

A SOCIAL HISTORY OF THE ATHOLL ESTATES 1685-1785

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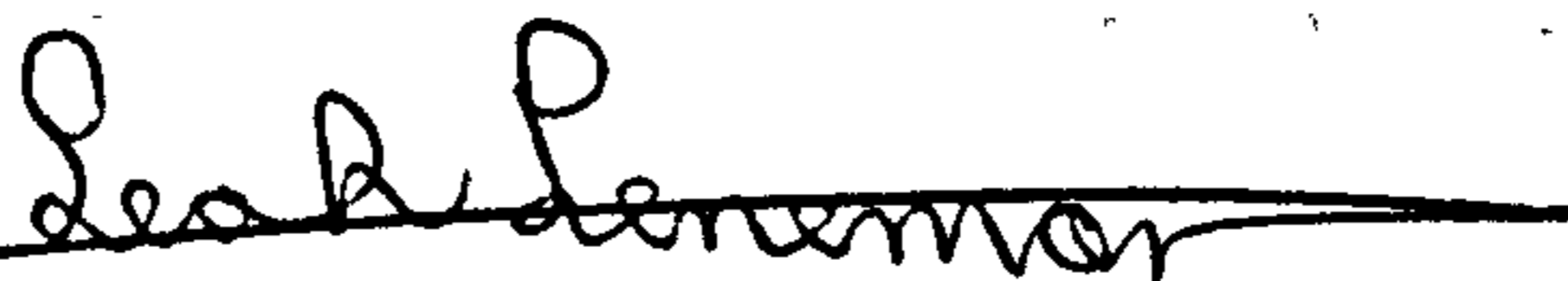
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Please note: Volume II is not separate but has been bound in
at the end of Volume I.

DECLARATION

I declare that the thesis has been written by me and that the work is my own.

A handwritten signature in cursive script that reads "Leah Leneman". The signature is written in black ink and is positioned above a solid horizontal line that extends across the width of the signature.

Leah Leneman

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I am extremely grateful to the Duke of Atholl for allowing me access to the charter room at Blair Castle, and to Mr. Munro for answering my letters so promptly. I am also grateful to Aberdeen University Library for inventorying the papers back in the 1950s.

Finally, I wish to thank the SSRC, without whose financial support I could not have undertaken this project.

Abbreviations

- AM - Atholl Muniments, Blair Castle (SRO NRA 234)
- AUL - Aberdeen University Library
- Chronicles (in text) - Chronicles of the Atholl and Tullibardine
 or Chron. (in notes) Families (Edinburgh 1908)
- ECHR - Economic History Review
- EUL - Edinburgh University Library
- NLS - National Library of Scotland
- OSA - Statistical Account of Scotland ('Old')
- P & P - Past and Present
- PRO - Public Record Office, London
- SHR - Scottish Historical Review
- SHS - Scottish History Society
- SRO - Scottish Record Office
- SRS - Scottish Record Society
- SS - Scottish Studies
- TGSI - Transactions of the Gaelic Society of Inverness

Notes on Style

Eighteenth-century spelling and punctuation were both idiosyncratic and variable. In quoting original source material I have retained original spellings and punctuation except when the meaning might not be clear. For place names I have sometimes modernised spellings, at other times retained original spellings, depending on context. The only words which have been altered are abbreviations - e.g. ye for the, oyr for other, and fayr for father - as they impede understanding.

Although most quotes are extracts rather than complete letters or documents these extracts are transcribed in full; if any words or phrases have been left out this is indicated by ellipsis (...).

If I have transcribed a word and am not certain if I have read it correctly then it is followed by a question mark in brackets (?). When there are letters or a complete word that I have been unable to decipher that is indicates as follows: M-?- . If a document is perished and torn the missing words or letters are indicated by dashes ---- without question marks.

Dates are given as in the original source, without regard to Old Style and New Style.

As Scots currency was one-twelfth the amount of sterling, a figure converted from Scots to sterling and shown as £1-10-4⁷ is one pound, ten shillings, four pence, and seven-twelfths of a penny.

Gaelic texts have been reproduced as they stand in the manuscript.

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UNIVERSITY OF EDINBURGH

ABSTRACT OF THESIS (Regulation 6.9)

Name of Candidate Leah Leneman

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Title of Thesis A SOCIAL HISTORY OF THE ATHOLL ESTATES 1685-1785

In the period 1685-1785 the Atholl estates comprised large areas of land in both Lowland and Highland Perthshire. Using estate papers, supplemented by other primary sources, a picture has been built up of various aspects of the lives of the tenantry.

It has been shown that change was slow over this hundred-year period. The switch from a landowner who was locally resident to one who was usually absent proved to have little demonstrable effect on the lives of the people. The presence and efficiency of the dukes' factors compensated to a large extent for the absence of the dukes themselves.

