret, youngest daughter of Sir Ludovic Grant of Dalvey, and set himself to the improvement of his estate, on which he now almost constantly resided. He set the example of planting, and in his MS. account of the family and neighbourhood he gives various particulars

of what he had done or intended to do in this way. He also built a new residence, at the north end of Loch Moy ;¹ but his great work—executed in his later years—was that of re-entailing the whole of the family estates. With this object he redeemed numerous wadsets, some of very old standing, and made the necessary provisions for the settlement of the entire landed property of the family on those who would in natural course succeed to the headship of the clan.²

His position in the north entitled him, in the eyes of King George III. and his advisers, to some mark of distinction ; and accordingly the dignity of a Baronet was conferred upon him in 1812 ; but as he left no issue the title died with him. His death took place in January 1821.³

Sir Æneas was a man generally respected and beloved, and so far as can be gathered from his MS., he was of a kindly, amiable disposition, and possessed

¹ The previous house, in which Prince Charles Edward had been entertained in 1746, was at the north-west end of the loch. The house built by Sir Æneas was greatly enlarged and beautified by Alexander Æneas, 27th chief, and is now one of the finest mansions in the Highlands.

² After the names of the two immediate successors of Sir Æneas came those of fifteen other Mackintoshes, the first being Sir James Mackintosh, head of the Killachie branch, the last Lachlan Robert Mackintosh of Dalmunzie.

³ Lady Mackintosh survived him and his two successors. She resided till her death in Moy Hall, the new family residence built by her husband. As a mark of her affection and regard for his memory she erected in 1824, at a cost of nearly £1,000, the monument which adorns the island in the loch—an elegant obelisk of granite, seventy feet in height.

considerable powers of observation, the value of which was enhanced by education and refinement of mind. His accounts of certain Highland customs and superstitions, of Inverness life, and other local matters, are graphic and entertaining ; but he seems to write as if he were on a first visit to the country. I quote part of his description of Moy as affording a good specimen at once of the kindness and seriousness of his disposition and the refined quaintness of his style of writing, and at the same time as giving a picture of the lovely and romantic spot of which he wrote. "To finish the subject, Heaven has been very attentive to this place, for in advancing to and going from it on all sides the country is rough and barren, which serves as a back ground and setts off the whole to advantage ; health resides in the peacefull vale, and the cool lympid stream gushes from every rock ; the heath-cover'd mountaius feed the bleating sheep and playfull kid, which furnish healthy meals to the swains ; the honest ox and lowing sweet breathing cow give flesh and milch to the sturdy plowman ; the air and water furnish wholesome food easily good att ; cool shady groves are not wanting to indulge meditation ; and every object round us makes the gratefull heart praise the Great Giver of Good for granting them."

(24) ALEXANDER, who succeeded Sir Æneas, was eldest son of Duncan of Castle Leathers by Agnes, dau. of Dallas of Cantray ; his father being son (by

Ann, dau. of Fraser of Culduthel) of Alexander, brother of Lachlan mac Angus of Daviot and grandson of Sir Lachlan, 17th chief. He was thus second cousin of Sir Æneas. He built Daviot House, on the left bank of the Nairn, where he resided; and dying without issue in 1827, was succeeded by his brother.

(25) ANGUS, the next chief, had settled in Upper Canada, at a place which he named Moy. He was a member of the Legislative Council of that Province, and during the war of the Niagara Frontier with the United States in 1813 he afforded the Government valuable assistance at considerable loss to himself. He married in 1783 Archange St. Martin, daughter of an officer in the French army under Montcalm, and had a large family. His sons were *Duncan*, who died unm. in 1824; *Alexander*, his successor; *Æneas*, of Daviot (who m. 1st Mary, dau. of Alexander Macleod of Dalvey; and 2nd, Louisa Fanny Sybella, dau. of Major Alexander Macleod; he died 26th April 1880, leaving issue Alexander, Duncan Houstoun, Mary Marion, Charlotte Eva, and Alexandra Graham); and *James St. Martin*, m. with issue. Angus died on 25th Jan. 1833, and was the first of the Mackintosh chiefs since 1704 who was succeeded by a son.¹

¹ In all probability the well-known story of the "Curse of Moy" had its origin some time during the half century preceding the death of Angus. Like most traditionary stories, this may have had some foundation in fact, but the family MSS.

(26) ALEXANDER was a Deputy-Lieutenant for Inverness-shire. He was twice married, first to

contain no allusion to it, nor is there any evidence of its existence before the present century. It was first brought into general notice through a poem, entitled "The Curse of Moy," by Mr. Morritt of Rokeby, printed in Scott's *Minstrelsy of the Scottish Border* in 1802. Mr. Morritt states that his tale is "founded on an ancient Highland tradition that originated in a feud between the clans of Chattan and Grant;" but he has no doubt assumed a poet's license in dealing with his subject, and it is likely that the tradition, whatever it may have been previously, has been to a great extent modified and augmented by his poem. The story, as given by Mr. Morritt, and recently in a work called *Mysteries of all Nations*, by James Grant, is briefly as follows:—

A chief of Mackintosh had been rejected as a suitor by Margaret, daughter of Grant of Urquhart or Glenmoriston, and in an encounter captured her, her father, and her accepted lover, Grant of Alva, carrying them prisoners to the castle in Loch Moy. By her tears and entreaties Margaret obtained a promise from her captor that only one of his two male prisoners should die, she being allowed to choose which should be liberated. Her father prevailed upon her to secure her lover's freedom, but Mackintosh, enraged at her choice and at the failure of his own designs for obtaining her hand, had both his prisoners killed and their bodies brought to the maiden. According to Mr. Morritt's poem she became insane, and for years haunted the mountains of Badenoch, where, over the cairn of her father and lover, she called down a curse on the murderer's family, praying that he might die childless, and

That never the son of a chief of Moy
Might live to protect his father's age,
Or close in peace his dying eye,
Or gather his gloomy heritage.

The other account mentioned limits the influence of the curse to the individual Mackintosh concerned, who was to "die a bloody

Mary, dau. of John Glass; secondly to Charlotte, dau. of Alexander Macleod of Dalvey, by whom he had issue *Alexander Æneas*, his successor; *Alfred*

death, leaving neither wife nor child behind." It goes on to state that immediately after uttering the malediction, Margaret leaped from the castle ramparts into the waters of Loch Moy; further that, in the summer of 1378, a short time after the events narrated, a conflict took place between the Mackintoshes and the Munroes in which the wicked chief was slain; and that the Munroes then hastened to Moy Castle and put all its inmates to the sword. "Thus perished a relentless tyrant," says the writer, "leaving no fond wife to mourn his fate nor any offspring to carry down his name to posterity; and thereby was fulfilled the prediction of Lady Margaret."

As will be seen by a reference to the account of the 10th chief in Chap. V., this writer has not been altogether successful in his attempt to assign the events described by vague tradition to a particular time. The story applies neither to Lachlan, who was chief in 1378, nor to Malcolm, in whose time the conflict with the Munroes really took place; and at neither time had the Grants any connection with Urquhart or Glenmoriston. The fact that from the time of Lachlan, 20th chief, who died in 1731, to that of Angus, 25th chief, who died in 1833, no chief of Mackintosh had a son, may, however, furnish a clue to the origin of the alleged tradition. The remarkable circumstance of the deaths without male issue of four or five chiefs in succession would naturally excite surprise and conversation among the country people, and the superstitious would scarcely fail to see in it a "judgment" for some ancestor's sin. It was a common thing to attribute such "judgments" to deeds of violence and murder, as well as to specify their nature by means of the curse of a witch or an insane person. Thus it is easy to see how a story would gradually shape itself, and float loosely about the country as a tradition, until it became fixed in the lines of Mr. Morritt. There can be little doubt that the story of the Curse of Moy, as that of William Tell and the apple, may now safely be relegated to the region of romance.

Donald, successor to his brother; *Æneas Norman*, b. 18th May 1854; and three daughters, Marion Charlotte, deceased; Mary Archange; and Isabella Ann, m. in 1873 to Charles Thomas Part, Barrister-at-Law.

Alexander died on 26th May 1861, at Dunachton, his Inverness residence. A local newspaper in noticing his death spoke of him as "an excellent landlord, a good countryman, estimable in family and social relations, and a Mackintosh to the backbone."

(27) ALEXANDER ÆNEAS, his eldest son, born in 1847, succeeded him. On leaving Harrow School, he was entered of Trinity College, Cambridge, where he took the degree of Master of Arts. While at Cambridge he commanded one of the University Companies of Rifle Volunteers, and afterwards raised and for a time commanded a strong company (No. 10) of the Inverness-shire Volunteers, composed of men on his Brae Lochaber property, and known as the Mackintosh Company. He subsequently received a commission as captain in the Royal Highland Light Infantry Militia. After visiting North America and India, he settled down to the life of a country gentleman, making great improvements on his estates, and commencing the enlargement of Moy Hall. On 5th May 1875 he married Margaret Frances, eldest daughter of Sir Frederick Ulric Graham of Netherby, and grand-daughter of the 12th Duke of Somerset, but died, after a brief illness, on the 17th of the

following December, to the great grief of his family and friends and his numerous clansmen and tenants. "In this case," said the leading county newspaper in noticing the sad event, "there are peculiar causes for regret and lamentation. The youth of the deceased chief, his recent happy marriage, the pride he took in his clan, and the hope he entertained of associating with them and dispensing a liberal hospitality in the hall of his ancestors, all these render this mournful dispensation one of the most striking and melancholy that has happened for many years. . . . Never was there a more sincere or heartfelt sorrow than that which pervades all classes in the North on the occasion of this sad bereavement."¹ Another of the local prints said, referring to the period of his youth and coming of age, "He was warmly and affectionately regarded by all classes on his extensive property, and the most earnest hopes and expectations were formed of his being a kind and considerate landlord and the worthy representative and head of an ancient house and clan. These expectations were not disappointed." The chief himself, at a dinner given by the tenantry to Mr. Fraser-

¹ The same paper, in its record of the usual festivities throughout the county at the following Christmas, has the following entry under the head *Braes of Lochaber* :—"The premature death of Mackintosh of Mackintosh has cast a great gloom over his tenantry in this county. No festivities of any kind took place, either indoors or outside, and this has been the quietest and most lamentable Christmas spent in the Braes of Lochaber for many generations."

Mackintosh, in 1873, on his retiring from the post of Commissioner on the estates, gave an assurance that it would always be his wish "to retain the old names, the old tenants, the old clan, upon the estates;" and the manner in which this assurance was carried out doubtless went far to strengthen the already existing ties between him and his clansmen and tenants.

The issue of his marriage was a posthumous daughter, Eva Hermione, born 30th June 1876. The succession to the chiefship and estates consequently devolved upon his next brother,

(28) ALFRED DONALD, born 24th June 1851. Educated for the army, he joined the 71st Regiment as ensign, and rose to the rank of lieutenant, but retired in 1877. On quitting the army he obtained a commission as captain in the Royal Highland Light Infantry Militia. He visited India in 1878-9, and on the 14th April 1880 married Harriet Diana Arabella Mary, only child and heiress of Edward Philip Richards, of Plas Newydd, Glamorganshire.

PRINCIPAL BRANCHES OF CLAN MACKINTOSH.

KILLACHIE BRANCH, WITH OFFSHOOTS OF HOLM AND FARR.

THIS was the oldest and most important of the branches of the Mackintoshes which, having a known succession of heads and remaining in Inverness-shire, retained the name of Mackintosh. Its progenitor was

Alan, 3rd son of Malcolm Beg, the names of whose sons are given at p. 152. Of three daughters, one m. John mac Alasdair Ciar Shaw of Rothimurcus, another Robertson of Lude.

William Mor, Alan's eldest surviving son, had two sons, John and Donald, both of whom appear in a band to Sir John Campbell of Calder dated 28 Aug. 1534, and in Clan Chattan's band in 1543. John is mentioned in *The Roses of Kilravock* (p. 75) as having been concerned on the part of the Earl of Lennox against the Regent Arran, and as having been in arms with him on Glasgow Muir in 1544. He probably died before his father. His brother

Donald was tutor during the minority of the

16th chief. By Catharine, dau. of Hugh Rose 9th of Kilravock and widow of John Fraser of Farraline, he had one son, Angus.

Angus, commonly called Angus MacWilliam or Williamson, is fairly entitled to rank as one of the notables of Clan Chattan [*See Index*]. He feued Aldourie, on Loch Ness, in the Parish of Dores, and occupied Termit in Petty. As "Angus M'Kintoshe of Termit," he witnesses the agreement between Calder and Mackintosh in 1581, and is the only witness unable to write; as "Angus Williamsone of Termit" he is named an arbiter in a dispute in 1585 between Calder and Kilravock concerning the boundaries of their estates; he is a witness to a band given in 1586 by Donald Gorme of Sleat to George Earl of Huntly; and his name appears in the Band of Union in 1609, coming next after that of the Tutor of Mackintosh. His education appears to have made no progress in the years from 1581 to 1609, for being unable to write he subscribes the band "by a nottar." He died in 1624. His sons were Lachlan, John, and Alexander. Alexander feued the lands of Holm, near Inverness, 1614, and was progenitor of the family of MACKINTOSH OF HOLM.

Lachlan in 1614 obtained a feu of the lands of Dalmigavie from Calder. He appears in the Band of 1609, and was one of the leaders in the feud with the Earl of Moray in 1624 and succeeding years. In 1630 he is spoken of as "*umquhile*

Lachlan Angus-son." By his wife, a dau. of Barclay of Gartlie, he had a son,

William, who was one of the three to whom Lord Moray committed the task of capturing Grant of Carron in 1630. William acquired from Moray a feu of Killachie, or Kyllochy, in Strathdearn. He m. Isabel, dau. of John Farquharson of Invercauld, and had issue Donald; John, to whom he assigned Dalmigavie; Alexander of Farr, progenitor of the present family of MACKINTOSH OF FARR; Kenneth; and James; and five daughters, one of whom m. Grant of Rothimurcus. His name occurs frequently in documents and in the Kinrara MS. between 1630 and 1669. He was succeeded by his eldest son,

Donald, who in an Act of Parliament of 10 July 1678 is named a Commissioner of Supply for Inverness-shire, and whose name appears in a list of "Heads and Branches of Families that are to give band to the Commissioners of Council" at Inverlochy in the same year.¹ He and his son appear in the Valuation Roll of 1691 for lands in Daviot, Dalrossie, and Dores Parishes. He sold the right to Aldourie to his son in law, John Barbour, bailie of Inverness, whose dau. afterwards married Donald's grandson, and so brought back Aldourie to the Mackintoshes. Donald d. in 1703, leaving by a dau. of Dunbar of Grange one son, Angus; and three daughters, Jean, m. — Paterson, Commissary of Ross;

¹ This will be referred to on subsequent pages as the "Proclamation of 1678."

Anne, m. Alexander Shaw of Tordarroch; and Catherine, m. John Barbour of Aldourie, who as such is named Commissioner of Supply in an Act of 1704.

Angus was a captain in Mackintosh's battalion in the '15, and was taken at Preston. He lived mostly at Ardersier, and d. in 1727.

Lachlan, his eldest son, dying unm., was succeeded by his next brother,

Alexander, a merchant in London, who m. his cousin Elizabeth Barbour, and had two sons, Angus and John.

Angus was a lieutenant in Keith's Highlanders, with which regiment he served in Germany in the Seven Years War, returning home with the rank of captain, but badly wounded. Major Mercer of Aldie, writing in 1804 to Lord Glenbervie, speaks of having known him in Germany, and of his being "a most intelligent man and a most accomplished gentleman."¹ On the revival of Fraser's Highlanders in 1776 for service in America, he became senior captain in the 2nd battalion. He died in South Carolina in 1779, unm.