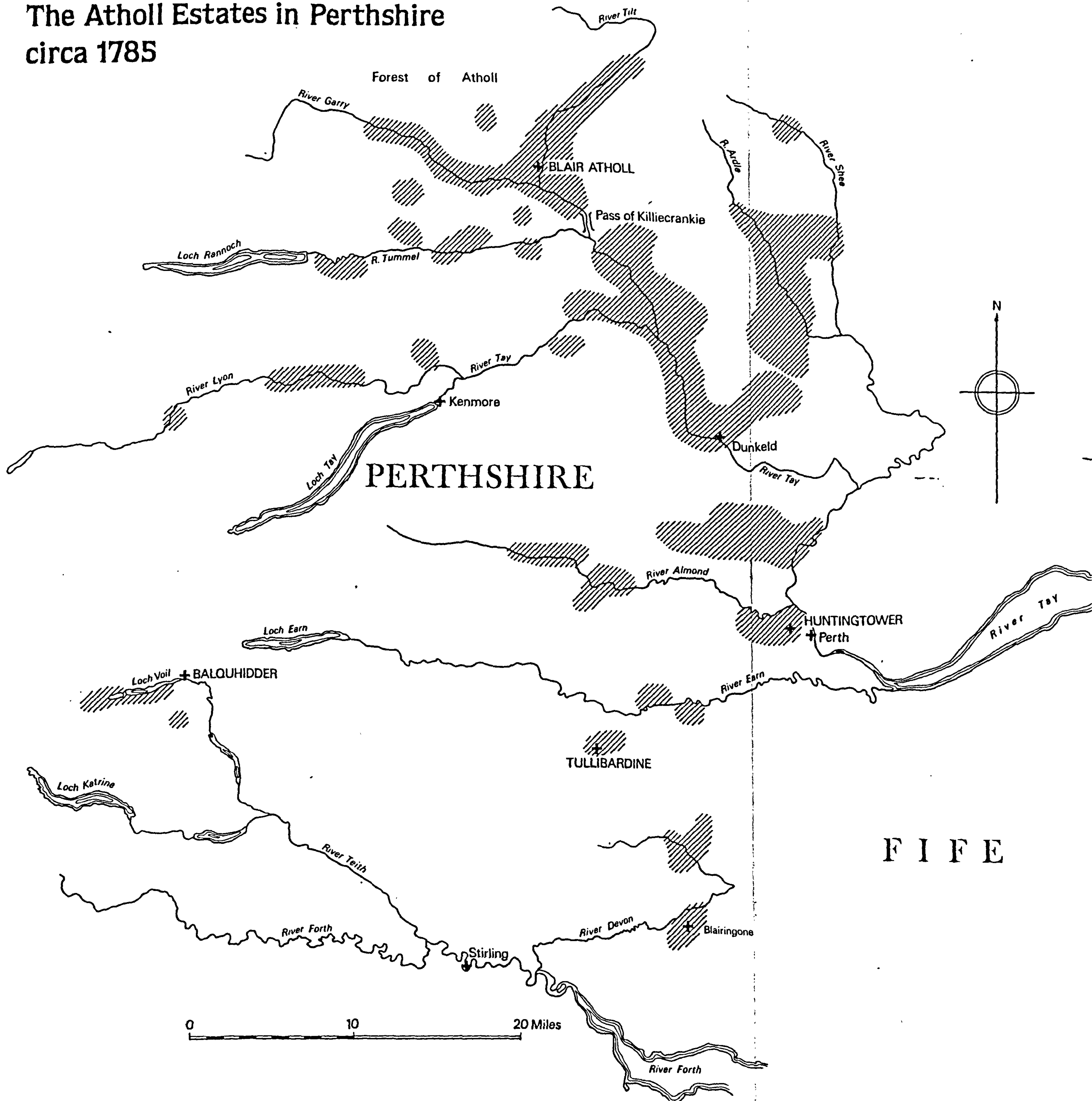
The key event of the kirk in our period - the change from an Episcopalian to a Presbyterian establishment - had repercussions in the Atholl lands, and these have been charted. An examination of kirk session records for two parishes has provided the means to look at the subject of morality, and specifically at illegitimacy levels. By the end of our period the administration of poor relief was still inefficient; however a potential famine in 1782/3 was averted. The spread of education (English language based) in the Highland parts of the estates was encouraged by the 1st Duke, whose involvement with the SSPCK led to the formation of a number of charity schools in the Atholl lands.

The Highland parts of the estates were an important source of military manpower, although the Highlander's supposedly insatiable love of battle seems to have been over-rated. Violent crime in the period prior to 1745 proved to have its source in Rannoch moor and virtually disappeared after that date. Baron courts played an important role in local affairs, though the regality court, abolished in 1747, was corrupt well before that date. The Forest of Atholl was being increasingly poached upon in the course of the century, and the theft of timber from the woods also continued. However, the latter offence was dealt with by due process of law, whereas the legal rights of landowners with regard to poaching were less easily definable.

The coal mine at Blairingone was much more important to the dukes than to the mass of the tenantry, but the amount of material available on it has provided a useful picture of such an enterprise. Linen was the main peasant industry; therefore all of the scanty material on the subject has been gathered together.

The period of the thesis spans all of the Jacobite risings, and a significant change was noted from positive Jacobite sentiments in 1689 to a refusal to have anything to do with either side in 1745.

The Atholl Estates in Perthshire circa 1785



INTRODUCTION

In the eighteenth century the overwhelming majority of the Scottish population lived on the land. At that time settlement was spread out much more evenly across the country than it is now, with large numbers living beyond the Highland line. Only a minute number actually owned the lands on which they lived and worked.

Many economic and social histories have been written about Scotland in the eighteenth century, generally distinguishing between developments in the Lowland and Highland areas but rarely more specifically than that. However, as anyone working on primary source material rapidly discovers, regional variations were in fact very wide. It is only recently that serious work has been done on specific areas, and until much more work of this kind has been completed our knowledge of Scottish social history in the eighteenth century can only remain patchy and generalised.

Estate papers - the main source used for this thesis - are absolutely crucial because in the early modern period most Scots lived on the estates of either small or large landowners. In the past only a limited amount of use has been made of such material, but more recently historians and historical geographers have been using estate papers for important local studies.

No one would deny the difficulties inherent in using source material of this nature (not least the inconvenience of travelling to a distant archive if it has remained in the hands of the family). Writing about estate management from estate records is one thing; trying to glean information about the tenantry on these estates is quite another. The picture is, of necessity, both one-sided and very limited. The landowners and factors of an estate had no particular reason to be interested in the lives of the tenantry;

such information occurs only gratuitously and incidentally in their papers. However, the sheer volume of estate papers in the archive of a substantial landowner means that such passing references can in fact add up to a great deal of important information unobtainable elsewhere.

Estate material must, of course, be supplemented by other sources. Kirk session and presbytery records, local court records, SSPCK records etc. all help to add to the picture. (It should be noted that most of these sources have so far also been under-used.)

One great lack in Atholl is oral history. Some of the Argyll lands (e.g. the island of Tiree) still have people living on them who possess oral traditions dating back even to the eighteenth century. In central Perthshire, however, there are no longer any Gaelic-speaking communities still in existence, and so much folk knowledge of this kind has perished, unless preserved in written accounts of the last century.

The queries being promulgated by this thesis are very broad and very basic. The fundamental questions are simply: what was it like to live on one of the Atholl estates in the eighteenth century? - and - what changes took place during the course of this hundred year period? As the Atholl estates comprised both Highland and Lowland areas we also want to know what differences can be perceived between the lives of Highlanders and Lowlanders.

In order to discover as much as possible about the lives of the people a wide range of subjects has been covered, including the kirk, poor relief and education, military recruitment, and crime - all of which are important aspects of social history. Whenever possible comparisons are made with other parts of Scotland in order to set the situation in Atholl in its proper context; however, for some

of the subjects covered in this thesis there is no secondary material at all available on other parts of Scotland and therefore no possibility of comparison.

As this thesis is already covering such a wide spectrum of subjects, a deliberate decision was made to exclude certain areas of study. For example, there is certainly information available in the archive on the Duke of Atholl's servants. However, their numbers were comparatively so small and their lives so different from the lives of the majority of the people who lived on the Atholl lands that the amount of time needed to utilise that material did not appear justified. Similarly, a great deal more could be learned about the expenses and financial affairs of the successive dukes from the archive, but all this was irrelevant to the lives of the tenantry. Basically the rule which has been followed has been to write about the dukes insofar as their characters and actions played a direct part in the lives of the people, and not otherwise.

Another subject which has been deliberately excluded is that of transport. This was not for lack of material, for the archive contains correspondence on the building of roads which could be supplemented by other sources. While it is clear that roads did play a part in the social history of the area, the subject would seem to belong more properly to a geographical study than to a social one.