John, his brother, succeeded him. He was also a lieutenant in Keith's Highlanders in the Seven Years War, and was severely wounded at Fellinghausen in 1761. He entered the 68th Regiment in 1765, and remained in it for about twenty years, going through the siege of Gibraltar. Major Mercer,

¹ *Life of Sir James Mackintosh*, i. 1.

whose tent he shared for two years in Germany, in the letter just quoted describes him as "one of the most lively, good-humoured, gallant lads I ever knew." He m. Marjory, dau. of Alexander Macgillivray by Anne Fraser, sister of Brigadier-General Fraser and aunt to Mrs Fraser-Tytler, wife of Lord Woodhouselee. On his death in 1788, John was succeeded by his only son,

James, born 24th Oct. 1765 at Aldourie, who became a distinguished lawyer and writer. He received his early education at the Academy at Fortrose, whence he was sent to Aberdeen University. In 1784 he went to Edinburgh to study medicine, and obtained a physician's diploma; but his tastes inclined to the law, and his spare time was occupied in qualifying for the bar and in writing for the press. In 1788 he moved to London, in 1791 published his *Vindiciæ Gallicæ*—a defence against Edmund Burke of the principles of the French Revolution, which made him acquainted with Fox and the leaders of the Whig party,—and in 1795 was called to the bar. In 1799 he published an *Introductory Discourse* on the law of Nature and Nations; this met with brilliant success, and attracted to him the notice of the leading men of all parties. A course of lectures on the same subject followed, and fixed his reputation. His defence of M. Peltier, a French emigrant-royalist prosecuted for a libel on Buona-parté, in 1803, excited the highest admiration both here and on the continent, and was described by Lord

Erskine at the time as "one of the most splendid monuments of genius, learning, and eloquence." In 1804 he was appointed Recorder of Bombay, and received the honour of knighthood. He remained in India, where he earned golden opinions by his wisdom and humanity as a judge, until 1811. On his return to England he was offered by Mr. Percival, then First Minister, a seat in Parliament, with a prospect of office; but this offer he declined, on the ground that he could not enter Parliament on the implied condition of resisting the repeal of the law relating to Catholic disabilities. He was elected for the county of Nairn as an independent Whig, and made important speeches on Roman Catholic emancipation, slavery, the amelioration of the criminal code, and other subjects. From 1818 to 1824 he was Professor of Law and Politics at the East India College, Haileybury. In 1827 he was made a Privy Councillor, and on the return of the Whigs to power in 1830 he received the office of Commissioner for Indian affairs. He died on the 31st May 1832 at his house in Langham Place, London, and was buried at the parish church of Hampstead.

Besides the works mentioned above, Sir James wrote a History of the Revolution in England in 1688, and various essays and articles for the *Encyclopædia Britannica*, the *Edinburgh Review*, and other serials, all his productions being distinguished by fine understanding and sound judgment, as well as by immense learning.

He had parted with his paternal estate of Killachie in 1801. He was twice married, 1st in 1789, to Catharine Stuart, who d. in 1797, leaving three daughters; and 2nd in 1798 to Catharine, dau. of John Allen of Cresselly, Pembrokeshire, by whom he had a son, *Robert James*, Fellow of New College, Oxford, who edited his father's Memoirs.

BORLUM BRANCH, WITH OFFSHOOT OF RAIGMORE.

The founder of this branch was *William*, 2nd son of the 16th chief, and tutor during the minority of his nephew Sir Lachlan (see chap. viii.). He had a right from his father to the lands of Benchar and Raits in Badenoch, and acquired a right to Borlum, in the parish of Dores. He m. Beatrix, dau. of Innes of Innermarkie, by whom he had four sons, Lachlan, Robert, Angus, and William. He d. in 1630 aged 63 years.

Lachlan, his successor, appears in the Valuation Roll of 1644 as of Borlum, his lands there being assessed at £666 13s. 4d. Scots, and Benchar and Raits at £500 Scots, both considerable sums in those days. He was a loyalist in the wars of Montrose, and in 1646 was fined as such by the "Committee of Process and Moneys" in the sum of £666 13s. 4d. His name also appears under date 19th Feb. 1669 in the Particular Register of Inhibitions &c. for Inverness-shire, vol. vi. His wife was Helen Gordon, as appears

from a Minute of Agreement, dated 28th Aug. 1637 at Ruthven, whereby the Marquis of Huntly undertakes to give sasine to "Lauchlane M'kintosche of Borlum and Heleine Gordoune his spouse" of "the town and lands of Ballidmoir with that pendicle callit Corranach, with houssis, bigingis, &c." on payment by Lachlan of 6000 merks.¹ He had four sons,—William; John of Lynvuilg (who m. a dau. of Macpherson of Nuid and had issue Donald; Lachlan; John, who went to Georgia about 1726; Harie, who also settled in North America; and William and Angus,² twins, who became bailies of Inverness and m. two sisters, Marjory and Janet, daughters of Mackintosh of Culclachie); Harie, who settled in New England; and Alexander, father of William and John.

William, eldest son of Lachlan, is frequently mentioned from 1662 to 1704. He purchased the feu right of the barony of Borlum from Sir Hew Campbell of Calder, and wadsetted Benchar to Cluny Macpherson. By his wife Mary, dau. of Duncan Baillie of Dunean, he had five sons and two daughters,—William; Lachlan (m. 1st to — Lockhart, by whom he had Alexander and John; 2nd to Anne, dau. of Alexander Shaw of Tordarroch); John, major of Mackintosh's regiment in 1715; Duncan, captain in

¹ *Spald. Club Misc.* iv. 162.

² Angus was ancestor of Charles Fraser-Mackintosh of Drummond, now M.P. for the Inverness Burghs, author of *Antiquarian Notes* and *Invernessiana*.

the same regiment (m. a dau. of Mac Thomie of Crathinard, by whom he had, with other issue, William, who m. Janet, dau. of John Maclean of Dochgarroch); Joseph, who acquired Raigmore, and by a dau. of Mackintosh of Aberarder was ancestor of the family of MACKINTOSH OF RAIGMORE, now represented by Æneas William Mackintosh, late M.P. for the Inverness Burghs; Lydia, wife of Sir Patrick Grant of Dalvey; and Janet, wife of Ludovic Gordon, brother of Sir Robert Gordon of Gordonston. William died in 1716, and was succeeded by his eldest son,

William, the Brigadier Mackintosh of the '15, of whom an account is given in chap. xii of this work. By his wife, Mary Reade, he had two sons, Lachlan and Shaw; and three daughters, Winwood, m. Roderick Mackenzie of Fairburn;¹ Helen, m. Jonathan Thomson, merchant in Inverness; and Forbesia Maria.

Lachlan, the brigadier's eldest son, went to New England, where he m. a dau. of his great-uncle Harie, and died, being succeeded by his brother,

Shaw, who sold Borlum to his cousin William, son of John of Lynvuilg and bailie of Inverness. By Jean, dau. of Menzies of Woodend, he left a son, *Edward*, and two daughters. The son took to

¹ Barbara, 2nd dau. of Roderick, 9th of Fairburn, and great-granddaughter of Winwood, m. Kenneth Murchison of Tarra-dale, and was mother of Sir Roderick Impey Murchison, the distinguished geologist.

lawless courses, and became captain of a band of robbers which infested the great Highland road through Inverness-shire. A warrant being issued for his apprehension on the charges of robbery and murder, he left the country and took service in the French army, where history loses sight of him. His property of Raits passed into the hands of James Macpherson, the translator of Ossian, who changed its name to Belleville, and by whose descendants it is still held.

The Branches of ABERARDER and CORRIBROUGH, springing respectively from Duncan and Lachlan, fifth and seventh sons of the 16th chief, were also of some importance in the 17th and 18th centuries.

The STRONE Branch, with its offshoot of BALNESPIC, sprang from Donald Glas, natural son of William, 13th chief.

TRIBES AND FAMILIES OF CLAN CHATTAN OTHER
THAN THE MACKINTOSHES.

The number of tribes or septs composing the Clan Chattan confederacy is usually given as sixteen. It varied, however, at different periods, although, taking each surname as representing a distinct sept, it has not at any time during the last four centuries been below sixteen. Of these, a few were merely offshoots, with a change of name, from some of the principal tribes; others were families which had settled in the clan country and had become bound to military service by the tenure of their lands. Sir Æneas Mackintosh gives a list of twenty-five tribes and families belonging to Clan Chattan—nine claiming cadency from the Mackintoshes, and sixteen springing from other sources. In some cases—as for example Clan Tarril—a tribe at one time numerous faded almost out of existence, from losses in war or otherwise; while at particular periods a sept or family might be spoken of by the name of its head at the time, or by some other name different from that by which it is usually known. Thus in the Band of 1609 we look in vain for the name of Shaw, that clan (or rather the Tordarroch section of it) appearing as Clan Ay, represented by its chieftain Ay *mac Bean*; while the head of the

Macbeans proper appears as Angus *mac Phail*—the head of the sept in each of these cases having applied to him as a surname the name of his father.

The fifteen septs of which notices follow are all, with the exception of the Cattanachs, mentioned in the Kinrara MS. as belonging to Clan Chattan, and their heads or founders as having at various times placed themselves and their posterity under the command of the chiefs of Mackintosh. Some were of small numbers and importance, probably becoming scattered and having no recognised head; and after the notice of their reception into the clan they are not again mentioned in its history.

Various other families, having their origin in one or other of the ways already indicated, and represented at the present time, were attached to the clan. Among these may be mentioned families of *Noble* and *Gillespie*, in the Mackintosh country, and *Macintyre* in Badenoch. The *Crerars*¹ in the Breadalbane country, and the *Mac Thomies*, now *M'Combies*,² in

¹ The ancestor of the Crerars is said by tradition to have been a Mackintosh who, to elude the pursuit of mortal enemies, took refuge in a mill near Kenmore. The friendly miller sprinkled him from head to foot with flour out of a sieve, and set him to work with that article. While he was busily sifting his pursuers came up, but did not recognise him; and in token of his escape he took the name of *Criathrar* (Crerar), or the sifter.

² Descended probably from William, great-grandson of the 6th chief (see p. 78). The name appears in 16th and 17th century documents variously as M'Homie, M'Comie, M'Chomay &c. A family of them for some generations occupied Finegand in Glenshee.

Perthshire and Aberdeenshire, were originally Macintoshes; while some of the offshoots of the Macphersons of Invereshie (Sliochd Gillies) assumed the name of *Gillies*. The Kinrara MS. says that some of the descendants of Ferquhard, 9th of Mackintosh, acquired the surname of *Angus*, and founded families of that name in Inverness and Fife. Without the aid of detailed pedigrees, family names such as Maconochie, Maclachlan, and Mackinlay cannot be assigned absolutely to any particular clan; but it is likely that some of the persons bearing these names are sprung from one or other of the numerous Duncans and Lachlans of Clan Chattan, or from the great Finla of the Farquharsons.

It should be mentioned that the good old family of Dallas, long settled at Cantray and Budzeat, were always friends of the Mackintosh chiefs and generally followed them in war. There is no record, however, of their ever becoming incorporated in the Clan Chattan, or of their following the chiefs otherwise than as allies.

The Clan Chattan septs may be divided under three heads:—

I. Those of the blood of the original Clan Chattan, viz. the *Macphersons*, *Davidsons*, *Cattanachs*, *Macbeans* (?), and *Macphails* (?);

II. Those springing from the Mackintoshes, viz. the *Shaws*, *Farquharsons*, and *Mackintoshes of Dalmunzie*;

III. Those not originally connected by blood with

either the old Clan Chattan or the Mackintoshes, viz. the *Macgillivrays*, *Macleans of Dochgarroch*, *Tarrils*, *Smiths* or *Gows*, *Macqueens*, *Clan Andrish*, and *Clarks*.

In this order they will now be treated.

I. CLANS SPRINGING FROM THE ORIGINAL CLAN CHATTAN.

1. MACPHERSONS, OR CLAN MHUIRICH.

The claim of the principal family of the Macphersons to represent in the male line the chiefs of old Clan Chattan is allowed by most Highlanders, and, although entirely dependent on tradition, it can hardly be disputed. The early descent of the Macphersons, as given by Sir Æneas Macpherson, has been stated in chap. ii., as well as the circumstances under which the headship of Clan Chattan was alienated from their line.

On Dougal Dall's death (sec p. 46), the representation of the Clan Chattan chiefs in the male line would devolve on the family of Ewen, 2nd son of Muirich the Parson. *Ewen*, said to have been called Mac-in-Phairson, was the immediate founder of the Clan Macpherson, also called from his father Clan Mhuirich. From his three sons, *Kenneth*, *Ian* or *Ewen*, and *Gillies*, descended respectively the main branches of Cluny, Pitmean, and Invereshie, from one or other of which sprang all the numerous families of the name in subsequent centuries.

Although it is tolerably evident that much of the early history of the old Clan Chattan as given by Sir Æneas Macpherson is pure romance—whether created by himself or by seannachies who lived before him is of no consequence here—there can be little or no doubt as to the general correctness of his account of the founders of Clan Mhuirich. For example, there can be no question that Muirich was a progenitor of the clan, inasmuch as it was called by his name. Nor can it be doubted that three of his descendants were named respectively Kenneth, Ian, and Gillies, for we find the three main branches of the clan designated in after years Sliochd Kynich, Sliochd Ian, and Sliochd Gillies (race of Kenneth &c.). We have thus proof of the existence of these several ancestors of the clan, and the strength and consistency of traditionary testimony leave small room for a doubt of their belonging also to the chief family of the old Clan Chattan.

If we may judge from the absence of record to the contrary, the family of Ewen mac Mhuirich quietly acquiesced in the transfer of the lands and headship of Clan Chattan to the husband of their chief's daughter; and this is the more probable as we find their descendants soon afterwards acting with the Mackintoshes and marrying into the Mackintosh family. It is likely, indeed, that Ewen's three sons were children at Dougal Dall's death, for according to the Macpherson genealogy the eldest was alive in 1370. This likelihood is strengthened by the fact

that the Camerons' occupation of the Lochaber lands after Eva and her husband had left them was unopposed at the outset. It is further likely that this seizure of the lands led to the settlement of their previous occupants in Badenoch, for we have evidence that the district was held by the Comyns until 1314, while fifty years later we find the Clan Mhuirich there, apparently settled down into the position of permanent occupiers.

Until about the 16th century notices of the Macphersons in history and in writings are rare. This may to some extent be accounted for by their situation in the heart of the Highlands, remote from the sway and influence of the great chiefs and Lords of the Isles, around whom circles most of the Highland history of the 14th and 15th centuries; but the main reason is perhaps to be found in the fact that they were as yet but a small, though growing and warlike clan, following the chiefs of Mackintosh. Their separate appellation would thus be merged, with that of each of the other tribes of the confederacy, in the common name of Clan Chattan; and we may assume that as part of Clan Chattan they distinguished themselves both in the private feuds of the clan and in the national wars in which Bannockburn and Harlaw were fought. Shaw,¹ referring to the Band of 1609 in which the Macphersons speak of Mackintosh as "our chief, as it was of old," says, "It cannot be doubted that the Mackintoshes,

¹ *Hist. Moray*, 48.

Macphersons, Macbeans &c., as one incorporated body, did own Mackintosh for their captain and leader for about 300 years." That the Clan Mhuirich followed Mackintosh as Captain of Clan Chattan in the 14th century is apparent from the tradition, noticed in chap. iii., concerning the fight at Invernahavon in 1370 and the dissensions between the parties of Clan Chattan there assembled.

MACPHERSONS OF CLUNY.—The principal branch has always been that of Cluny, descended from *Kenneth*, eldest son of Ewen Baan, and from him known as Sliochd Kynich. Kenneth's son *Duncan* m. Isobel, daughter of Ferquhard 9th of Mackintosh,¹ and had two sons, *Donald Mor* and *Bean*, the latter ancestor of the Brin family. Donald Mor's eldest son *Donald Dall* had nine sons, from two of whom, Malcolm and John, descended respectively the families of Blaragie Beg and Crathy Croy. The eldest, *Donald Og*, m. a dau. of Gordon of Ardbrylach, and had four sons,—Ewen his successor, and James, Paul, and William, founders respectively of the Pittourie, Dalrady, and Kingussie-beg (Laggan) families. *Ewen* m. a dau. of Donald Mackintosh of Strone, by whom he had Andrew; William, whose only son left no issue; and John, founder of the family of Nuid, afterwards of Cluny.

Andrew, Ewen's successor, had a long chiefship.

¹ *Macp. Geneal.* According to the same authority a niece of Duncan's m. Duncan, eldest son of the same Ferquhard.

We find him, as “Andrew Makfersone in Cluny,” on 16th May 1591 engaging in a band of manrent to Huntly, and in 1648, fifty-seven years afterwards, he is excused, on account of his age and inability to travel, from appearing before the Synod of Moray to answer for his loyalty to Charles I.¹ As has been seen, he and his immediate following took part with

¹ The genealogy here given is from Sir Æneas Macpherson’s MS. in the possession of Cluny Macpherson. This contains, besides a history of the clan, a genealogy of each family of the Macphersons down to nearly the end of the 17th century. So far as can be gathered from bands of manrent and other contemporary documents, the descents of this genealogy in the 16th and 17th centuries seem to be correct. By its help the genealogy of the Cluny family given in Douglas’s *Baronage* and Burke’s *Landed Gentry* is proved to be full of grave inaccuracies. Thus in the *Baronage* we have the *Andrew* here mentioned succeeded by his brother *John*, who dying in 1600 is succeeded by his son *John*, who gets a charter of Tullich in 1613 and is succeeded by his son *Ewen*; *Ewen* dies about 1640 and is succeeded by his son *Donald*, a staunch friend of Charles I. During the period occupied, according to the *Baronage*, by Andrew and these four successors, the MS. has Andrew only at the head of the clan, with his son Ewen leading it under Montrose. That the MS. is correct and the *Baronage* wrong is evident from the facts (1st) that Andrew’s name appears in the Band of 1591 to Huntly, in the Band of Union in 1609, in his son’s contract of marriage in 1642, and in the Record of the Moray Synod in 1648, where his age is mentioned as a reason for his non-appearance; and (2nd) that his son Ewen is known to have been the leader of the Macphersons under Montrose and a “staunch friend of Charles I.,” and in 1648, several years after the *Baronage* speaks of his death, is mentioned in the Moray Synod Record as being under the ban of the kirk.

It is true that in the Valuation Roll of 1644 *Ewen* Macpherson of *Cluny* appears; but either this is a clerical error, or

Huntly against Mackintosh in 1591-4, the other principal branches of Clan Mhuirich remaining faithful to Mackintosh. He must at this time have only recently succeeded to the headship of his clan. After the cessation of the feud, when Huntly ungratefully cast him off, his assertion of independence of Mackintosh was withdrawn, and we find him in 1609 subscribing the Band of Union among Clan Chattan. Andrew had one son only, Ewen, whom he survived. In 1642 this son m. a dau. of Duncan Forbes of Culloden; and in 1647 he was one of the first to attach himself to Alaster Macdonald when on his way through Badenoch to join Montrose. With a body of his clan he took part in nearly all Montrose's battles, and was placed under the ban of the kirk in consequence. Andrew, according to the Rev. L. Shaw, lived until 1660, his chiefship thus extending over about seventy years. He was succeeded by his grandson of the same name,

Andrew, elder son of Ewen, who it will be remembered refused to accompany Mackintosh against the Camerons in 1664-5 except on certain conditions (see chap. x.). Dying unm. he was succeeded by his brother,

Duncan, who like his grandfather had a long Ewen is entered because he had the management of his father's affairs at the time.

Again the *Baronage* speaks of a *Donald*, son of Ewen, in 1643; but the MS., which is supported by the Mackintosh MS. History and other records, makes Ewen the father of *Andrew*, who died unm., and *Duncan*, who succeeded his brother.

chiefship, succeeding about 1671 and dying in 1722. In 1672 he set on foot measures for declaring himself independent of Mackintosh, and the "only and true representer of the ancient and honourable family of Clan Chattan" (see p. 64). He is named in the Proclamation of 1678, and in the Valuation Roll of 1691 for lands in the parishes of Kingussie and Laggan. He was twice married, 1st to Isobel, dau. of Provost Ross of Inverness; 2nd to Elizabeth, dau. of Gordon of Arradoull, by whom he had a son who d. young. A daughter by his first marriage became the wife of Archibald, second son of Campbell of Calder, and in 1689 Duncan attempted to nominate his son-in-law as his successor both in his estates and in the headship of the clan. His attempt was frustrated by the energetic action of his indignant clansmen, who subscribed a band declaring the rightful successor to be the heir-male, William Macpherson of Nuid (see p. 442).

On Duncan's death in 1722, the representation devolved on the family of Nuid, descended from John, 3rd son of Ewen mac Donald Og,—John's great-grandson, Lachlan, son of the William named in the band just referred to, becoming "of Cluny." John, founder of the Nuid family, m. in 1613 Ann, dau. of Donald Farquharson of Monaltrie, and had four sons, the eldest of whom, Donald, by his first wife Isabel, dau. of Alexander Rose of Clova, had also four sons. William, the second of these, m. in 1667 Isobel, dau. of Lachlan Mackintosh of Kinrara, brother of the 18th chief of Mackintosh. This

connection may partly account for the willingness of William's eldest son, Lachlan, on succeeding to Cluny, to drop the vexatious proceedings of some of his predecessors in regard to Mackintosh's right to the headship of Clan Chattan, and to acknowledge that right, as he did in 1724 (see p. 444).

Lachlan, who became "of Cluny" on his kinsman's death in 1722, had m. in 1704 Jean, dau. of Sir Ewen Cameron of Locheil, by whom he had a numerous family. He was succeeded by his eldest son,

Ewen, who distinguished himself by his attachment to the Stuart cause in 1745-6. At the commencement of the Rising he was in the service of the Government, but circumstances compelled him to take up arms on the opposite side. In August 1745 he was captured by a detachment of the Jacobite army, and as his own sentiments were in favour of the Stuarts, his family and clan had no great difficulty in persuading him to transfer his allegiance. He joined the prince with about 120 of his name, and took part in the march into England, he and his men, on the retreat from Derby, bearing the brunt of the skirmish at Clifton, near Penrith. Here the enemy's horse came up with the Jacobite rear-guard, and Cluny was ordered to post his men at Clifton bridge for the purpose of covering the passage of the baggage and artillery. An account of the action written by Cluny himself about ten years afterwards is given as a note to chap xxx. of "Waverley." The enemy were

driven back with the loss of only twelve men to the brave Clan Mhuirich; many arms were captured, among them Col. Honeywood's sword, which is still preserved at Cluny Castle.

During the winter of 1745-6 the Macphersons remained at home, by permission; and the last meeting of the hostile forces at Culloden was so sudden and unexpected that they had not time fully to answer the summons sent to them. They were on the march, and had reached Moy, when they were met by news of the disaster.

After Culloden, the house of Cluny was burned to the ground, many papers and deeds being destroyed in the fire. The estates also were forfeited. Cluny remained in hiding in Badenoch, chiefly near his ruined home, for nine years. For a few months after Culloden he lived with his cousin, the younger Locheil, on Benalder, and here they were joined by the prince after his romantic adventures in Skye and Glenmoriston. One of Cluny's first cares after Charles's arrival was the rather unromantic one of providing him with a change of linen, for which purpose he set his three sisters to work.¹ On Charles's departure from Scotland in September, Cluny and Breakachie younger accompanied him on his way to the coast as far as Locheil's country, where they took leave of him, Cluny preferring a home, though a

¹ These sisters were Isabel, widow of William Mackintosh of Aberarder; Christian, wife of Macpherson younger of Breakachie; and Anne, afterwards wife of Macpherson of Dalrady.

precarious one, among his own people and fastnesses to one in a foreign land. Before parting, the prince gave him a letter acknowledging his services and promising reward.¹

In compliance with a request from Prince Charles, Ewen of Cluny went in 1755 to France, where he died in the following year, leaving by his wife Janet, dau. of Simon Lord Lovat, a son,

Duncan, born in 1750. The estates, which had been forfeited after the '45, were restored to the family in his person. He was lieutenant colonel of the 3rd Foot Guards, and m. Catherine, dau. of Sir Ewen Cameron of Fassifern, by whom he had Ewen, his heir; Ewen Cameron, 48th Bengal N.I., d. 1832; Archibald Fraser, colonel Bengal Army, d. 1877; John Cameron, lieut. colonel 42nd Regiment, d. 1873, leaving issue; and four daughters. Duncan d. in 1817, and was succeeded by his eldest son,

Ewen, born in 1804, formerly captain 42nd Regiment, and now lieut. colonel Inverness-shire Rifle Volunteers—one of the best known and most

¹ This letter was presented by Sir Walter Scott to the present Macpherson of Cluny, who has favoured the author with a copy. It is as follows;—

“ M'Pherson of Clunie, As we are sensible of your and clan's fidelity to us dureing our adventures in Scotland and England in the years 1745 and 1746, in recovering our just rights from the Elector of Hanover, by which you have sustained very great losses both in your interest and person, I therefore promise when it shall please God to put it in my power to make a gratefull return suitable to your suferings, Charles P. R.—Dirielugich in Glencongeir of Locharkay, 18 Sept. 1746.”

respected of Highland chiefs. He m. in 1832 Sarah Justina, dau. of Henry Davidson of Tulloch, by whom he has Duncan, C.B., lieut. colonel 42nd Regiment, born in 1833, m. Emily Ellen, dau. of Major General Philip Harris ; Ewen Henry Davidson, lieut. colonel 93rd Regiment ; George Gordon, formerly captain Coldstream Guards ; Albert Cameron ; and three daughters.

From the Cluny branch sprang at various periods the families of Macphersons at BRIN, ESSICH, BREAKACHIE (latterly CRUBENMORE), CRATHIE CROY, PITTOURIE, BALLACHROAN, and NUID. The last named family, as already stated, became "of Cluny" in 1722. The family of GLENTRUIM, now represented by Lieut. Col. Lachlan Macpherson, is descended from John, youngest son of Donald of Nuid and Isobel Rose.

MACPHERSONS OF PITMEAN. This branch, known also as Sliochd Ian, sprang from *Alexander*, 2nd son of *John*, brother of Kenneth mac Ewen, ancestor of the Cluny family. Donald, Alexander's younger brother, was ancestor of the GARVAMORE family, and from a natural brother descended the BEALID family. Alexander had two sons, John and Paul, the latter ancestor of the family of STRATHMASHIE. *John* was father of *Thomas*, who had four sons, Alexander, Farquhar (ancestor of the INVERTROMIE family), Lachlan, and Donald Dubh (ancestor of the PITCHERN family). *Alexander*, the eldest, was father

of *Thomas*, who signed the Band of 1609 as "Thomas vic Alister vic Homas in Pitmean." His son *Alexander* m. a dau. of Lachlan Mackintosh of Killachie, and was father of *Lachlan*, who by Isobel, dau. of Donald Macpherson of Ballachroan, had three sons. The eldest of these, *Alexander*, m. 1st a dau. of Macqueen of Corrybrough, and 2nd Isobel, dau. of John Macpherson of Dalrady; by the latter he had a son, *Lachlan*, who in 1745 m. Jean, dau. of the Rev. John Mackenzie, Laggan, and had one son and three daughters. The son, *Charles*, was a major in the army, and m. Margaret, dau. of John Macpherson, Muchall, by whom he had John; Duncan, colonel in the army, d. without male issue; George Gordon M.D., deceased (who by his 2nd wife, Charlotte A. F., dau. of William Leycester, Bengal Civil Service, left two sons, Charles Gordon and George Gordon); Eliza, m. Major D'Arcy Wentworth; and Ann. *John*, eldest son of Charles, was an officer in the 21st Regiment, and was wounded at Waterloo. He m. Marianne, dau. of Robert Addison. The present representative of the family is his only surviving son, *Berkeley Augustus Macdonald*, captain South Devon Militia, who m. Charlotte, dau. of Sir George Stracey, Bart. of Thorpe, Norfolk, but has no surviving issue. The heir-presumptive to the representation of the Macphersons of Pitmean is his cousin, Charles Gordon above mentioned.

MACPHERSONS OF INVERESHIE. This branch, also

called Sliochd Gillies, is descended from *Gillies*, 3rd son of Ewen mac Mhuirich. Some of its members adopted the surname of Gillies. The genealogy¹ compiled by Sir Æneas Macpherson, who belonged to the branch, states that Gillies lived in Letterfinlay in Lochaber, and that his daughter married the ancestor of the Camerons of Letterfinlay. His son *Donald* "Brounich" had seven sons, and the family was carried on by *John*, the youngest, the rest having been killed at Inverlochry in the battle between the Earl of Mar and Donald Balloch in 1431. John gave up Letterfinlay to his aunt's husband, and moved to Rimore. His sons were William and Alexander, the latter ancestor of a family at Phoyness. *William's* son *John* was father of *William* and *Thomas*. The elder of these, by his first marriage to a dau. of [*gy.* Alexander] Shaw of Dalnivert, had Angus and two daughters; and by his second marriage a son, John Og, who m. a dau. of Mac-kintosh of Kinrara. William was killed at the battle of Auldearn in 1645.

Angus, his eldest son, is set down as of Invereshie in the Valuation Roll of 1644, the year before his father's death. He m. Elspet, dau. of Lachlan Farquharson of Brouchdearg, and had three sons,—William, his successor; John, who feued Dalrady; and Thomas, who acquired Killihuntly. *William*,

¹ This probably omits some steps of the descent, as it makes William, killed in 1645, only of the seventh generation from Ewen son of Muirich the Parson.

the eldest, m. Margaret, dau. of Robert Farquharson of Invercauld, and was father of—John; Æneas, a learned advocate and antiquary of the reign of Charles II., who received the honour of knighthood; and William Dubh. The eldest, *John*, m. Marjory, dau. of Ewen younger of Cluny, leader of the Macphersons under Montrose, and left one son, *Elias* or Gillies, during whose minority his uncle Sir Æneas was tutor. *Elias* sold Invereshie to his cousin John of Dalrady, whose successors have ever since held it. Sir Æneas, by a dau. of Colonel Scrimgeour, had two sons, Duncan and James, whose male descendants, if such exist, of course represent the senior line of the branch.

John Macpherson, who bought Invereshie from his cousin, was the eldest son of John, 2nd son of Angus of Invereshie and Elspet Farquharson. He m. Isobel dau. of ——— Cuthbert, Provost of Inverness. His son *George* m. Grace, dau. of Col. William Grant of Ballindalloch, and was father of *William*, his successor, and *John*, captain 17th Regiment. The elder of these dying unm. was succeeded by *George*, his nephew, who, having inherited the estate of Ballindalloch as heir of provision to his father's maternal uncle, had assumed the name of Grant. He was made a Baronet in 1838, and from 1830 to 1846 was M.P. for Sutherland. His wife was Mary, dau. of Thomas Carnegy of Craigo, Forfar, by whom he had John, James (captain 93rd Regt.), Thomas, and three daughters. Sir *John*, his suc-

cessor, b. 1804, m. Marion Helen, dau. of M. N. Campbell of Ballimore, Argyle; he d. in 1850, leaving George, Campbell, John, and three daughters. Sir *George*, the present baronet, b. 1839, m. Frances Elizabeth, dau. of the Rev. Roger Pocklington, Walesby, Notts, with issue John, b. 1863, George Bertram, Alastair, and four daughters. Sir George Macpherson-Grant was in 1880 elected M.P. for the counties of Elgin and Nairn.