In an area of study so under-researched it would be difficult to put forward specific hypotheses to be tested. On the other hand, from the various general accounts of Scotland in the eighteenth century the historian of a particular area inevitably starts with certain preconceptions, e.g. : that the economy of the Highlands was based on cattle while that of the Lowlands was based on grain;

that the relationship between a Lowland landlord and his tenantry was a distant one compared with the paternalism of a Highland chief though that paternalism was being eroded in the course of the century; that the Highlander, unlike the Lowlander, was by his nature militarily inclined; that tenants, particularly in the Highlands, rarely had written leases, and if they did the leases would be very short ones. All of these and other preconceptions can be tested, and it will be seen that the evidence from the Atholl archive would seem to disprove most of them.

Specific themes emerge from the Atholl material. For example, though the Highland area was treated differently when it came to education, military recruitment and crime, in the general running of the estate the two areas were in no way differentiated. Another theme which emerges very strongly is the one of paternalism. The Dukes of Atholl wielded almost absolute power in their lands, but along with this power there was a strong sense of responsibility. Even absenteeism - which from the 2nd Duke onwards was the rule rather than the exception - did not fundamentally alter this situation. The estate factors were primarily concerned with raising maximum revenues for the Duke, but they also carried on the paternalist tradition.

The sense of justice and fair play which emerges from the material is a concurrent theme. The system was also a surprisingly legalistic one. The power of the dukes may have been absolute but it was rarely arbitrary. Even at the beginning of our period written leases appear to have been the norm. Throughout there is a sense that there were proper legal methods for achieving the desired ends, and it behoved those in power to use those methods conscientiously.

Another theme which emerges is the gradualness of change in the course of the hundred year period. Until almost the end of this period the 'improving' movement affected only the demesne farm and, even when it extended further, change was effected on a gradual, piecemeal basis. As for other changes, the society of 1785 was unquestionably more settled and stable than that of 1685, but except for the traumatic Jacobite rising of 1745 the change occurred so slowly as to be almost imperceptible. To choose one example, the spread of education, which will be looked at in a later chapter, played a key role in this change, but there was no one moment of 'breakthrough', rather a slow infiltration and a gradual realisation on the part of the people of the benefits accruing from the school-house.

By the standards of eighteenth-century England the system which we will be looking at was extremely archaic, retaining many medieval characteristics. Nevertheless, what finally emerges from the source material is the extent to which this system worked, and the benefits which accrued to the tenantry because it did so.

CHAPTER ONE

THE BACKGROUND

The idea that in the seventeenth and early eighteenth centuries all of Highland Scotland was divided into clan territories ruled by hereditary chiefs or chieftains comes unstuck with the territory of Atholl in the central Highlands. As Bruce Lenman puts it: "Atholl was a regality with its seat at Logierait, and the Murrays were only one of a succession of families to rule over this quasi-independent principality in direct succession of office, if not of blood, from Pictish sub-kings of Atholl in the seventh and eighth centuries."¹ In the early modern period the area was organised under a feudal, rather than a Celtic, system, i.e. it was based on land ownership rather than on blood.²

In the later Middle Ages the Earldom of Atholl was granted to various lines of the Stewart family. In 1595 when the holder of the Earldom died without male issue the title reverted to the Crown. The following year King James VI conferred the Earldom upon John, 6th Lord Innermeath, who was succeeded in 1603 by his son James who had married a daughter of John, 5th Earl of Atholl. The Chronicles describe what occurred in the years following thus: "It is somewhat difficult to understand what happened about the Earldom of Atholl after Earl James subscribed the bond to the King in 1608, stating that he would dispose of it for a price. It appears that negotiations were at once commenced with his brother-in-law, William, Master of Tullibardine, as the most likely and proper person to obtain the Earldom; and that in 1611 the King granted him a commission of Justiciary over the district of Atholl, and he was probably then acting in place of the deposed Earl; and in January and May 1613 he was described as 'now Earl of Atholl', though later in that year he is called

Master of Tullibardine, and in June 1614 appears as Earl of Tullibardine, whilst in October of the same year the deposed Earl is named as James Stewart, husband of the Countess of Atholl."³ The above indicates how far from straightforward the succession was.

Although they had played an important part in affairs of the realm much earlier, the Murrays of Tullibardine were raised to the peerage only at the beginning of the seventeenth century. Sir John Murray was created Lord Murray of Tullibardine in 1604, being further promoted in 1606 with the titles of Earl of Tullibardine, Lord Murray, Gask and Balquhiddel. He died in 1613 and was succeeded by his son William, who had married Dorothy, eldest daughter of John Stewart, 5th Earl of Atholl. In 1625 James, Earl of Atholl (7th Lord Innermeath) died without issue, and the title for a short while remained dormant. It appeared that as heir female of the 5th Earl of Atholl, Dorothy Stewart had been entitled to the succession, so her husband William, Earl of Tullibardine, resigned his own title in favour of his brother, Sir Patrick Murray, to avoid merging the two Earldoms.⁴ However, William died before the arrangements were completed⁵, and it was only in 1629 that King Charles ratified the title of Earl to his son John Murray, who became 1st (Murray) Earl of Atholl. The Tullibardine Earldom of the junior line lasted for only two generations, for in 1670 the 4th Earl died without issue, and the title devolved on his cousin, the Earl of Atholl.

When the Bishops Wars broke out the Earl of Atholl called out his men for King Charles I. In 1640 he was brought prisoner to Edinburgh by the Earl of Argyll and was only set at liberty after paying £10,000 Scots and promising to take south, to the Covenanting army, a regiment of five hundred men under his own command. In August 1640, along with Montrose, he signed the bond of Cumbernauld in defence of

the King. He died in June 1642, his eldest son, the 2nd (Murray) Earl of Atholl being only eleven years of age.

In July 1644 Alastair McDonald of Colonsay landed in the West Highlands with a force of 1000 Irishmen, sent by the Earl of Antrim. Marching into Atholl, he made himself master of Blair Castle on behalf of the King, and he was joined there in August by Montrose who was determined to wrest the kingdom away from the Covenanters. Being well known to the Athollmen he was speedily joined by 800 of them. They continued in arms for the King's service until Montrose disbanded his forces at Rattray in July 1646.⁶

The young Earl of Atholl grew up a firm supporter of the Royalist cause. In 1650, when he was 19, he took part in an abortive attempt to rescue Charles II from the Covenanters. Three years later he was a leading supporter of Glencairn's Rising, joining the Royalists with two thousand men.⁷ The Earl's own enthusiasm was not, however, shared by most of the Perthshire gentry. Their vulnerability to attack both from the English army encamped in Perthshire and from the Highland rebels to the north caused them to tread warily and come down on the side of English protection.⁸ The geographic vulnerability of the Atholl lands and the clash of the Atholl nobility with the gentry of the area are themes which will recur in the eighteenth century.

At the Restoration the Earl became a member of the Privy Council and was nominated Hereditary Sheriff of Fife.⁹ He was captain of the Highland Watch 1667-9¹⁰, colonel of a regiment of foot-militia in 1668, and captain of the King's life guards in 1670. From 1672 to 1678 he was Keeper of the Privy Seal for Scotland, and in 1673 he was made an extraordinary Lord of Session, In 1676 he was created Marquis of Atholl, Earl of Tullibardine, Viscount Balquhiddar, Lord Murray, Balvenie and Gask.

At first the Marquis of Atholl was a strong supporter of Lauderdale and was very active in the persecution of conventicles, taking part, in 1678, in the expedition of 'the Highland Host' against the Whigs in the west, and in the Battle of Bothwell Brig in 1679.¹¹ He fell out with Lauderdale after that, and as a result lost his troop of life guards and his keepership of the Privy Seal, though he was nevertheless appointed vice-admiral of Scotland in 1680 and President of the Parliament in 1681. The fall of the Maitlands meant his complete restoration to favour, and in 1684 he was appointed Lord Lieutenant and Sheriff of Argyll and Tarbat. In 1685 he was ordered to Argyllshire to suppress the rising under the Earl of Argyll, in which he was successful, the latter being captured and subsequently executed.¹² In 1687 he was invested Knight of the Thistle, on the revival of that order by James VII.

The Dictionary of National Biography states: "At the Revolution the part played by Atholl was very equivocal, and the weakness and irresolution that characterised his conduct lost him the confidence of both parties."¹³ Lord Macaulay characterised him as "the falsest, the most fickle, the most pusillanimous of mankind."¹⁴ It is possible, however, to look at his behaviour in a more charitable light, for he was in a very difficult position. He was a member of the secret committee which met in September 1688 to plan measures in opposition to the threatened expedition of the Prince of Orange, and there seems little doubt that he was indeed a Jacobite at heart. His eldest son however, was married to a daughter of the seventh Earl of Derby, who was related to the house of Orange, and Lord John was unequivocally a Williamite. This has been seen as the reason for the Marquis's willingness to wait on the Prince¹⁵, though once again one must take into account the geographic vulnerability of his lands. (The Battle of

Killiecrankie did in fact take place in the heart of Atholl.)

When Dundee began raising troops to fight for King James, the Marquis of Atholl retired to Bath to take the waters. There is no doubt that he was genuinely ill, but one must also assume that he was only too glad to be out of Scotland and well away from the scene of conflict at that time. He gave strict orders to his son to dissuade his followers from joining Dundee, orders which Lord Murray certainly did his best to follow. However, the latter had to contend with the loyalty which many of the Athollmen felt for King James (in fact two of his own brothers had been arrested and confined in Edinburgh on suspicion of disaffection). Atholl's baillie, Stewart of Ballechin, followed Dundee's orders and managed to secure Blair Castle for King James. He entered the castle with an armed party on pretence of increasing the garrison; once inside he disarmed the guard and turned out those who refused to join him. Lord Murray had no artillery, so all he could do was to form a strict blockade around the house. Dundee wrote to Lord Murray on four separate occasions, urging him to switch sides, but Murray never replied, remaining firm to his own principles. Despite all of Lord Murray's exhortations and threats, the Athollmen refused to fight against Dundee and King James, though Lord Murray did at least stop the men fighting for Dundee. No Athollmen took part in the Battle of Killiecrankie (27 July 1689), except those few who formed Ballechin's garrison of the castle.¹⁶

Notwithstanding his complete lack of participation, after Killiecrankie the Marquis was brought from Bath to London and imprisoned there for a short while, a rather pointless sort of retaliation on the part of the government for defeat in battle. Soon after his success at Dunkeld General Mackay went up to Blair and placed a garrison in the castle, causing all of the people of the country to

give up their arms and take an oath of allegiance to King William and Queen Mary.

The 1st Marquis of Atholl died in 1703 and was succeeded by his son, who was created Duke of Atholl that same year. He was appointed Lord Privy Seal of Scotland in 1702, and deprived of the post in 1704, appointed again in 1713 and deprived a second time in 1714. In both instances it was because of doubts about his loyalty. He was strongly opposed to the Union with England throughout the negotiations and was not enthusiastic about the Hanoverian succession either. In 1708 he incurred the suspicion of the Privy Council of being party to an invasion planned by the 'Chevalier de St George' ; he was cited to appear in Edinburgh on a charge of high treason, but as he was too ill to travel, a garrison was sent to Blair Castle where he was kept prisoner for a while.

When the Tories returned to power in 1710, Atholl was chosen one of the Scots representative peers, and he was again chosen in 1713. In between he was also named an extraordinary Lord of Session, and in 1712, 1713, and 1714 he acted as Lord High Commissioner of the General Assembly of the Kirk of Scotland. On the death of Queen Anne and the accession of King George I, the Duke took his time about travelling to London, thereby losing his post of Privy Seal for the second time, though he did complete the journey and attend the coronation.

The Jacobite Rebellion of 1715 brought another division to the house of Atholl. Such family divisions were hardly uncommon in Highland families during the Jacobite period, many finding it expedient to keep a foot in both camps.¹⁷ In the case of the Murrays of Atholl, the Duke and his second son, James, were firmly on the Hanoverian side, while his eldest surviving son¹⁸, William, Marquis of Tullibar-

dine, and two other sons, Lord George and Lord Charles, were in the Jacobite camp, as was their uncle, Lord Nairne. It was generally believed at the time that Mar had won over Tullibardine to the Jacobite cause by paying off the latter's debts before he left London.¹⁹ Nevertheless, to describe the adherents of either side as being motivated purely by expediency is hardly justifiable, particularly in view of Tullibardine's subsequent fate. The rift in the family was bitter, deep and long-lasting, and both sides suffered at one time or another for resolutely sticking to their principles.

The Duke's attempts to aid the Hanoverian cause were not very successful. On 6 September 1715, he appointed a rendezvous of his men at Blair, with a view to marching against Mar, but he was deserted by so many of them who favoured the other side that he was unable to advance. The Murrays in the Jacobite camp did considerably better. In Dunkeld on 22 September, it was Tullibardine who proclaimed King James, and amongst the reinforcements who flocked to Mar were some 1400 Athollmen.

After the collapse of the Jacobite cause, Tullibardine and Lord George escaped to the Continent and both took part in the unsuccessful Jacobite expedition of 1719. Lord Charles had been taken prisoner at Preston and sentenced to death, but after the Duke appealed to the Earl of Nottingham²⁰ to beg that His Majesty spare his son's life, Lord Charles was finally reprieved and set at liberty in 1717, but died only three years later.

Tullibardine having been attainted for his part in the Rebellion, the Duke obtained an Act of Parliament in 1716 for vesting his honours and his estate after his death in Lord James Murray, his second surviving son. The 1st Duke died in his 65th year, in 1724.