2. DAVIDSONS, OR CLAN DHAIBHIDH.

According to Sir Æneas Macpherson, the Davidsons are of the same blood as the Macphersons, being descended from David Dubh, youngest son of Muirich, Parson of Kingussie. This account of their founder scarcely tallies in point of time with a statement in the Kinrara MS. that David Dubh married Slane, daughter of the 6th chief of Mackintosh; but, as already observed, the correctness of Sir Æneas's genealogy, which thus makes David of the same generation as Slane's great-grandfather, is somewhat doubtful. The Clan Dhaibhidh were settled at Invernahavon, about the mouth of the Truim, but when they acquired this holding or how they held it does not appear. Sir Æneas Mackintosh in his MS. gives 1350 as the date at which they placed themselves under the chief of Mackintosh. Tradition says that they were almost entirely cut off by the

Camerons in the battle at Invernahavon which has been described in chap. iii. According to Shaw's MS. account of Clan Chattan, the name Davidson was exchanged by the family of Invernahavon for that of Macpherson early in the 17th century, in the time of "James of Invernahavon, commonly called Seumas Laghach, great-grandfather of John of Invernahavon" [living in 1758].

From a branch of this clan settled in Cromartyshire is descended the present family of Davidson of Tulloch, Ross-shire. On the sale of the Tulloch estate for behoof of the creditors of the Baynes, its ancient possessors, in 1763, it was bought by Henry Davidson,¹ elder son of Alexander Davidson and Elizabeth Bayne of Tulloch. Henry was succeeded by his brother Duncan, M.P. for Cromartyshire. He d. in 1800, leaving Henry his successor, whose son, Duncan, formerly of the Grenadier Guards, M.P. for Cromartyshire from 1826 to 1830 and from 1832 to 1834, and now Lord Lieutenant of the county of Ross, is the present representative of the family. By his first wife, Elizabeth Diana, dau. of the 3rd Lord Macdonald, he had two sons, Duncan Henry Caithness Reay, his heir apparent, and Godfrey Wentworth, d. unm.; and five daughters, one of whom m. Lieut. Col. George W. H. Ross of Cromarty. Mr. Davidson

¹ In a private letter of 19 Nov. 1763 it is stated that Henry "being a relation of the family (of Bayne), Highland ideas made him stretch a point to buy this estate, and heavily has he paid, and dealt generously by the old possessor."

by subsequent marriages has three sons and six daughters.

Another family of the name is represented by Hugh Grogan Davidson of Cantray (the old property of the Dallases), late 78th Regiment, grandson of Sir David Davidson of Cantray and Margaret Rose.

3. CATTANACHS.

It is unfortunate that no account can be given of this sept, bearing as it does the most distinctive of all the Clan Chattan names. The ancestor of the Macphails is said to have been Paul Cattanach, or "the Chattan man," who came into Mackintosh's country about the end of the 13th century. He was so called, probably, by those among whom he came as a stranger, to denote his extraction from the Clan Chattan, just as Fleming became the name of some who had settled in Scotland and England from Flanders. In the same way it is likely that some of the early settlers in Badenoch from the Clan Chattan of Lochaber received the name of Cattanach from those already inhabiting that district. The members of the sept have probably always been few; some may have assumed other names, as that of Macpherson, the clan among whom they lived; but Cattanachs are still frequently met with in Badenoch.

4. MACBEANS, OR CLAN VEAN.

Although there is no direct evidence that the Macbeans sprang from the old Clan Chattan, the circumstances under which they first appear on record seem to afford a presumption that, if not of the blood of that clan, they were in some way connected with it; and tradition has embodied this presumption. Shaw, in his *History of Moray*, speaks of them as a branch of the old clan; and in his MS. account of Clan Chattan he says that they "are generally allowed to be a branch of the clan, and the same with the Macgilonies in Lochaber, of whom Strone is the principal family."

In the time of Angus 6th of Mackintosh, "Bean mac Dhomhnuil Mor," says the Kinrara MS., "lived in Lochaber and was a faithful servant to Mackintosh against the Red Comyn that possessed Inverlochie." Shaw makes Domhnuil Mor the son of Gilonie. The next mention of the family is in the time of the seventh Mackintosh, when William Mor mac Bean vic Dhomhnuil Mor and his four sons, Paul, Gillies, William, and Farquhar, after slaying the Red Comyn's captain of Inverlochye, came to Connage and placed themselves and their posterity under the protection of Mackintosh and his successors. Their chief seat was at Kinchyle, in the parish of Dores. This they long occupied as *duchus* until in 1685 William Macbean acquired the feu right from Sir Hugh Campbell of Calder.

For about a century after the migration of the sept

from Lochaber history is silent concerning them. The next mention of them in the Mackintosh MSS. is a mournful one, to the effect that no tribe of Clan Chattan suffered so severely at Harlaw as the Clan Vean. Another long break now occurs in their history—from 1411 to 1609. In the latter year we find *Angus mac Phail* in Kandkell (Kinchyle) subscribing “by a nottar” the great Band of Union “for himself and taking the full burden of his kin and race of Clan Vean.” After this we frequently find the chieftain of the sept “dating” from Kinchyle. The same Angus, son of Paul, appears as of Kinchyle in the Valuation Roll of 1644. His son *John* is the first who appears with the present patronymic. On 20 July 1655 “John Macbean of Kinkell” gives to his eldest lawful son Paul and his wife sasine of the town and lands of Durris and Chapeltoone, of old called the Kirklands of Durris (Dores).¹ *Paul*, who succeeded his father, was one who held back from accompanying Mackintosh into Lochaber in 1667. There is a bond of Black Mail extant, dated 1 Nov. 1675, in which he undertakes, in conjunction with John Mackintosh of Dalmigavie and Donald, Tutor of Dummaglass, to guard Strathdearn, Strathnairn &c. He is mentioned in the Proclamation of 1678, in the Valuation Roll of 1691, and with his son in a horning of 22 March 1697.² This son was the purchaser of the feu right to Kinchyle, and in speaking of him and

¹ *Part. Reg. Sasines &c. for Inverness and Cromarty*, vol. vii.

² *Gen. Reg. of Hornings, &c.* vol. cxiv.

his father the horning referred to appears to regard him as the more important person of the two,—“*William M'Bayne of Kinchylde and Paul M'Bayne his father.*” William m. Jean, dau. of William Mackintosh of Killachie (contract dated 23 Dec. 1688). On 18 Nov. 1708, William Mackintosh of Borlum takes sasine of the town and lands of Dores, Chapelton, Achnashangach, Kinchyll &c., following on a heritable band for 8000 merks granted by William Macbean of Kinchyle; ¹ and on 26 June 1718 Angus Mackintosh of Culclachie takes sasine of the lands of Dores and Chapelton following on a wadset for 5000 merks by William and Æneas Macbean, elder and younger of Kinchyle. *Æneas*, or Angus, was a captain in Mackintosh's regiment in 1715; a John Macbean was a lieutenant. On 16 Oct. 1759, Lieutenant *Donald* Macbean was served heir male to his uncle, Æneas, in Kinchyle, and on the 26 March following, the conveyance of the lands to Fraser of Ness Castle was signed by Donald's commissioners, he being abroad. Kinchyle is now part of the Dochfour estate.

Gillies Macbean, who distinguished himself and died bravely at Culloden, and whose fame has been sung by Byron, is generally stated to have been of the Kinchyle family. So far as the writer has been able to gather, he was younger brother of Æneas son of William above mentioned, and probably father of Donald. Shaw, in his *History of Moray* (p. 132), speaks of the son of Gillies as representing the

¹ *Reg. Sasines for Inverness*, under date 4 Jan. 1709.

Macbeans in 1775. Gillies occupied a farm at Dalmagerry in 1745.

Other families of the clan were at Faillie (Strathnairn), Tomatin (near Moy), and Drummond (Dores). The first of the Macbeans of Faillie was *Donald* mac Gilliphadrick, who on 10 Feb. 1632 received from James Earl of Moray a feu tack of the lands—the succession being strictly limited to Donald's "*heirs male and assigns of the clan of Clan Chattan allenarly.*" His son *John* is mentioned as of Faillie in hornings of 1698 and 1699. *Donald*, son of John, received from Charles Earl of Moray on 15 July 1707 a charter of confirmation in the lands, in which the limitation regarding members of Clan Chattan is again set forth. Donald is frequently mentioned between the years 1711 and 1748. He was succeeded by his brother *William*, who was confirmed in the lands by James Earl of Moray on 16 Jan. 1749, the restriction of the succession being a third time made. Again does it appear in the charter (dated 15 Feb. 1771) confirming *Donald*, son of William's brother Alexander, in the lands. This curious restriction—which, judging from the date of its first appearance in the deeds referred to, was probably connected with the Earl of Moray's reconciliation with the Clan Chattan in 1630—gave rise to considerable litigation in late years, and was the means of eliciting the well-known decision in the Court of Session in 1860 respecting the legal *status* of clanship (see p. 69).

Donald on 6 Aug. 1771 assigned his right to Faillie to Captain William Macgillivray of Dunmaglass. By his wife Grizel Stuart he had three sons,—James ; Donald (who served as an officer in the royal army in the American War of Independence, afterwards in the West and East Indies, in Gen. Whitehouse's expedition in South America, at the Cape of Good Hope and in Ceylon, and in the Niagara Frontier War, in which he commanded the 2nd Battalion 89th Regiment ; he d. in Ceylon in 1819, in command of the 19th Regiment, leaving no issue) ; and Charles, captain 79th Regiment, who d. in 1838, leaving two sons—*George Grey*, present representative of the family (m. and has one son, Donald), and Charles Alexander, also m., with issue a son, Charles Edward, and two daughters.

5. MACPHAILS.

According to the Rev. L. Shaw, the Macphails were generally reputed a tribe of the old Clan Chattan, and were descended from Paul Cattanach, who came from the west with or soon after Eva, the wife of the 6th chief of Mackintosh. If the tradition on which he founds is correct, it seems likely that the Macphails who followed Mackintosh were brothers of the sept of the same name who formed part of the Clan Cameron confederacy, and who had remained in Lochaber when Paul Cattanach left it. The name appears in 1414 in a Retour of Inquest on Donald

Thane of Calder's succession to the lands of Dunmaglass, "Gillemore M'Phale" being one of the inquest. The earliest notice in the Kinrara MS. of the sept, which was always a small one, is to the effect that Paul Gow MacPhail, "goodsir" or grandfather to Sir Andrew Macphail, Parson of Croy, lived in the time of Duncan 11th of Mackintosh. A Donald Makfaill is witness to a band of amity and manrent, dated 23 Sept. 1481 at Croy, by Ferquhard, son of Duncan Mackintosh, to Hugh Rose of Kilravock; and to a similar band between the same parties in 1490. The parson of Croy—called "Sir" in accordance with a custom which obtained a few centuries ago in regard to all clergymen—wrote the history of the Mackintoshes down to the murder of the 15th chief in 1550. His account is known as the Croy MS., and is one of the three from which the Kinrara MS. was compiled in the 17th century. "Andrew M'Phaill minister at the Kirk of Croy and Findla Makphaill ane of the beillis off Invernes" appear in a contract between the magistrates of Inverness and Robert Waus in June 1595.

The holding of the head of the sept was Inverarnie, at the mouth of the small Glen Arnie in Strathnairn, and close to Tordarroch. *Paul* Macphail "of Inverarnie" appears in the Valuation Roll of 1644, where he is rated at £113 6s. 8d. Scots. The name of *Duncan* M'Phaill of Inverernie occurs in a horning of 7 Nov. 1662, and that of his son *Paul* in several hornings from 1669 to 1699, twice in conjunction

with his neighbour Alexander Shaw of Tordarroch.¹ This Paul is also mentioned in the Kinrara MS. in connection with the events of 1667. In the Valuation Roll of 1691 he is rated at £100 Scots. A Paul Macphail, who signs "P. M'Pheale," is described in a Band and Tack of 1711 (in the writer's possession) to which he is a witness, as "Chamberland," *i.e.* factor, to Mackintosh. The name, like that of Shaw, is still to be met with in Strathnairn. The Macphails of Inverarnie and the Shaws of Tordarroch for generations buried their dead in an enclosure adjoining the east wall of Dunlichity Kirk, and close to the burying place of the Macgillivrays of Dunmaglass.

II. CLANS SPRINGING FROM THE MACKINTOSHES.

6. SHAWS.

OF the three clans in this division the Clan Shaw is the most ancient. As shown in chap. iv., its founder was Shaw, son of Gilchrist, son of John, 2nd son of the sixth Mackintosh and his wife Eva; and through Eva it is of the blood of the old Clan Chattan. The origin of the Shaws, and consequently of the Farquharsons, who sprang from them, has been placed much earlier by some writers, owing at first to the anxiety of one of the latter family to glorify his stock. Not content to bring

¹ *Gen. Reg. of Hornings, &c.* vol. cxiv., and *Part. Reg. for Inverness-shire*, vol. vi.

his clan from the old Earls of Fife through the Mackintosh chiefs, this bold Farquharson, writing a "Genealogie of the Farquharsons" in the 17th century, drew his own clan and the Shaws direct from Shaw, who he says was 3rd son of Macduff, and "took his proper name for his surname, came north, and possessed himself of Rothimurcus, which was a part of his father's inheritance."

In a lengthy paper¹ Sir Æneas Macpherson, the well known antiquary of the last two Stuart reigns, ably criticises and refutes in detail the statements of this vain and venturesome genealogist. In his opening remarks he says, "I shall briefly, and it may be more fully than such a rapsodie deserves, plainly make appear that this scribbler has left the beaten road, that is the *constant and uncontraverted tradition* of the Shaws themselves and their neighbour families. In place of which he has endeavoured to corrupt the very springs, and persuade the Shaws—as some of them have told me—to embrace a new tradition and genealogie of his making, which has neither truth, connection, nor authoritie."

¹ "Vanie Exposed, or A Plain and Short Answer to a late Peaper Intituled the Genealogie of the Farquharsons, wherein the Authour's Ignorance and Self-contradictioun are sett in their true light, and the Right Genealogie of that Modern Family briefly hinted at from the concurring Testimonies of the Shaws, the Farquharsons themselves, and all their Neighbour Families. In a Letter to a Friend by No Enemy of theirs but a Friend to Truth, Sir Æneas Macpherson of Invereshie, Knight." The MS. is in the possession of Sir George Macpherson Grant of Invereshie and Ballindalloch.

It is scarcely necessary to enter here into any refutation of the statement as to the direct descent of the Shaws from the Macduffs. Suffice it to give one or two of Sir Æneas Macpherson's remarks ;—
 “The Shaws and Farquharsons were and are still believed to be come of the laird of Mackintosh, *a long time after his predecessor married the heiress of Clan Chattan . . .* for which they may be allowed to be come of Macduff as come of Mackintosh, but no otherwise.” “I am very positive there never was a Shaw in Rothimurcus till Robert the Third his time, that Shaw Coriacklach, Mackintosh's 3rd or 4th son, took possession on't by consent of the Clan Chattan of Badenoch.”

The statements of the Rev. Lachlan Shaw, in his *History of Moray*, and of the Rev. W. G. Shaw, in his *Memorials of Clan Shaw*, as to the existence of a race of Shaws in Rothimurcus for more than a century before the time of Shaw Mor (in 1396) have been shown in chap. i. to be unfounded. In fact the modern origin of the name as a family name is so apparent from documents, as will be shown, and the descent of the family from the Mackintoshes is so clearly vouched for by old MS. Histories and by the traditions of the Shaws themselves, that no one with a knowledge of this evidence could even attempt to disprove either ; and after all, the recognised genealogy and the fictitious one presented by the Farquharson genealogist and the Historian of Moray actually lead back to the same person. In

concluding these preliminary remarks, I may observe that the account which I give of the origin of the Shaws is that held for some generations by my own—the Tordarroch—branch of the clan, which struck out in the 15th century; it is that held by Shaws and Farquharsons themselves in Sir Æneas Macpherson's time;¹ and it is that given by the MS. Histories of the Mackintoshes, the earliest of which was written in the end of the 15th century.