James, 2nd Duke of Atholl had some 21 trouble-free years before

the next, and last, Jacobite Rebellion temporarily disturbed his peace. During that period he was at various times Lord Privy Seal for Scotland (1733-1763) and a representative peer; he was invested with the Order of the Thistle in 1733. As maternal grandson of James Stanley, seventh Earl of Derby, Atholl, on the death of the tenth Earl of Derby in 1736, succeeded to the Sovereignty of the Isle of Man and to the English barony of Strange. From 1737 to the general election of 1741 he sat in Parliament both as an English baron and as a Scottish representative peer.²¹ (Because the Barony of Strange was a pre-Union creation, Atholl did not fall into the Hamilton situation of being refused entry to the Lords as a post-Union peer. Until the next election of Scottish representatives he was therefore twice qualified for the Lords.)

When Prince Charles Edward Stewart landed at Borrodale on 25 July 1745, one of the seven gentlemen accompanying him was William, titular Marquis of Tullibardine, and it was the latter who was chosen to unfurl the standard at Glenfinnan on 16 August. The Jacobite army then marched to Atholl; on their approach James, Duke of Atholl, fled south, first to Edinburgh and later to London. William, after an exile of 29 years, took possession of Blair Castle and his estates, to which, had it not been for his attainder, he would have succeeded 21 years earlier. There were, therefore, at this time in the kingdom two 'Dukes of Atholl'.

The actions of his elder brother cannot have come as much of a surprise to Duke James, but the behaviour of his younger brother, Lord George, must have been a terrible shock. Lord George had returned secretly to Scotland in 1724 while his father sought a pardon for him from the government, and a year after the 1st Duke's death the pardon passed the Great Seal. Lord George married in 1728 - and by the surviving correspondence it appears to have been an exceptionally close

and happy marriage - and settled down at Tullibardine, which he leased from his brother, Duke James. He took no part in political intrigues during this period. However, in spite of his happy marriage and the gratitude which he owed both to his brother James and to the Hanoverian government, when Prince Charles landed Lord George joined the Jacobite army. It is clear from the letter in which he explained to his brother why he felt he had to do so that Lord George was motivated entirely by his conscience, being anything but optimistic about the success of the enterprise.²² As lieutenant-general it was largely his skill that was responsible for the Jacobite victories. The Chevalier Johnstone asserted that "had Prince Charles slept during the whole of the expedition, and allowed Lord George Murray to act for him according to his own judgment, he would have found the crown of Great Britain on his head when he awoke."²³

Notwithstanding his skill as a general, however, Lord George had a temperament which clashed continually with that of the Prince, and constant friction marred the campaign from beginning to end. After it was over, and both were back on the Continent, the Prince refused to receive Lord George (though his father, James VIII, granted him full honour for the part he had played). For some Jacobite Highlanders Lord George became the scapegoat for everything that had gone wrong, as is clear from Gaelic poetry of the period.²⁴ Lord George lived until 1760, a permanent exile from his homeland.

The Marquis of Tullibardine was not so successful in escaping. After Culloden he attempted to reach the coast, then falling ill he sought shelter in Dunbartonshire with Andrew Buchanan of Drumakill, whose wife was a cousin of his. Buchanan betrayed him to the garrison at Dumbarton Castle; it seems Buchanan was so despised for this breach of all the laws of hospitality and honour that no gentleman in

Scotland would have anything to do with him afterwards.²⁵ Tullibardine was imprisoned in the Tower of London and would have been tried at the same time as the Earls of Kilmarnock, Cromarty and Balmerino, had his illness not proven fatal. He died on 9 July 1746.

In February 1746 when the Duke of Cumberland arrived in Perth, Duke James had been there to meet him, and he also issued a summons to his vassals to join the king's troops. However, he was no more successful in this than his brother William had been in raising troops for the Jacobite side. After the Prince evacuated Blair Castle that same month, Sir Andrew Agnew marched northwards from Dunkeld and took possession for the government. On hearing of this, Lord George attempted to re-take Atholl; this action led to the celebrated siege of Blair Castle in March 1746. There is no question but that Lord George would, if necessary, have razed his ancestral home to the ground, had he not been called north to Inverness on the Duke of Cumberland's approach on 31 March.

In spite of the traumatic events of 1745 and 1746 things seem to have settled down quietly enough afterwards. The Duke of Atholl lost his heritable jurisdictions in 1747, but he was generously remunerated for them. In 1763 he resigned the office of Lord Privy Seal on being appointed Keeper of the Great Seal. He died on 8 January 1764 in his 74th year, without leaving any male issue.

The nearest male heir to the dukedom was John Murray, who was the son of Lord George Murray and also the husband of his first cousin, Lady Charlotte Murray, a daughter of Duke James. Once it was clear that the Duke was not going to leave a surviving son, John Murray was definitely groomed for the dukedom, in spite of the forfeiture of his father, Lord George. Because of his father's attainder, when his uncle the 2nd Duke died he petitioned the King before taking up the title;

the matter was settled favourably within a month.²⁶ (Reacting strongly against what he saw as his father's treachery to a government to which he owed a tremendous debt of gratitude, Lord John was as loyal a supporter as King George could ever have hoped to find; it would have been very surprising indeed if he had not been granted the dukedom.) He was elected a representative peer for Scotland in 1766 and again in 1768 and was created a Knight of the Thistle in 1767.

On the death of Duke James, his daughter Charlotte succeeded to the Barony of Strange in the Peerage of England and to the Sovereignty of the Isle of Man.²⁷ In 1767 an Act was passed for carrying into execution a contract made between the Lords of the Treasury and the Duke and Duchess for the purchase of the lordship of the Isle of Man, though the landed property, together with the patronage of the bishopric and other ecclesiastical benefices, was reserved to the Duke and Duchess.²⁸

The 3rd Duke of Atholl enjoyed the title for only ten years, dying in November 1774 at the age of 45. He had had an apoplectic fit. On his recovery he seized the hartshorn with which his forehead was being bathed, and before anyone could stop him he swallowed it. He immediately began to bleed from the nose and mouth and complained of violent heat, saying that nothing could relieve him but being put up to the chin in the Tay. Although a careful watch was put on him he managed to slip away and plunge himself into the river; his body was found the next morning eight miles below Dunkeld House.²⁹

His son, the 4th Duke of Atholl, was only 19 when he succeeded to the title, and he lived until 1830. He was elected a representative peer for Scotland in 1780; in 1786 he was raised to the peerage of Great Britain, being created Barony Murray of Stanley, Co. Gloucester, and Earl Strange. In some ways it would be logical to end this thesis

in 1774, with the death of the 3rd Duke, particularly as the era of the 4th Duke was in many ways a radical break with the past. However, the famine of 1782 and the mutiny of the Atholl Highlanders in 1783 are both of such interest and fit so well into the relevant chapters, that it was decided to cover the full hundred years, from 1685-1785.

Although a good deal of the time and energy of the successive dukes went into political life, that subject will not be dealt with in this thesis. As was made clear in the Introduction, the thesis is not about the dukes but about what it was like to live on the Atholl estates. However, the dukes can hardly be ignored in view of the enormous power which they wielded. It was not even particularly relevant if most of their time was spent in London rather than Blair Atholl, because the final decisions were still theirs. Until the abolition of heritable jurisdictions, law and order in the Highland parts of the estate was the responsibility of the Duke, who had power of life and death in the regality court. Appointments to military regiments were dependent on the Duke's good will. Ecclesiastical appointments were a matter of ducal favour. So were appointments of schoolmasters, and even the building of schoolhouses. As for the right to live on his lands, it goes without saying that the Duke's word was all-powerful. Indeed it is difficult to think of any important area of life in which the Duke did not possess this almost sovereign power.

In view of this it would be helpful to have contemporary material describing the personalities and character traits of these individuals, but this kind of information is not easy to come by. For the 1st Duke the Dictionary of National Biography quotes General Mackay as saying, "he is of a very proud, fiery, partial disposition; does not want sense, but cloaks himself with passion, which he is easily wound up

to when he speaks in public assemblies."³⁰

I have not managed to find any such descriptions of the 2nd or 3rd Dukes. The 4th Duke is described by John Prebble as "red-haired and heavy-eyed...a high Tory whose consuming ambition was to be the equal of the greatest and grandest of English landowners."³¹ It is not clear where Prebble got this information from.

One does, admittedly, form impressions from reading the correspondence and other source material. For example, I would describe the 1st Duke (1703-1724) as one of the last of the old-style Scottish magnates. As subsequent chapters will reveal, he was thoroughly involved in local affairs, playing an important part in establishing education in the Highland parts of the estate, and showing a concern for the spiritual welfare, in particular, of his people.

The 2nd Duke (1724-1764), it could be argued, belonged to a different world altogether; the new world of eighteenth-century Scottish landowners whose time and energies were concentrated chiefly on London politics and whose main interest in their estates was in creating beautiful stately homes in emulation of those belonging to English noblemen. The impression one gains from correspondence both to and from the 2nd Duke is of very great pride and arrogance. He kept his fingers on the pulse of local happenings, but rather as a means of maintaining his power base, it seems, than out of any strong sense of responsibility.

There are striking parallels between the English aristocracy of the late sixteenth and early seventeenth centuries, as described by Lawrence Stone, and the Scottish aristocracy of the eighteenth century. The 2nd Duke of Atholl spent vast amounts of money in beautifying his Scottish residences and maintaining his London house, and this kind of conspicuous expenditure was almost a hallmark of the

Scottish nobility of this period. Stone considered one of the most important factors leading to an abnormally high level of expenditure to be the moral obligation imposed upon a nobleman by society to live in a style "commensurate with his dignity".³² For the eighteenth-century Scottish nobleman there was the added pressure of combating the anti-Scottish feelings of the south and proving themselves the equal - or superior - of any English peer.

The 3rd Duke of Atholl (1764-1774) comes across as rather priggish and unappealing in his early letters, when he was so determined to prove himself a respectable Hanoverian in spite of his father's treason. However, he certainly mellowed with time, and the evidence of his ten years as Duke suggests that he was a very conscientious man with a strong sense of responsibility toward his tenantry.³³ A letter from the 3rd Duke to his Edinburgh agent, John Mackenzie of Delvine, illuminates so much, not only about his own personality but also about contemporary attitudes of a great Scottish nobleman, that it has been reproduced as Appendix 1 (Vol.II, p.1).

As the 4th Duke (1774-1830) was so young when he achieved this rank, and as this thesis covers only the first ten years, it would be difficult to say very much about him here. In his actions during the famine years of 1782/3 he evinced a strong sense of paternalism, but by the end of our period there is also evidence of a new streak of ruthlessness which leads one to think that the slow rate of change of our hundred year period was about to accelerate rapidly.

One theme which runs through the ducal correspondence of our period is a constant cry for more money. In Stone's period conspicuous expenditure led to the collapse of many English aristocratic families; in the eighteenth century the credit of a nobleman like the Duke of Atholl appears to have been sufficient to see him through

even the worst financial crises.

One such crisis occurred after the death of the 1st Duke, and a group of gentlemen were at that time appointed Commissioners to look into the financial situation. On 9 April 1726 they wrote to the 2nd Duke, expressing the hope that

your Grace will make as few demands on this estate as possible, your freinds here being already furnished with so many reasonable ones and so little present capacity to answer them. So we propose that all expence without exception be suspended, such as upon houses, gardens and castle besides whats necessary to prevent their going into utter decay.³⁴

If any attempt was actually made to save money in this way it did not last for many years, for from 1732 onwards the 2nd Duke was involved in improving and beautifying the garden and park around Blair Castle (later in the century Dunkeld House got the same treatment). The expenses for all this were prodigious. On 22 December 1734, the Duke's factor, Alexander Murray, wrote to his Grace

The demands being so far above the yearly income this year, and the doubtfull prospect I have in raising the Rents of your Grace's Estate Obliged me in duty to trouble your Grace with the Sketch I enclosed in my Letter to Edinburgh, and that some proper method may be found out timously to preserve the Credite of your family, for the great scarcity of mony here, makes the demands the more pressing and peremptor.³⁵

Ironically, in 1740 the Duke was not even able to enjoy the beautification of his estate. Clerk John Murray of Ochtertyre wrote to his Grace on 12 April 1740, "I am very sory your Graces Finances are not [in] such order as to allow you to be in Scotland this year."³⁶ That year seems to have been another one of financial crisis. On 27 June Alexander Murray, together with Clerk John Murray and Archibald Stuart, the Duke's Edinburgh agent, wrote as follows

In obedience to your Grace's orders we have made up a state of your Grace's affairs...we are very sorry they come out in so bad a view but hope they are retrievable by a strick and regular management. We pitch'd upon the year 1733 as a proper period for taking up the state of your Graces affairs because in that year your Grace was made Lord Privy Seal and we see notwithstanding of the privy seal sellary and the revenue of the Isle of Man the debts are now higher than they were in 1733 by the sum of £44523-13-4 Scots and this besides debts which your Grace may be owing at London.³⁷