Shaw Mor, founder of the family, was great-grandson of Angus, 6th of Mackintosh. During the chiefships of the three successors of Angus, the family of John, his second son, would naturally occupy an important position in the clan; and thus we find Shaw, John's grandson, actually leading the clan during the old age and incapacity of his kinsman the eighth chief. He took part with the "haill clan Qwhevil" in the Raid of Angus in 1391,

¹ Sir Æneas mentions as his authorities the following persons, "the oldest and wisest not only of my own but of all our neighbour families":—*Grants*, John of Ballindalloch, John of Gartinmore, Gregor of Achachiernach, and Suzine of Gartinbeg; *Mackintoshes*—William of Kyllachie, Hector of Connage, and John of Forter, commonly called M'Comie; John M'Donald alias "Lom" (the poet Ian Lom); *Macphersons*—of Breakachie, Gillicallum of Phoynes, Thomas of Crerish, and James, grand-uncle to deceased John of Invereshie; John Robertson of Inverchroskie, alias Baron Reid; *Shaws*—Donald of Delnafert, John of Guislich, and Robert the drover; *Farquharsons*—Robert of Invercauld and Wardes, William of Inverey, and James of Camdel—"all men of sense and reputation, and most of them so very old that if they were not acquainted with Finla Mor himself they were at least personally known to his children."

and with them was put to the horn in 1392 (see chap. iv). On account of his near kinship to the chief of Clan Chattan and his valour and warlike skill he was placed at the head of the thirty champions of the clan in the combat on the North Inch of Perth in 1396, and for his success on this occasion he was rewarded by Mackintosh with the lands of Rothimurcus. "Lauchlan gave to Shaw the possession of the lands of Rothimurcus for the valour he showed that day against his enemies," says the Kinrara MS. The Comyns were still sufficiently numerous in the neighbourhood and sufficiently antagonistic to the Clan Chattan who had supplanted them there to give the new occupiers of Rothimurcus some trouble after Shaw's death, and traditions of the fights and surprises which took place are still to be met with in the district.

Shaw's martial reputation earned for him the cognomen "Mor," although, being small in stature, he was also known as "Beg;" another appellation commonly given to him is "Sgorfhiachlach," or "Coriachlich," from his projecting or buck teeth. He is spoken of as Shaw Mor Coriachlich in the Kinr. MS. and by Sir Æneas Macpherson, and as Shaw Beg by Bowar and Major.

According to the Historian of Moray he married a daughter of Macpherson of Cluny, but the Mackintosh MSS. say that his wife was daughter of a Robert mac Alister vic Aonas. He died in 1405, and his grave—long marked by four round stones

indicating the extent of the "narrow house"—is still pointed out in the churchyard of Rothimureus.

James, son of Shaw Mor, was killed at Harlaw. As mentioned at p. 135, he appears to have been mistaken by Boece for the chief of Mackintosh, a mistake which shows not only that he was of some mark, but that he was not known by the name of Shaw. In fact his descendants for two generations retained the surname of Mackintosh, and it was not until the 16th century that the name of their founder was substituted for it. James m. "the dau. of Gregor Grant," and had two sons—Alasdair or Alexander "Ciar" (brown), and Adam, ancestor of the Tordarroch branch.

Alexander "Ciar" succeeded his father. It appears from tradition that the Comyns had taken advantage of Shaw Mor's death to endeavour to regain their ascendancy in Rothimureus. Their efforts were favoured by the death of James at Harlaw and the infancy of his sons, and for some years they managed to hold their own in the district. On attaining manhood Alasdair set about the task of recovering his family possession, and with the aid of friends he surprised and cut off a large party of the Comyns and soon drove the rest of his enemies away.¹ It is

¹ The Rev. L. Shaw incorrectly places these events some eighty years earlier, making Shaw Mor the infant dispossessed and the hero of the subsequent slaughter of the Comyns. The local traditional account of the circumstances is given in the *New Stat. Account of Scot.—Elginshire*, p. 139.

not unlikely that this feud between the Mackintoshes and Comyns in Rothimureus was the cause of the larger feud between the main bodies of these clans in the time of Malcolm Beg Mackintosh.

Alasdair was the first of his line who obtained a right to Rothimureus, his two predecessors having held it as *duchus*. Thus the Kinrara MS. says, "Lachlan (8th chief) gave to Shaw (*i.e.* Shaw Mor) the *possession* of the lands," implying that he allowed him to occupy them; but further on it states that "Duncan (11th chief) *disponed his right* of possession and tack of Rothimureus to his cousin Alister Keir Mackintosh *alias* Shaw, the third from Shaw *alias* Gilchrist vic Ian." The Bishop of Moray, superior of the lands, whose sanction to the transfer was necessary, gives "Alexander Keyr Makyntosy" a charter of the lands in feu ferme on 4th Sept. 1464.¹

Alasdair is frequently mentioned in deeds of the period, always by the name of Mackintosh. He so figures in the *carta feodi-firmæ* of 1464 above mentioned; as giving a band of manrent to William, Earl of Errol, in 1472; in an instrument by the Earl of Huntly in 1479 relating to Urquhart and Glenmoriston, and preserved at Kilravock Castle; in the bands between Duncan, 11th chief of Mackintosh, his son Ferquhard, and Rose of Kilravock in 1481 and 1490; and in a band of 1482 between William, Thane of Calder, and Hucheon Rose of Kilravock, in which he is named an arbiter in case of future dispute. From a

¹ *Registr. Episcop. Morav., no. 448; Kinr. MS.*

“Testimonial” given by Huntly on 20th Dec. 1499 it appears that he was one of the principal persons who proceeded against the Mackenzies in 1492 for their spulzie of Ardmanach in the preceding year.

The Kinrara MS. does not give the name of his wife, but Mr. W. G. Shaw, in his *Memorials*, says that she was a dau. of Stewart of Kincardine. His sons, however, are given in the MS. as follows,—John; Alasdair Og, ancestor of the Shaws of Dell; James, ancestor of the Shaws of Dalnivert; Farquhar, ancestor of the Farquharsons of Braemar; and Iver, whose posterity settled in Harris and the Western Islands.¹

Of *John*, the eldest son, the only record is that he m. Euffin, dau. of Alan, 3rd son of Malcolm Beg, chief of Mackintosh, by whom he had Alan.

Alan m. the youngest dau. of Ferquhard, 12th of Mackintosh. He parted with Rothimurcus. The Kinrara MS. says, “Alan Mackintosh *alias* Shaw, oye (grandson) to Alister Keir, disponed the right to

¹ *Kinr. MS.* The posterity of Iver are still to be met with in Harris, where they are known as “Clann Dhom'l 'ie Iombair” or Iver; and among the papers at Invercauld House is a Band of Maintenance, dated at the Kirk of Kindrochit 8 Aug. 1625, between “John Farquharson of Cloak and Tillygarment for the whole kin and surname of Farquharson on the one part, and Donald Shaw of Harlois and John Schaw of Trumpan in Watterneis for themselves and all their kin and surname of Schaw within the bounds of Inhegaul (i.e. the Hebrides) on the other,” in which “the saidis pairteis acknowledge themselves to be of one blood and to be cum of one stock and race.”

Edom Gordon governor of Ruthven Castle in the year 1539, reserving only his son James his life-rent, and so the right of the lands of Rothimurcus fell away from the Mackintoshes and Shaws after they had enjoyed the same the space of 303 years." This statement is correct as to the main fact, but it appears from the Register of the Bishopric of Moray that the Gordon to whom the feu was sold was George, not Edom, and that Alan's own life-rent only was reserved. George Gordon was second son and successor of the 4th Earl of Huntly. From the entry in the Register concerning the sale we find that Shaw Mor's descendants were still known as Mackintoshes, Alan being styled *Alanus Keyr McKyntosy*. The "carta venditionis" or deed of sale is dated at Inverness 26 Nov. 1539, the "Confirmatio" by the Bishop of Moray at Elgin 3 Jan. 1539, about five weeks afterwards (the year ending on 24th March).

James, Alan's successor, possessed no interest in the lands of Rothimurcus, as we have just seen, although he seems to have remained there. The Historian of Moray erroneously calls him John, but the Kinrara MS. in three places gives his name as James—"James that was last laird of Rothimurcus of the surname of Shaw."

Alan, eldest son of James, was outlawed for the slaughter of his step-father, one of the Dallases of the house of Cantray, and being apprehended was taken to Castle Grant, where, according to tradition, he was found dead on the morning after his arrival.

The two reverend gentlemen whose accounts of the Shaws have been noticed seem not to have been aware that Alan had no legal right to Rothimurcus, but make it appear that his outlawry was the cause of his losing the lands, which they say passed at once to the Grants by the purchase of his forfeiture. The deeds already quoted show that they are in error, and further deeds recorded in the Episcopal Register (nos. 451-2) show that the lands passed to the Grants from the Gordons in 1567.

The Shaws were now a "broken clan," and are probably denoted by the name "Clan Chewill" in the Roll of Broken Clans in 1594 (see p. 116). For this reason they are not represented in the Band of Union among Clan Chattan in 1609.

Shaw in his MS. says that Alan's "brother and associats exiled into the Western Isles and Ireland," and that "thus the direct line of the Shaws of Rothimurcus became extinct in the country," the nearest collateral branch being Shaw of Dell. But tradition delights to tell of the opposition of an Alasdair Ruaidh Shaw to all attempts made by the Grants, on their acquiring the district, to remove him from his holding of Achnachaitnich; how he laughed at all legal processes of ejectment, and resisted with guns and claymores all efforts to remove him by force; and how he lived and died (about the middle of the 17th century) on the spot he had so well defended. As shown by the Rev. W. G. Shaw in his *Memorials*, there can be little doubt that this Alasdair

was brother of the outlawed Alan, and progenitor of the Shaws sometime of Crathinard in Mar and Crandard &c. in Glenisla. Assuming this to be the case, the main line of the Shaws is still largely represented.

James, living at Tullochgrue in Rothimureus, whom Mr. Shaw considers to have been Alasdair Ruaidh's son, m. a dau. of Robert Farquharson, first of Invercauld. His son *James* settled at Crathinard on Deeside, m. the heiress of John Machardy of Crathie, and was father of *Duncan* of Crathinard, who was chamberlain or factor to the Earl of Mar, and who sold Crathinard to Invercauld about 1710 under circumstances which speak highly for his generosity and sense of honour. Duncan seems to have corresponded with Lachlan, 20th of Mackintosh, and in a Band and Tack (in the writer's possession) dated at Culloden 19th May 1711, he signs, with Alexander Shaw of Tordarroch and John Shaw of Guislich in Rothimureus, as witness to the signatures of their common chief, Mackintosh, and their kinsman James Shaw of Dell. He d. in 1726 at Crandard, leaving seven sons, all well settled in life, and five of whom were "out" in 1745. The Rev. William George Shaw, writer of *Memorials of Clan Shaw*, was descended from the third son, Duncan; and nearly all the seven are still largely represented.

James, eldest of the seven sons of Duncan of Crathinard, left three sons, the eldest of whom, *Duncan*, factor to Lord Airlie at Cortachy, is at present represented by three great-grandsons, *George*

James, M.D., Deputy Inspector General of Hospitals, Bombay Army; *David*, Lieutenant-Colonel Madras Staff Corps, who is married and has issue; and *Doyle Money*, Fleet Surgeon Royal Navy.

The most important *branches* of the Shaws were those of Tordarroch, Dell, and Dalnivert, and from these sprang various families of the name which are still represented in other parts of the country.

The Shaws of TORDARROCH, in Strathnairn, are "eldest cadets" of the Clan Shaw, being descended from Adam, brother of Alasdair Ciar. Although only a branch of the Shaws, they ranked as a distinct clan for nearly three centuries, and appear, as Clan Ay, in the Band of Union of 1609.

Adam, on his father's death at Harlaw, was taken under the protection of his kinsman the 10th chief of Mackintosh. His son *Robert* was father of Angus and Bean. *Angus* appears as one of the signatories of "Clan Chattan's Band" on 2nd May 1543 (see p. 200). As in the case of the main stem, the name Shaw was not assumed by the Tordarroch family for some generations after Shaw Mor's time. Thus in Clan Chattan's Band Angus signs as "Angus mac Robert"; his nephew also uses his own father's name as a surname. Angus was the first of the Shaws of Tordarroch. In 1568 the lands came into possession of the Mackintoshes, and were assigned to him and his successors in wadset. Dying without issue, he was succeeded by his brother *Bean*, who in

turn was succeeded by his son *Angus*. *Angus* appears in the Band of 1609 as “*Ay mac Bean vic Robert of Tordarroch taking the full burden of his race of Clan Ay.*”¹ As observed in chap iv., *Ay* is no doubt equivalent to *Angus*, and it is likely that the *Angus*—whether he of 1609 or his uncle—who thus gave his name to his clan was a person of some note in his time. *Angus mac Bean’s* name appears in other documents of the period. Besides *Tordarroch*, he possessed *Wester Leys* in the Parish of *Inverness*, and he appears for both properties in the Valuation Roll of 1644.

Robert, son of *Angus*, is the first of his line mentioned by the name of *Shaw* — the earliest mention of him being as witness, with *Lachlan Mackintosh of Kinrara*, writer of the *MS. History*, to a Deed of Renunciation by *Lachlan Mackintosh of Aberarder*, dated 30 Nov. 1669. As *Robert Schaw of Tordarroch* he appears under date 19 June

¹ Since the earlier portion of this book has been in print, I have ascertained that a colony of *Shaws* has been settled in the parishes of *Urray* and *Killearnan*, *Black Isle of Ross*, since the 17th century; and that they have long been known as *Mackāys* or *Mac-Hays*, the distinction between them and the *Mackays* (*MacAoidhs*) of *Sutherland* being thus preserved in the Gaelic. This to some extent bears out the theory advanced in pp. 117-120 as to the “*Clan Ha*” and “*C n Kay*” of the chroniclers of the fight at *Perth*, and is interesting in connection with the mention of the *Shaws of Tordarroch* as *Clan Ay* in the Band of 1609. The tombstone of *Duncan Mackay of Teanadallich*, who died in 1707, is in the churchyard of *Killiechrist*, and bears the lion rampant, lymphad, and boar’s head of the *Mackintoshes*, and the hand and dagger of the *Shaws*.

1677 in vol. iii. of the Inverness Commissary Records ; as portioner of Leys he is named a Commissioner of Supply for Inverness in an Act of 7th June 1690 ; and also as Robert Shaw, he appears in the Valuation Roll of 1691 and in other documents. He d. in 1691, leaving Alexander ; Donald, who m. Jean, dau. of Donald Macpherson of Nuid ; and William, quartermaster of Mackintosh's regiment in the '15 ; also a daughter, m. to Donald, grandson of Angus Macpherson of Invereshie.

Alexander is frequently mentioned as of Tordarroch and Wester Leys from 1692 to 1699. In the Act of 1698 against the Macdonalds of Keppoch he is incorrectly described as "younger" of Tordarroch. As "younger of Tordarroch" he had accompanied Mackintosh against the Macdonalds in 1679. He m. Anne, second dau. of Donald Mackintosh of Killachie, and had three sons, Robert, Angus, and John. The two elder sons took part in the '15, and were respectively captain and lieutenant in the Mackintosh regiment, both being taken at Preston and confined in Newgate, where the elder died.