One cause of all this appears to have been slipshod management. When Alexander Murray died in December 1741 he had been in the service of the family for 28 years, as secretary to the 1st Duke and then as factor to the 2nd Duke; his loyalty is unquestionable, but it appears that for some time he had let matters slip badly. Commissary Bisset, appointed factor after Murray's death, found that there had been "no clearance with the tennents for some years past and only partiall receipts given from time to time for what money was payd so that neither factor nor tennents could know how their accounts stood."³⁸ Bisset also found that some of the best land was occupied by "Idle lazy bankrupts." The Commissary was succeeded as joint factor by his nephew, and their approach was much more efficient and professional. Nevertheless, as was made clear in the 3rd Duke's letter (reproduced as Appendix 1), money never ceased to be a problem, and when the 4th Duke succeeded in 1774, his Edinburgh agent, John Mackenzie of Delvine, advised him to make his residence in a secluded spot on the Continent for reasons of economy.³⁹

What must strike anyone reading the factorial correspondence through the century is that in all the discussions about how to get more money from the estate - often involving a great deal of financial wheeling and dealing - there is never any mention of trying to get the land to yield more. This seems strange in view of the following

Dedication by Robert Maxwell in his Select Transactions of the Honourable The Society of Improvers in the Knowledge of Agriculture in Scotland: "The Duke of Atholl, and other Persons of great Distinction, consulted together, formed the Plan, and began the Work. His Grace also improved others in the Knowledge of Agriculture, by shewing many rare and praise-worthy Examples."⁴⁰ Although the book was only published in 1743, at the time of the 2nd Duke, the Society was actually formed in 1723, before the 1st Duke's death. This involvement might have been the reason for the following Note in the 1725 Judicial Rental of Atholl:

The tennents of Blair Wachter are oblidgeed by their tacks to sow pittatoes, turneps and carots, to thatch their biggings with heather, to enclose an acre or two of their ground yearly, to plant 12 young trees yearly and to build ston or clay chemneys in their houses and to sow pease.⁴¹

There is no evidence that any of this actually took place at such an early date, and one soon comes to realise that 'improvements' in this period had little or no connection in the minds of the instigators with increasing the profitability of their lands. Most of the 2nd Duke's money was poured into purely aesthetic embellishments of his properties, and even when he began experimenting with the popular agricultural improvement ideas of the time this was confined strictly to the home farm. These efforts may have excited the admiration of his contemporaries but they did not have much effect on the tenantry. However, from the 1760s onward attitudes began to change, for the 3rd Duke advanced substantial amounts of money to improving tenants. Even in his early years the 4th Duke evinced a far more practical approach to his lands than was shown by his predecessors.

Finally a word about the lands comprising the Atholl estates

(see Map). The area of Atholl itself is completely Highland, stretching from Dunkeld right to the borders of Inverness-shire, with the ducal seats at Blair Atholl and Dunkeld. To these were added the Tullibardine lands of lowland Perthshire, located in Strathearn and on the Eastern slopes of the Ochils, with the main residences at Tullibardine and Huntingtower. (Huntingtower was in fact inherited to the Dowager Duchess for most of the century, while Tullibardine was leased to Lord George Murray from 1725 to 1745.) The Lowland/Highland division was not, however, quite as straightforward as it might appear, for in 1638 the Earl of Atholl acquired Falkland in Fife, while the Earls of Tullibardine were Lords of Balquhidder.

In the latter part of our period many new properties were acquired. For the most part these were small sections of land, though in 1765 a major acquisition - the Nairne estate - was made. In Loretta Timperley's Directory of Land-ownership in Scotland C.1770 there are Atholl lands listed in no less than fifteen parishes of Perthshire plus Falkland in Fife.⁴² In other words, we are dealing with a significant area of Scotland.

CHAPTER TWO

RUNNING THE ESTATES

On both sides of the Highland line the lands on the Atholl estates were held by three categories of men and women: tenants, wadsetters, and vassals.¹ It is important to note that while there were variations both within and between the different estates, no distinction was made between the Highland and the Lowland areas. Some estates were held entirely by vassals (e.g. Ochils and Balquhider, but for the most part an estate would have a mixture of types of landholding. It was in fact possible for one man to hold lands in different ways: in 1751 Patrick McGlashan had a tack of land in Blair, paying a rent of £841-14 Sc., held the property of Balluan by feu, paying an annual feu duty of £12 Sc., and had a wadset of Tressaid, paying £69 Sc. 'superplus duty'.

Traditionally, in the Highland areas of Scotland, principal tenants, known as 'tacksman', would hold large tracts of land from the chief, paying only a nominal rent and sub-letting the lands to myriads of sub-tenants on a year-to-year basis. The tacksman, who was usually related to the chief, would bring out these sub-tenants in support of the chief at time of war, and he would also act as a middleman between the chief and the peasantry.² He was a 'gentleman' and would normally be styled by the name of his farm.

I.F. Grant has described the life of a tacksman, William Mackintosh of Balnespick, and has explored the unique status of such a personage.³ Historians working on the Western Isles have also found confirmation of the existence of this class of tenants.⁴ Perthshire, however, is another matter. In her Introduction to the Survey of Lochtayside, Margaret McArthur notes that "by 1769 there

seem to have been on Lochtayside no persons of the type generally described as tacksmen", because even small tenants there held their lands directly of the Earl of Breadalbane. In Atholl, too, we find no class of tenants who could be called tacksmen.⁵ Tacks appear to have been granted on a strictly commercial basis, not because of any kin connections; nor do any of the tenants appear to have paid a merely nominal rent. Presumably the explanation for this lies in the fact that the Murray family were, as shown in Chapter One, Lowland landowners who inherited the Atholl lands only in the seventeenth century.

The term 'tacksman' is used in what may have been the traditional sense only about Balquhiddy - the most western of the Atholl lands - at the beginning of our period. However, these lands were held of the Duke by feu for most of our period and the tacksmen therefore became vassals (see p.30 below). Tenants of mills were often styled tacksmen, and later in the eighteenth century when lands were leased to merchant partnerships for bleachfields, paper mills etc. (see Chapter Nine below) these men would also be called tacksmen. The connotation is clearly that these 'tacksmen' were differentiated in status from ordinary tenants, but in no way could it be said that they belonged to the traditional Highland class of the same name.

This is not to imply that everyone who held land by tack and was styled a tenant was of the same status, for there were many gradations. In his book, Agriculture and Society in Seventeenth-Century Scotland, Ian Whyte discusses in some detail the differences between single-tenant farms, joint-tenant farms, and multiple-tenant farms. Basically, a joint-tenant farm was one for which two or more tenants held a single tack, paying the rent in a lump sum. The term used in the Atholl rentals was 'conjunct tack'. Multiple-tenant farms were those

where each tenant had a separate tack with his own specific holding for which a separate rent would be paid.⁶

The status of multiple tenants in Atholl can be compared with such tenants in other parts of the Highlands, though most other historians use the term 'joint tenants' where Whyte would say 'multiple tenants'. Frances Shaw was unable to discover any records of tacks being granted to this kind of tenant in the Western Isles and therefore concluded that they held their lands on a year-to-year basis.⁷ This was apparently also the case in Lochtayside as late as the 1760s. In Atholl, however, even for farms with five or six separate tenants, the 1725 Blair Atholl rental specifies a tack - usually for either nine or eleven years - for each. By 1760 these tacks were more often for fifteen or nineteen years. Although writers of Highland history point out that in practice tenants without a written tack were not really as insecurely placed as might appear to be the case, nevertheless an inescapable conclusion seems to be that multiple tenants on the Highland Atholl estates were fundamentally more secure than their counterparts elsewhere in the Highlands.⁸

Table 1 below shows the distribution of holdings amongst farms in Atholl in 1725, 1751, and 1760, extracted from rentals of those dates.⁹ As there were conjunct tacks found on farms with multiple tenants, it would not really be feasible to separate the categories of joint tenant farms and multiple tenant farms, and they have therefore been lumped together in the table.