Angus, second son of Alexander, became head of the family on his father's death. He had been set at liberty on giving security for his future allegiance to the reigning family, and in consequence he took no part in the Rising of 1745, although he seems to have been sorely tempted to rise and "fight for Charlie." He had fled from the temptations to which he was exposed by his residence among the

Mackintoshes and Macgillivrays of Strathnairn, and was at his farm house of Wester Leys at the time of Culloden—a circumstance which accounts for the prince's finding the house of Tordarroch deserted and shut up when he called there in his flight.¹ He m. Anne, dau. of Dallas of Cantray, and had three sons and two daughters,—Alexander; Æneas, who entered the army as ensign in the 39th Regiment in 1784, and after distinguishing himself in Canada rose to the rank of major-general in 1811, was Adjutant General of Militia, and a member of the Legislative Council of Upper Canada;² John, Major, 68th Regt; Anne; and Margaret, m. Farquhar Macgillivray of Dalcrombie.

Alexander, eldest son and successor of Angus, was a lieutenant in the 60th or Royal Americans, and was severely wounded at the capture of Quebec in 1759. After the close of the American War of Independence he returned home, and was lieutenant governor of the Isle of Man from 1790 until 1804. He was the last Shaw actually “of Tordarroch,” as on the entail of the Mackintosh estates by Sir Æneas

¹ See Chambers' *Hist. Rebellion*, 267.

² Major-General Æneas Shaw received grants of various tracts of land in Upper Canada, on one of which, now within the town of Toronto, he settled, calling it Oakhill (*i.e.* Tordarroch). He died of fatigue in the war of 1813, leaving five sons, all officers in the army, and five daughters. His descendants are now numerous in the Dominion; his representative being *George Alexander*, Lieutenant-Colonel 10th or Royal Regiment of Volunteer Militia, Toronto.

the wadset under which the family had held the lands for two centuries and a half was redeemed. He sold Wester Leys to Fraser of Culduthel. He was twice married; 1st to Charlotte, dau. of the Rev. John Stewart, Episcopal Minister of Inverness, by whom he had Æneas, captain 39th Regt, d.v.p; and John, who d. in 1835, a major-general in the army; 2nd to Anne Elizabeth, dau. of Major Henry Staniforth Blanckley, with issue four sons—all officers in the army—and four daughters. One of the sons, Claudius, lieutenant in the Royal Artillery, with which he served in the Peninsular War, afterwards colonel in command of the British Legion Artillery in Spain in 1835-7, m. Archange, dau. of the 25th chief of Mackintosh, and was grandfather of the writer.

The head of the Tordarroch family is now *John Andrew Shaw-Mackenzie* of Newhall, eldest son of Major General John Shaw above mentioned. On succeeding as heir of entail (in right of his paternal grandmother) to the estate of Newhall in the counties of Ross and Cromarty, he assumed the name and arms of Mackenzie. His heir presumptive is his nephew, *Charles Forbes Hodson*, eldest son of the late Alexander Nesbitt Shaw, 2nd son of Major General John Shaw.

The Shaws of DELL, or the Daill of Rothimureus, seem to have been regarded as heads of the name in the district after the migration of the elder branches. Thus Sir Robert Sibbald, in a MS. account of Strath-

spey written about 1680 and preserved in the Advocates' Library, speaks of Rothimurcus as having formerly "belonged to the Schaws, who yet possess (*i.e.* occupy) the parish, Alexander Schaw of Dell being head of the tribe. The Schaws are able fighting men, and acknowledge Mackintosh to be their chieftain, and go under his banner."

According to the Kinrara MS. the ancestor of this branch was Alister Og, 2nd son of Alister Ciar. Little is known of his successors besides their names, which, descending from father to son, were—*James* "Beg," *Alexander*, *Alexander* "Og," *John* (mentioned in 1594), *John* "Og," whose name occurs in the Valuation Roll of 1644, and *Alexander*, mentioned by Sibbald and in the Valuation Roll of 1691. *James*, Alexander's son, mentioned on pp. 443 and 554, is the last of his family whom the writer has been able to trace.

A family of Shaws for some generations settled at GUISLICH in Rothimurcus, and mentioned in the Macpherson genealogy and elsewhere, sprang from the Dell Branch, to which also the Reverend Lachlan Shaw, author of the *History of the Province of Moray*, is said to have belonged.

The Shaws of DALNIVERT, in the Parish of Alvie, sprang from *James*, 3rd son of Alasdair Ciar. One of them, *William*, was out with Montrose, and being summoned by the Provincial Synod of Moray in 1648 to answer for his malignancy, neither appeared

nor sent an excuse. His son *Donald* accompanied Mackintosh in 1679 against the Macdonalds of Keppoch. *John*, Donald's successor, m. Jean, dau. of John Macpherson, Ettrish, by a dau. of Ewen Macpherson, younger of Cluny in Montrose's time.

William, grandson of John, was twice married, but had only female issue. His eldest daughter, Margaret, m. Captain Alexander Clark [see "CLARKS"], and a daughter, Ellen, by the second marriage, m. Hugh Macdonald, and by him was mother of the Right Hon. Sir John Macdonald, K.C.B., Prime Minister of Canada.

Various other families of Shaws appear from time to time during the last two centuries, and are mostly still represented. Among these may be mentioned the Shaws of KINRARA in Rothimurcus, probably an offshoot from the Dalniverst branch, and the Shaws of INCHRORY, probably descended from John, brother of Duncan of Crathinard. The genealogy of the family of Shaw of Terenure, County Dublin, bears that that family originally came from Scotland, and that it belonged to the Clan Chattan. It is now represented by Sir Robert Shaw, 4th Baronet, eldest son of the Right Hon. Sir Frederick Shaw.

7. FARQUHARSONS.

From the 15th century to the present time the name of this distinguished clan has been closely associated with Deeside and Braemar. Next to the

Mackintoshes and Macphersons, it was the largest and most important of the Clan Chattan septs, and indeed its acts and power entitle it to rank as one of the principal clans of the later days of the clan system.

The real founder of the Farquharsons or Clan Fhearchar was *Finla Mor*, who lived in the first half of the 16th century. His father *Donald* was son of *Farquhar "Beg,"* fourth son of Alasdair Ciar Mackintosh, *alias* Shaw, of Rothimurcus [see under "SHAWS"]. This Farquhar, from whom the clan derived its name, is stated to have passed over from Rothimurcus and settled near the Linn of Dee, where he died. His son Donald had two sons, Farquhar and Finla, but the posterity of the former quitting the neighbourhood for Athole—where, according to the Brouchdearg MS.,¹ they were known by the names of Mac-earchar (or Mac Farquhar) and Shaw—the representation of the name in Strathdee devolved on the line of his brother Finla.

Such was the origin of the Farquharsons, as stated by their own genealogies and those of their parent stem the Mackintoshes. Although it shows them to be a comparatively modern clan, it at the same time proves that their blood is as good as any in the kingdom, leading back through a succession of Mackintosh chiefs to the ancient Earls of Fife, and through Eva, wife of the 6th Mackintosh, to the ancient but shadowy stem of the chiefs of old Clan Chattan. Short as

¹ A genealogy of the Farquharsons, compiled by Alexander Farquharson of Brouchdearg about the year 1730.

was their time as a distinct clan, they have the proud consciousness that it was well spent. Within two or three generations after Finla Mor they had struck firm root in Aberdeenshire, had several important landholders and chieftains among their kin, and had become a formidable and recognised power in the country—so formidable as to render it necessary for Government to take special military measures in regard to them after the Revolution of 1688. Scarcely a chieftain of this period of their history but won for himself a name in song or tradition, or in the annals of the country. The names of Donald of Castleton, the “pride of Braemar” and the friend of Montrose, of William of Inverey and his son the “Black Colonel,” are inseparable from the history of the Highlands during the last three Stuart reigns; and coming to a later time, the story of Prince Charlie can never be told without mention of another of the clan, the gentle heroine of Moy in the '45.

Finla, from his size and warlike skill called “Mor,” was born on the lands of Invercauld, part of which his father occupied. Of his birth “strange tales were told,” and are still told in Braemar, all tending to show that he was preordained to a prosperous and great career. But he seems to have been indebted for his prosperity more to his own prowess and prudence than to any spells muttered over him in infancy. Personal strength, combined with skill in the use of arms, contributed in no small degree in those days to success in life; and Finla, according

to all accounts, was cast in herculean mould. His strength and skill were chiefly employed in relieving his neighbourhood from the visits of western marauders, who, on their way to and from the low country of Aberdeen and the Mearns, frequently took free quarters in the district, and robbed its inhabitants. By his success, and by his prudence in keeping on friendly terms with his neighbours, he was able to secure to his family that immunity from feuds which was necessary to the growth of the infant clan. His history is almost entirely confined to his own district, and is mainly dependent on tradition. His last appearance was at the battle of Pinkie in 1547, where it is said he bore the royal standard. The Farquharson genealogist whose "vanitie" is exposed by Sir Æneas Macpherson states that the Earl of Huntly, whom he followed, procured for him this honour, but it is questionable whether he had any express authority for acting as standard-bearer, this being an hereditary office held by one of the noblest houses in the kingdom. It is not unlikely, as Sir Æneas is willing to grant, that he may have seized and held up the standard on its being dropped by its proper bearer; but however this may be, the fact that he did carry it is said to be commemorated in the "banner of Scotland in bend displayed" in the Farquharson arms. Finla fell in the battle, and was buried in Inveresk churchyard.

He was twice married; 1st to a dau. of Stuart of Kincardine, by whom he had William, James,

Alexander, and John. The first two left no sons, and the only son of the third died without issue; but the fourth acquired a wadset of Craigniety in Glenisla, which was held by his descendants till the beginning of last century. These descendants were, of course, the lineal representatives of Finla Mor, but having left the home of their clan the actual representation in Strathdee fell to Finla's family by his second wife. This was Beatrix, dau. of Gairden or Gardyne of Banchory, who bore to Finla five sons,—Donald; Robert, who occupied Invercauld; Lachlan, who acquired Brouchdearg by marriage; Finla, of Achreacan in Glenlivet; and George of Deskry.

Donald, the eldest, became possessor of the Castleton of Braemar on the death of his half-brother James, who had bought it; and being thrice married was the father of a large family. The important families of Finzean, Allanquoich, Inverey, and Tullycairn sprang from his 2nd, 3rd, 4th, and 5th sons respectively, and a dau., Anne, m. in 1613 John Macpherson of Nuid, 3rd son of Ewen of Cluny. In 1641 Donald was appointed baillie to Huntly for Strathdee, and appears to have acted in this capacity with much energy. The connection thus formed with the Gordons continued for some generations, and contributed largely to the prosperity of the clan. It was the means of involving them, however, in several feuds, the most important of which was with the

Forbeses. Donald's third wife was a niece of Lord Forbes, but so attached was he to Huntly's interest that on the death of the 4th Earl at Corrichie in 1562, by the hand as was supposed of Lord Forbes' followers, he put her away. This was a good ground for his being declared personally at feud with the Forbeses, and several encounters took place during a series of years with various success on both sides. Donald, who as has been stated entered with two of his brothers and his nephew John of Invercauld and others into a band of manrent to Mackintosh in 1599, died about 1600. *Donald*, his son, exchanged Castleton for Monaltrie, and was father of

Donald Og, a well-known character in his time. Like his grandfather, Donald Og was in high favour with Huntly, by whom he was made baillie in Strathaven. He was concerned in the feuds between the Gordons and the Crichtons of Fren-draught, and was particularly energetic on behalf of his party after the mysterious catastrophe at the house of Fren-draught in 1630, when Lord Aboyne and his kinsman of Rothiemay, after being hospitably entertained by the laird in the evening, perished miserably, not without grave suspicion of treachery, by fire in the night. In consequence of Fren-draught's proceedings before the Council against those who had persecuted him for his supposed treachery, Donald Farquharson was summoned in 1638 with Huntly and others to appear

at Edinburgh and answer for the injuries done to the complainer. "Donald Farquharson being charged with the rest, and having set caution under the pain of one thousand pounds, fled; but his brother, who was cautioner, was warded, and paid his fine before he won his liberty."¹ His flight was no doubt connived at by Huntly, who compensated his brother—James, a writer in Edinburgh—for the inconvenience he had incurred by giving him a wadset of Whitehouse in Cromar.

Donald is best known in connection with the struggle between Charles I. and the Covenanters. Spalding² relates that in April 1639 "Donald Farquharson and some highlandmen of Brae of Mar came down to the Mearns and plundered the Earl Marischall's bounds of Strathachen, whereat the earl was highly offended." Immediately after the "Trot of Turriff" in the following month we find Donald at Aberdeen; "the barons with their men in Aberdeen were about the number of 500 horsemen and 700 footmen, besides Lodowick the Marquis of Huntly's fourth son, who came down Deeside with some highlandmen out of Brae of Mar under Donald Farquharson and the laird of Abergeldie and divers others."³ From Aberdeen Donald made a raid on the lands of Glenkindy, by way of reprisal for the action of the laird, Alexander Strachan, in "masterfully taking some muskets, pikes, and other armour" on their way to Donald from Huntly in

¹ *Spalding*, 35.

² *Ibid.* 109.

³ *Ibid.* 114.

- April. In June we find Donald and his men again in Aberdeen, apparently to the great discomfort and loss of the citizens and the adjacent country.

On 16th Sept. 1644, "Gordon of Abergeldie, Donald Farquharson of Tulliegarmount, with other friends and followers, all gentlemen distressed for favouring and following the house of Huntly," joined Montrose at Aberdeen.¹ Both Donald and Abergeldie appear to have returned home after the skirmish at Fyvie, but they rejoined Montrose in time to assist in the defeat of Argyle's forces at Inverlochy in January 1645. In February Donald and his men were employed by Montrose to plunder Cullen, belonging to the covenanting Earl of Findlater, "which they did pitifully," says Spalding. This was one of Donald's last exploits. In the end of March he was sent to Aberdeen, with Major Nathaniel Gordon, to watch the motions of the enemy. Seeing no signs of their adversaries in the neighbourhood, the royalists neglected to take even the ordinary precautions against surprise. Major Hurry, lying at a short distance with a body of the covenanting forces, and being apprised of their carelessness, took steps for cutting them off. On the 25th March, with a force superior to that of the doomed royalists, he "came down the gate of Aberdeen, about eight hours at even, and set watches to the ports that none should escape. The other party, dispersed through the town, drinking carelessly in their lodgings, and hearing the

¹ *Spalding*, 451.

horse feet and great noise, were astonished, never dreaming of their enemy. This Donald Farquharson happened to come to the causey, where he was cruelly slain anent the Court de Guard; a brave gentleman, and one of the noblest captains among all the highlanders of Scotland. Great lamentation was made for this gallant, being still (always) the king's man for life and death. . . . Montrose was highly offended for the loss of Donald Farquharson more than the rest. . . . He gave orders to general major M'Donald to come to Aberdeen with 1,000 Irishes, horse and foot, and see his corps buried. . . . Donald was buried in the laird of Drum's aisle, with many woe hearts and doleful shots." ¹

Donald's wife was Margaret, dau. of Gordon of Abergeldie, and by her he had two sons. Donald, the elder, died unm.; the younger, *Charles*, succeeded his father, but was obliged to part with Monaltrie, which he sold to Alexander, youngest son of Alexander of Invercauld. He left no male issue.

Of the four brothers of Donald Og three had issue. James acquired Whitehouse in Cromar, and was founder of the WHITEHOUSE family. He appears to have been on the same side as his brother in the troubles, and to have been marked out for special persecution by the covenanting Parliament. On 9th Aug. 1644 proclamation was made at Aberdeen that the castles and houses of Abergeldie, Aboyne, Drum,

¹ *Spalding*, 479-80.

Whitehouse of Cromar, and others were ordained by the Parliament "to be casten down to the ground" unless some security should be given on behalf of their owners "that none of the country's enemys should be receipt within them in all time coming;" but although no securities were proffered, "it pleased God," says Spalding, "that the houses were not casten down, but yet stand." Several members of this family, which was an extensive one, were engaged in the '15, and were taken prisoners at Preston.

The FINZEAN family sprang from Robert, 2nd son of Donald of Castleton, 5th son of Finla Mor. It is now represented by Robert Farquharson of Finzean, M.P. for West Aberdeenshire.

The ALLANQUOICH family descended from Donald of Castleton's 3rd son Alexander, by his marriage with a daughter of Rattray of Dalrunzion. It is believed to be now extinct. Its members mustered strongly under Dundee in 1689, and John of Allanquoich, grandson of its founder, was captured by Colonel Cunningham's dragoons and kept a prisoner for nine months. The Allanquoich Farquharsons also took part in the '15, forming part of Mar's regiment. Some were taken at Preston and transported to Virginia and the West Indies.

The best known of the families springing from Donald of Castleton was that of INVEREY, founded

by *James*, Donald's 4th son. Its heads seem to have taken the lead in the clan for some generations after the death of Donald Og of Monaltrie in 1645. By his first wife, Catherine, dau. of Gordon of Abergeldie, James left two sons, William and John; and by his second, a dau. of Ferguson, minister of Crathie, three sons, Lewis of Auchindryne, a captain under Dundee, James of Tullochcoy, and Donald.

William, the eldest son, succeeded his cousin Donald Og as leader of the Strathdee men under Montrose. By his first wife, Isabel, dau. of John of Invercauld, he had a son, John, and by his second, Ann, dau. of Abergeldie, he had Charles of Balmoral, who was engaged under Dundee as major of the Mar regiment, and died at St. Germain's.

John of Inverey, known in tradition as the "Black Colonel," succeeded his father, and defeated Gordon of Breachly at Tullich as related on p. 387. He commanded the Mar men under Dundee, and was at Killecrankie. A body of troops was stationed in Braemar for some time after the battle, and John had several narrow escapes of being captured by them, his house on one occasion being surrounded by dragoons in the dead of night only a few minutes after he had left it. From an eminence near he saw it burned to the ground. He had by his first wife two sons,—Peter, and Charles of Achlossan; and by his second four sons, the youngest of whom, James, succeeded his uncle Charles in Balmoral. Dying about 1700, he was succeeded by his eldest son,

Peter, who commanded the Mar men in the '15. He escaped forfeiture by being attainted under a wrong name, but had to flee to France. He died before 1733, and was succeeded by his son *Finlay*, on whose death Inverey fell to the Auchindryne family, descended from the second marriage of the first Inverey, and also now extinct.

The INVERCAULD family is descended from *Robert*, 2nd son of Finla Mor by his 2nd marriage. He had four sons,—Finla, of whom the Riverney family; John of Invercauld; Alexander of Loymor, who had issue; and William, who had issue. *John*, the 2nd son, succeeded his father in Invercauld, and m. Margaret, niece of Barclay of Gartly, and widow of Harry Gordon of Knock, by whom he had a son and four daughters. He had wadsets of Aberarder and Cloak, and in 1625, as John Farquharson of Cloak and Tilligament, he enters into a mutual band of manrent with Donald and John Shaw of the Western Isles, his son Robert being a witness (see p. 551). In 1635 he was appointed Commissioner jointly with Thomas Erskine of Pittodrie and Robert Farquharson of Aberarder (probably his son) to the Earl of Mar in Braemar, Strathdee &c.

Robert, his son, purchased the estate of Wardes, and as of Invercauld and Wardes appears frequently in documents from 1643 to 1651. By his first wife, Margaret, dau. of Erskine of Pittodrie, he had two sons, Robert and Alexander, and five daughters.

Robert, the elder, leaving no son, was succeeded by his brother *Alexander*, who m. Elizabeth, dau. of William, 18th of Mackintosh, and was father of William, who d. unm.; John; and Alexander, who became of Monaltrie and had issue. *John*, the second son, succeeded his father. He is named in the Act of 1698 against Keppoch, and was alive in 1733. He was four times married, and by his third wife, Margaret, dau. of Lord James Murray, son of the 1st Marquis of Athole, was father of *James*, his successor, and Anne, who m. Angus Mackintosh, 22nd chief. *James* m. Amelia, dau. of Lord George Murray, lieutenant-general of Prince Charles Edward's army. At his death in 1806, his estates were inherited by his only surviving child, *Catherine*, m. in 1798 to Captain James Ross, R.N., 2nd son of Sir John Lockhart Ross of Balnagowan, who assumed the name of Farquharson. The issue of this marriage were a son and two daughters. The son, *James* of Invercauld, m. in 1833 Janet Hamilton, dau. of General Francis Dundas, and had issue James Ross; Francis Dundas, Lieut. Col. late 60th Rifles; George Murray; John Atholl; Robert Dundas; Henry; and three daughters, one of whom was wife of Sir Francis Grant, President of the Royal Academy of Arts. The eldest son, *James Ross*, is the present representative of the family, having succeeded his father in 1862. He was a lieutenant colonel in the Scots Fusilier Guards, and m. Elizabeth Louisa, dau. of Alex. Oswald of Auchincruive.

8. MACKINTOSHES OF DALMUNZIE.

The Mackintosh MS. Histories bring this branch from Angus Og, 3rd son of Angus, 6th of Mackintosh, and his wife Eva. Like the children of his brothers John and Malcolm—who settled respectively in Rothimurcus and in Mar—his posterity moved southwards, settling in Glen Tilt in Athole. It is likely that this removal did not take place until two or three generations after Angus Og (see p. 157), for the family seem to have carried with them to Glen Tilt the story of the feuds with the Comyns in the beginning of the 15th century. This story, with that of the regaining of Rothimurcus by Alasdair Ciar Mackintosh or Shaw (see "SHAWS"), eventually became appropriated by the tradition of the glen to the glen itself and the Mackintoshes in it, and a cairn near Loch Loch is still pointed out as the place where a chief of the Comyns was slain. If tradition is to be believed, the Mackintoshes of Glen Tilt were people of considerable property there, but this they did not long enjoy. In 1502 they moved eastwards and settled at Dalmunzie, a property still held by the family, though considerably reduced in size.

During their residence in Glen Tilt nothing is heard of them from the Mackintosh MSS., which continue silent concerning them until 1595. In this year we find *Duncan* Mackintosh of Dalmunzie, with "Robert M'Homie" (son of Thomas Mackintosh) in

the burn of Glenshee" and some of the Farquharsons, giving a heritable band of manrent to Lachlan 16th of Mackintosh, and promising in it to maintain, fortify, and defend him and his heirs as their "naturall cheiff."

Patrick, grandson of Duncan, was father of *John*, who in 1667 accompanied Mackintosh against the Macdonalds of Brae Lochaber. In the Commission against Keppoch in 1698 we find "Lauchlan M'intosh Tutor of Dalmunzie"—probably a brother of John—named as one of the commissioners. John's son and successor, *Lachlan*, was ordained minister of Dunning in 1716, and was transferred to Errol in 1725. In 1734 he was commissioned by the General Assembly to proceed to London for the purpose of laying before Parliament an Address "praying relief from the grievous evil of patronage," and two years afterwards was chosen Moderator of the Assembly. He m. Margaret Murray, a granddaughter of David Freebairn, Bishop of Edinburgh and Primus of Scotland, and dying in 1744 was succeeded by his eldest son, *John*, born in 1726, who m. Elizabeth, heiress of the family of Galloway, Viscounts Dunkeld, and d. in 1790. *Lachlan Robert*, his eldest son, born 1761, m. Elizabeth, dau. of Captain Newell, and dying in 1821 was succeeded by his eldest son, *Lachlan John*, born 1794, a knight of the Royal Portuguese Order of the Tower and Sword, and of the Royal Spanish Order of Isabella the Catholic. He d. in 1867, and was succeeded by his cousin,

Charles Hills (son of Richard Duncan, younger brother of Lachlan Robert), who m. Henrietta, dau. of John Vallack of Kingsand, Cornwall, with issue three daughters. His heir presumptive is Hugh Richard Duncan, his nephew.

III. CLANS NOT CONNECTED BY BLOOD WITH EITHER THE OLD CLAN CHATTAN OR THE MACKINTOSHES.

9. MACGILLIVRAYS.

Of the septs in this division the most ancient is the Clan Macgillivray, whose connection with the Mackintoshes is of date anterior to the formation of the historic Clan Chattan confederacy. About 1268, in the time of Ferquhard, the early warrior chief of Clan Mackintosh, Gabrai, Gillebreac, or Gillebride—for the name of the founder of the sept is thus variously given in ancient authorities—put himself and his posterity under the protection of that chief and his family, and the Macgillivrays ever afterwards faithfully and bravely followed the “yellow brattach” of Mackintosh down to its last appearance in the field, or during a period of nearly five centuries.

The construction and meaning of the founder's name are disputed, some authorities giving it as Gillebride—servant of St. Bride, others as Gillebreac—the spotted or freckled youth; but the Gaelic construction of the clan name seems to put St. Bride out of the question, and to leave no doubt

that Mac Ghillebhraigh, son of the freckled youth, is the proper patronymic of this warlike and distinguished race.

The first of Gillebreac's race mentioned in the Mackintosh MSS. is Duncan son of Alin, who married an illegitimate daughter of Angus 6th of Mackintosh, and whose son Iver was killed at Drumlui in 1330. Although there is no record to show, we can scarcely doubt that this fighting sept would be represented in the various battles and feuds participated in by the Mackintoshes and the rest of Clan Chattan in after years. It is also likely that their head-quarters were all along about the upper part of Strathnairn and the confines of Stratherrick, long a wild inaccessible district suited to their hardy nature and fearless character. Thus on the 22nd May 1539 "Duncanus M'behan (son of Bean) in Dunmakglas" and Alexander Doles of Cantray are enjoined in a precept of James Earl of Moray to give possession of Stratherne—doubtless the remote upper part—to Sir John Campbell of Calder, baillie.¹ And in the band of 1609 we find Malcolm mac Bean in Dalcrombie, Ewen mac Ewen in Aberchalder, and Duncan mac Farquhar in Dunmaglass, taking the burden of their "hail kin and race of Clan Macgillivray." Being accustomed to more deadly weapons than pens, they subscribe the band "by nottars." Shaw,² referring to the Calder charter chest, says that Dunmaglass was purchased in 1414 by

¹ *Thanes of Calder*, 163.

² *Hist. Moray*, 123.

Donald Thane of Calder, but that the Macgillivrays had immemorial *duchus* or possession of it prior to 1626, when Farquhar mac Alister obtained the feu right. No detailed account of their genealogy and acts can be given, however, until after the commencement of the 17th century.

Farquhar mac Alister in 1626 took a feu of the lands of Dunmaglass from Campbell of Calder. The contract, dated 4th April, bears that John Campbell, fiar of Calder, and Sir John Campbell, liferenter of Calder, his father, sell and dispone heritably and irredeemably to Farquhar mac Allister the town and lands of Dunmaglass, to be held in feu ferme for the yearly payment of sixteen pounds Scots, and for attendance on Calder in certain progresses and at the holding of certain courts.¹ Farquhar was the father of five sons,—Alexander, who d. in his father's lifetime; Donald, who was tutor to his nephew, and in 1668 acquired the right to part of Dalcrombie and Letterchallen from Alexander Mackintosh of Connage; William of Largs, who appears for Largs in the Valuation Roll of 1691, and was ancestor of the Macgillivrays sometime of Daviot; Bean;² and

¹ *Inventory of Rights, Writtes, and Evidents of and concerning the Lands and Estate of John Campbell of Calder lying in the shires of Nairn and Inverness.* MS. vol. penes Earl of Cawdor.

² The three brothers, "William of Largs, Donald tutor of Dunmaglass, and Bean son to Farquhar M'Allester in Dunmaglass," on 24th July 1671 are denounced rebels by the Court of Justiciary in Edinburgh for non-compearance to answer a charge of "roaming . . . in the forest and woods . . . belonging to

Lachlan. A daughter, Catherine, in 1653 m. William Mackintosh of Aberarder. Farquhar mac Alister died between 1654 and 1662. His eldest son by a marriage in 1643 with Agnes, dau. of William Mackintosh of Killachie, left a son,

Farquhar, mentioned frequently in the Registers of Sasines and other records between the years 1662 and 1692. His minority apparently extended to 1678, for in a horning of 1676 and in the Proclamation of 1678 his uncle Donald is mentioned as tutor. Farquhar himself was named in the commission of 1698 against Keppoch. He m. Emilia Stewart in 1681, and had three sons and three daughters,—Farquhar, his heir; William, lieutenant in Mackintosh's regiment in the '15; David; Janet, m. Donald Macgillivray of Dalcrombie, who was brutally murdered after Culloden; Magdalene, m. Mackintosh of Holm; and Anne, m. Fraser of Farraline.

Farquhar, his successor, whose name appears frequently between 1718 and 1740, m. Elizabeth Mackintosh in 1717, and died in 1740, leaving five sons,—Alexander; William; John, called Colonel John; Farquhar; and Donald or Daniel. He was captain in the Mackintosh regiment in the '15. His eldest son,

Alexander, was the gallant leader of the Mackintosh regiment in the '45. His death is noticed in the dry Commissary Records of Inverness (vol. v.) in the

... Laughlan M'Intosh of Torecastle." *Books of Adjournal*, vol. xiii.

confirmation on 11 Jan. 1759 of his brother's succession as his heir,—“Testament dative of umq^{ll} Alexander Mac-Gillivray of Dunmaglass who died on 16th April 1746 at Culloden given up by William Macgillivray now of Dunmaglass his brother german.”

William in 1759 received a captain's commission in the old 89th Regiment, raised by the Duchess Dowager of Gordon, and served with the regiment, for some time in India, until its disembodiment in 1765. In 1771 (6th Aug.) he acquired from Donald Macbean the lands of Faillie (see “MACBEANS”). His only son,

John Lachlan, d. on 6th Feb. 1852, when the representation of the family devolved on the line of Dalcrombie, descended from Donald, 2nd son of Farquhar mac Alister. Donald's eldest surviving son, Farquhar, had acquired the whole of Dalcrombie in 1719; his son Donald, murdered after Culloden, was father of Farquhar, one of the three officers of the Mackintosh regiment who survived the battle. Farquhar's son was

John, who resided in Canada, where he was a member of the Legislative Council, and became “of Dunmaglass” on his kinsman's death in 1852. He d. 15th Oct. 1855, and was succeeded by his son,

Neil John, now of Dunmaglass, who resides in Canada. The property of Dunmaglass is at present advertised for sale.

In a lengthy and spirited Gaelic song addressed

to the Macgillivrays¹ by Iain Donn Mac Sheumais 'ic Dhaibhidh about the time of the raising of the clans by the Earl of Mar in 1715, the warlike character of the race is specially eulogised, and reference is made to some of the branches. Translated somewhat freely the second and succeeding stanzas run thus,—

Your race was not begotten
 Of weeds or of grass that is worthless,
 Nor did it grow by the field paths,
 But all from the finest of seed-wheat.
 Ye are the excellent plants,
 Healthy and straight, pure and soft,
 Who would boldly hold up the banner
 Around the much-beloved Lachlan.²
 When the banner was raised
 Ye would march to the war-pipe's music,
 Keen cold blades in your grasp,
 Steel shields in the hands of the heroes ;
 Gentlemen reckless of loss
 And driving large spreaghs before them.
 Handsome, excellent gentlemen,
 Always in duty the foremost,
 Marching o'er moss, hill, or wood,
 In rough places, hollows, or mountains,
 Freely expending their wealth,
 Freely their high blood and precious,
 That William³ might not be in straits.

¹ "Oran do Mhac Ghillebhraigh an Duin." It consists of thirteen eight-line stanzas.

² Lachlan, chief of Mackintosh, who commanded in person the regiment of his clan in the '15.

³ Probably Brigadier Mackintosh, William of Borlum, who was the chief instrument in raising the clan.

10. MACLEANS OF DOCHGARROCH, OF CLAN THEARLICH.

“Tearlich mac Eachin vic Wolan,” progenitor of Clan Thearlich, is stated in the Kinrara MS. to have subscribed himself and his successors followers for ever of the Clan Chattan chiefs in the time of Malcolm Beg, 10th of Mackintosh. Tearlich, or Charles, had settled in Glen Urquhart about the end of the 14th century as a follower of the second Lord of the Isles, whose acquisition of the earldom of Ross through his wife gave him some hold on the northern parts of Inverness-shire. He was keeper of the castle of Urquhart, and according to tradition built Castle Spioradan of Bona, near the lower end of Loch Ness. He and his son Hector—“Carlich Makachyn” and “Aychyn Carlichoun”—are witnesses to an obligation given 24th Oct. 1439 by the 3rd Lord of the Isles to Alexander Sutherland for the defence of the castle and lands of Dunbeth and the lands of Ra. Hector m. Margaret, daughter of Malcolm Beg, chief of Mackintosh, and was killed at Bona with several of his sons about the year 1480. With Hector the hold of the Macleans on Urquhart ceased, and the district passing from the Lord of the Isles on his forfeiture in 1476 became annexed to the Crown, the lordship being granted to the Earl of Huntly. This noble gave Hucheson Rose of Kilravock a right to the lands, and it was probably in consequence of opposition to this measure that Hector lost his life. Duncan 11th of Mackin-

tosh appears to have interfered on behalf of his follower and brother-in-law, for in 1479 there is a confirmation by Huntly of a decret arbitral on certain debates (*super pluribus et diversis querelis, debatis, controversiis &c.*) between him and Kilravock concerning Urquhart and Glenmoriston; and from a band by Ferquhard, Duncan's son, in 1481, endorsed by his father, these debates seem to have been connected with Ewyne Makachtane—no doubt Ewen, son of Eachin or Hector.¹

Farquhar Maclean, son or grandson of Hector, is believed to have been the first of his family who possessed Davochgarioch (or as it is commonly written, Dochgarroch), and his son *Donald* is found there in 1557.² Dochgarroch is about six miles from Inverness, on the west side of the river.

Alexander vic Coil (or Donald) vic Farquhar of Dochgarroch signs "by a nottar" the Band of 1609 "for himself and his kin and race of Clan Tearlich with their own consents," and in 1630 is served heir to his father in the lands of Raasay and others, to which his family had a title—though an empty one, the Macleods having possession—from the Bishops of the Isles. In his time, Mr. Fraser-Mackintosh³ says, "the family was at its strongest. He

¹ *Roses of Kilr.*, 145. At p. 155 of *Invernessiana* Ewen is spoken of as son of Hector, but at p. 101 Hector is stated to have left but one son, Farquhar. For further particulars of these transactions see p. 156 *ante*.

² *Invernessiana*, 101.

³ *Ibid.*

was thrice married,—1st to a dau. of Kilravock, 2nd to a dau. of Glenmoriston, through whom the family was carried on, and 3rd to a dau. of Munro of Daan in Ross. Alexander acquired the easter half of Dochgarroch in feu from the Gordons, the wester half from William Baillie of Dunearn, and from his time the Macleans of Dochgarroch have in peace and war had an honourable position.”

John, Alexander’s successor, appears in the Valuation Roll of 1644 as of Dochgarroch, and is assessed at £131 13s 4d Scots. He died in 1674, and was buried with his wife and eldest son in the Greyfriars in Inverness. The inscription on his tomb is as follows,—“Here lyes ane honest gentleman called John Maclean of Dochgarroch, who departed the 8th of October 1674, and his spouse Agnes Fraser, as also Alexander Maclean his eldest son.” Agnes Fraser was of the family of Struy.

“*John* Maclean, head of the family, was out with Dundee in 1689 and fought at Killecrankie. His son, *Lachlan*, was an officer [Captain] in Borlum’s [should be “Mackintosh’s”] battalion in 1715. John, eldest son of the proprietor at the time, was killed at Culloden. Every generation since that time has sent out as soldiers some members of the family, who have always acquitted themselves with credit.”¹

The lands of Dochgarroch passed from William Maclean in 1831-2, and are now part of the Dochfour estate. William d. in 1841, leaving three sons,

¹ *Invernessiana*, 102.

Allan, unm. ; Charles Maxwell, Lieut. Col. 72nd Regiment, who wrote a history of Clan Thearlich and d. 1864 ; and William, father of William Henderson, 78th Regiment, deceased, and Allan, the present representative of the family.

11. CLAN TARRIL.

This was a small sept, the name of which is now extinct, its remaining members in Strathnairn having within the last century taken that of Mackintosh. The Kinrara MS. says, "In the time of Lachlan (8th of Mackintosh, who died in 1407) were the Clan Tarril, a family that lived in Petty, were constant followers of the laird of Mackintosh, and in a most flourishing condition." Within two generations their flourishing condition experienced a sudden blight, for in the last years of Malcolm Beg, 10th of Mackintosh, Gillespie, natural brother of the Earl of Ross, entered Petty with a horde of reivers from the west, and drove off the cattle of its inhabitants. He was surprised at Culloden by Duncan and two other sons of Malcolm, and the spreagh was recovered, but too late to be of use to Clan Tarril, nearly all of whom were slain. "The whole branch of Clan Chattan called Clan Tarril was almost extirpated," says the Kinrara MS.

12. SMITHS, OR GOWS.

The name Smith has been proved by Parliamentary census to be the most common name in Scotland, as perhaps it is in nearly every other country. But the Smiths descended from Henry, the Smith who so boldly volunteered his services on behalf of Clan Chattan in the fight at Perth in 1396, have never been either numerous or influential in the clan, and indeed their existence as members of the clan is dependent on somewhat vague tradition. As stated in chap. iii., tradition has it that the valiant armourer accompanied the remnant of the Clan Chattan champions to the north, and was adopted into their clan, his progeny being known as *Sliochd an Gobh Chruim*—the race of the crooked smith; and this record seems to be corroborated in some measure by the testimony of Bowar (see p. 104).

13. MACQUEENS, OR CLAN REVAN.

Of the origin of this clan several accounts are extant, but most of these go to show that its founder was of the kindred of the Macdonalds. The account in the Kinrara MS. is that Revan *alias* Roderic mac Milmoir vic Swen came out of Moidart with Moranian Ranald, wife of Malcolm Beg Mackintosh, and that his following and posterity, called after him Clan Revan, put themselves under the chiefs of Clan

Chattan. The name Swen or Sweyn seems to indicate some connection originally with the Norse occupiers of the Western Isles in the 13th century, and as it was afterwards adopted by the sept as their patronymic we may infer that their ancestor who bore it was of some note. The Mac Sweyns, as having formed part of the escort of Mora from Moidart, were placed by her husband near the new home of their charge, in lands lying along the banks of the Findhorn and about the burn of Bruch, within a few miles of Loch Moy. Malcolm Beg's marriage and the arrival of Revan mac Swen had taken place soon after the former's elevation to the chiefship in 1409-10, and the Mac Sweyn family were thus in time to accompany their new leader to the battle of Harlaw in 1411. Two centuries later we find the family arrived at the dignity of a clan, and its chieftain signing the Band of 1609 "for himself and taking the full burden in and upon him of John Macqueen in Little Corrybrough, Sween Macqueen in Raigbeg, and remanent his kin of that race." We also find a change in the name, the initial *S* in the patronymic Sweyn having dropped out, probably by ordinary inflection. The first appearance of the family in writing as occupying Corrybrough is in 1563, and after that time it is frequently mentioned in Land Registers and other documents.

Of the heads of the sept during the 15th and 16th centuries there is no record, but the name occurs occasionally in the latter century. In documents

concerning the hership of Petty by the Dunbars, dated at Inverness 26 April 1502, we find the names Mylmore Makquean and Soyne Makrevan.¹ A Dougal Macqueen is mentioned in the Kinrara MS. as having carried off a rich widow at Brin about 1524—a circumstance which led to the murder of the 14th chief of Mackintosh; and in 1543 we find the names Allaster and Wilzem M'Queyn in Clan Chattan's Band. William Macqueen "of Correbroke" is witness to the agreement in 1593 between Mackintosh and the magistrates of Inverness for keeping the "house and fortalice called the Steeple of Inverness" from the Earl of Huntly.

Donald of Corrybrough,² who d. in 1594, was succeeded by his son *Donald*, who as of Corrybrough signed the Band of 1609. One of the witnesses to the band is Mr. Donald Macqueen, minister of Petty, and as already stated two other Macqueens are named in it. Donald was succeeded in 1622-3 by *Angus*, son of his brother Angus, whose name appears in the Valuation Roll of 1644 for his lands of Corrybrough in Moy parish. In the Roll of the same parish are mentioned several others of the name,—Dugald, Thomas, Sweyn of Murcloyn, and Alexander of Raigbeg. The names of two others occur under Petty parish, Angus in Culdoich and John in Coull.

¹ *Roses of Kilm.* 177.

² The steps of the genealogy down to 1762 I first obtained from a paper which came into my possession some years ago written by a member of the clan. After careful investigation I believe them to be correct.

Dying in 1655, Angus was succeeded by his son *Donald*, who m. Mary, dau. of Cuthbert of Castlehill. He is frequently mentioned in connection with the proceedings in 1663-5 on the settlement of the Mackintosh and Locheil feud, and was one who in these proceedings gave Mackintosh some trouble (see p. 380). He d. in 1676.

Donald, his successor, is named a commissioner of supply for Inverness-shire in an Act of Parliament of 13 May 1685. Two years previously, on 8 Nov. 1683, he with others had been heavily fined by the Privy Council for the "spulzie" of a horse.¹ In the Valuation Roll of 1691 he is assessed for Corrybrough, with his mother's interest in that estate and Glenkirk, at £228 Scots. The names of Donald of Mortclune, Duncan of Raigmore, John of Polocheik, and William of Easter Strathnoon, also appear under Moy parish, and Donald Macqueen for Clune in Dalarassie. Donald of Corribrough is included in the Commission of Fire and Sword against Keppoch in 1698. His wife was Jean, dau. of Dallas of Cantray. On his death in 1714 his son

James became "of Corrybrough." His name does not occur in the list of officers in Mackintosh's regiment in the '15, but a William Macqueen is there entered as lieutenant and a David Macqueen as paymaster. He appears as a witness to some of the documents drawn up on the death of Lachlan Mackintosh in 1731. In 1711 he m. Katherine, dau. of

¹ *Fountainhall's Decisions*, i. 198, 242.

Malcolm Fraser of Culduthel, by whom he had a son, Donald, and a dau., Elizabeth, m. to Lachlan Mackintosh of Raigmore. He d. in 1762.

Donald, his son, is mentioned as of Corrybrough in 1775.¹ In the possession of the present head of the family is a letter to this Donald from Lord Macdonald, dated 26 Jan. 1778, conferring on his son, also Donald, a lieutenancy in the Macdonald Highlanders, or 76th Regiment, which his lordship that year raised for service in America. Lord Macdonald writes, "It does me great honour to have the sons of chieftains in the regiment, and as the Macqueens *have been invariably attached to our family, to whom we believe we owe our existence*, I am proud of the nomination." (It is not quite clear what his lordship means by the words italicised.) Donald m. in 1742 Peggy Mary Shaw, of the family of Shaw of Dell, and d. in 1789.

Donald, his eldest son, J.P. for Inverness, m. in 1792 Elizabeth, dau. of Hugh Fraser of Brightmony, and died in 1813 leaving nine sons, six of whom were officers in the army, and one a cadet at Woolwich, where he died. The only survivors are John Fraser, and Lachlan, late Lieutenant Colonel 3rd Madras Cavalry, Judge Advocate General of Madras, and Judicial Commissioner of Mysore, who has issue Donald Robert, Captain 75th Regiment.

John Fraser, present head of the family, is a Queen's Counsel and a Bencher of Lincoln's Inn, also

¹ *Hist. Moray*, 97.

Justice of the Peace and Deputy Lieutenant for Inverness-shire. He m. Georgiana, dau. of the Rev. George Dealtry, Rector of Outwell, Norfolk, but has no family.

14. CLAN ANDRISH.

According to the Kinrara MS., Donald Macgillandris, founder of this sept, came from Moydart with Móra, the bride of the 10th chief of Mackintosh, at the same time as the ancestor of the Macqueens, and his descendants enrolled themselves among the Clan Chattan under Mackintosh. They were settled at Connage in Petty; but occupying as sub-tenants only, and being always a small sept, they are seldom mentioned.

Donald Makandro appears from an Obligation for Recovery of Goods by Alexander Earl of Huntly, dated at Inverness 26 April 1502, to have been one of the sufferers in the "Hership of Petty" by Sir James Dunbar of Cumnock.¹ A John Makgillendris Makgillecarryth is named in the same deed. In a summons under the royal seal, dated 23 March 1515-6, we find William M'Gillanderis mentioned as one who under Dougal Mor Mackintosh had taken part in the "maisterfull spoliatioun" of Hall Hill in 1513. The name is found in 1700 in a "Rentall of Connadge as it was given up to Grant," William M'Gillandrish, smith there, being set down as paying "yearly 4 bolls ferme bear."²

¹ *Roses of Kilr.* 177.

² *Antiq. Notes*, 138.

It is probable that some of the families of Macandrew and Gillanders at the present day are descended of this sept.

15. CLARKS, OR CLAN CHLERICH.

“Gillemichael vic Chlerich, of whom the clan Chlerich,” says the Kinrara MS., “lived in the time of Malcolm (10th of Mackintosh) and was his domestic servant.” The office of Gillemichael is not stated, but the term “domestic servant” was of wide signification, including all who served in and about a house, such as warders, armourers &c. The name Clark implies that its original bearer was a man of some learning. Gillemichael is stated to have sworn allegiance to Mackintosh for himself and his successors. The sept was always a small one, and as its heads do not appear to have had any particular holding or lands, the traces of it in documents of old date are few.

The name does not occur again in the MS., but it is found elsewhere at various times afterwards in such connection as to leave little doubt of the identity of those mentioned by it with the Clan Chlerich. Thus in a Remission given in 1497 by James IV. for the slaughter of Alexander and John Noble and others at Fortrose (probably in the return from the hership of Cromarty), Dugal Clerk is mentioned as having been concerned with certain Roses and Mackintoshes.¹ In a royal letter of 26 Oct. 1500 Dougal is appointed

¹ *Roses of Kìlr.* 164.

with Dougal Mor Mackintosh and others to distrain the lands and goods of certain Munroes who had assisted at the hership of Ardmanach in 1491.¹ In the summons for the hership of Petty in 1513, Robert and Thomas Clerk and Murich Clerk's brother are named as accomplices of Dougal Mor Mackintosh. Hugh Clerk, burghess of Inverness, appears frequently in deeds from 1440 to 1467. A Donald Jonson Makinclerych, burghess, is mentioned in 1462.²

After 1500 the name appears no more in connection with the doings of the Mackintoshes, but a family claiming descent from the sept is still represented. A John Clark m. Margaret, youngest sister of James Macpherson of Belleville, the translator of Ossian. His son, Alexander, captain in one of the Fencible Corps in the last century, m. Margaret, eldest daughter of William Shaw of Dalnivert, and by her had three sons,—James, Lieutenant 42nd Regiment, who occupied Dalnivert for a time; John, who m. a dau. of Sir John Dalrymple, and d. a Major-General in the army and Colonel of the 59th Regiment; and William, formerly of the Royal Navy, afterwards of the East India Company's service. Alexander Clark by a second marriage had a daughter, Isabella, first wife of Sir John Macdonald, now prime minister of Canada.

¹ *Roses of Kibr.* 169.

² *Invernessiana*, 142.

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