In 1725 joint and multiple tenant farms made up about 20% of the total, while single tenant farms made up 26%; in 1751 joint and multiple tenant farms were about 17% of the total while single tenant farms added up to 36%. So far developments are in tune with the 'evolutionary' sequence posited by historians, i.e. away from multiple

TABLE 1

Blair Farms

	<u>1725</u>	<u>1751</u>	<u>1760</u>
Single Tenants	20	25	17
Joint & Multiple	15	12	34
Wadsetters	25	11	1
Feuars	<u>17</u>	<u>22</u>	<u>21</u>
Total	77	70	73

tenancy and toward single tenancy.¹⁰ However, in 1760 single tenant farms made up about 23% of the total, while joint and multiple tenant farms made up about 67% of the total. And, in fact, of the 34 farms, 15 were held entirely by conjunct tacks, with conjunct tacks also appearing in a number of multiple tenant farms.

These figures would appear to contradict the accepted sequence of events. The explanation, however, must surely lie in the disappearance of wadsetters (see p.29 below). When the Duke redeemed a wadset the status quo would remain the same, and it is clear that the wadsetters' farms tended to be held by larger numbers than most of those held directly of the Duke. With no later rentals surviving for the chosen period it is not possible to say when this situation changed, but it is worth noting that in the 1778 census the farms which had formerly been wadset still contained a large number of tenants.

The phrase 'large number' is, of course, relative. The largest number of tenants on any one farm in Atholl was seven. On Lochtayside the largest number was ten. In the Western Isles Frances Shaw found that the numbers on one farm could at times be over twenty. This

certainly suggests a fundamental difference between the Central Highlands and the Western Isles.

The proportion of multiple tenant farms to single tenant farms in Atholl may be compared with other Highland estates. Frances Shaw found that on island estates forfeited after the 1715 rising between a third and a half of the townships were set to groups of 'joint-tenants'. Christine Horricks found that on Harris the numbers broke down as follows:

1680 - 9 single farms, 12 'joint farms'

1703 - 7 " " 7 " "

1754 - 6 " " 8 " "

The position on Lochtayside appears to have been far more extreme than elsewhere: of 109 farms surveyed in 1769 only ten were held by single tenants.¹¹

On the question of size of holdings a direct comparison is not really possible because the Western Isles were computed in pennylands while the Central Highlands were computed in merklands. In 1703 the largest number of tenants on Harris held lands valued between $\frac{1}{16}d$ - $\frac{3}{8}d$ (in 1754 this had risen to $\frac{1}{2}d$ - $1\frac{1}{2}d$).¹² In Atholl in 1725 the lowest valued land held by any tenant was 6 shillings. Whether the difference was as great as it appears, or whether it was just the valuation system which was so different, I am unable to say.

One would very much like to know more about how the multiple tenant farms were organised in Atholl, particularly regarding runrig, but no references have been found to this subject in the Atholl archive at any time in my chosen period.

An early tack for a portion of a multiple tenant farm is reproduced as Appendix 2A (Vol.II, p. 5). The tack is straightforward, listing the money rent, payments in kind and services, as well as

certain other specific conditions. It will be seen that at this date sub-tenancy was allowed. Malcolm Gray notes that sub-tenants were not restricted to the farms of tacksmen but were found in large numbers on joint-tenant farms as well.¹³ From about 1729 onwards, tacks specifically excluded sub-tenants, but the practice of sub-letting appears to have nevertheless continued (see p.82 below).

Many single-tenant farms in Atholl were held not only by a tack but by a heritable bond as well. An extract from a document of this kind is transcribed as Appendix 2B (Vol.II, p. 8). The tenant would still pay rent, of course, but the interest on the bond would be allowed him.¹⁴

The main difference between this and a wadset would appear to be that with a heritable bond if the money were paid back before the end of the tack the tenant could still remain possessor of the land for the stipulated number of years, whereas once due notice had been given and a wadset redeemed, the wadsetter would have to give up his lands immediately.

Wadsetters were in an anomalous position, for although they would be treated as landowning gentlemen by their contemporaries, they had never established heritable right to their tenure. And during the course of the eighteenth century it became the practice amongst landowners to redeem as many wadsets as possible.¹⁵ Even between 1725 and 1751 wadset farms dropped from about 32% of the total to about 15%, and by 1760 there was only one such farm remaining. A document entitled 'Wadsets Redeemed since the Year 1750' lists all of these lands, along with the sums contained in the contracts of wadset, the rent of the wadset lands, the superplus duty (i.e. the annual amount that the wadsetter paid), and the entries received.¹⁶ It is easy to see why many wadsets were not redeemed earlier, as the

sums contained in the contracts could be as high as £500 sterling. On the other hand, some lands which had paid from £3-£5 superplus duty annually paid from £20-£40 annually in rent.

There is not really any way of tracing what became of all the wadsetters whose lands were redeemed. In the 1760 rental tacks of some of the farms were held by men described as "late wadsetter of...". However, mobility could be upward as well as downward amongst those holding land.

The upward process is shown clearly in a document titled 'State of Bargains made by his Grace the Duke of Atholl by Feuing of Lands Octr 5 1735'.¹⁷ Clearly the Duke was at that time in the not unfamiliar position of needing a good deal of ready money, for he feued some thirty properties of his, for amounts ranging from £315 Sc. to £4493-6-8 Sc. A few of the names recorded were already feuars of other lands, but the majority were either wadsetters or tenants, the latter usually holding a heritable bond as well.

Highland feuars or vassals (the terms are interchangeable) seem to have held a position in some way analagous to that held by tacksmen in other parts, in that they were the 'gentlemen' of the area. It could be argued that in other Highland areas they might also have held the status of clan chieftains. The anonymous author of The Highlands of Scotland in 1750 wrote about Atholl

This Country is inhabited by Stuarts and Robisons (there being none of the Duke's name living upon his Estate) who have given frequent Proofs of their Disaffection. Several of them have Fiefs [i.e. feus] and Mortgages [i.e. wadsets] of the Athol Family and Command the Common People of their Respective Clans who like other Highlanders believe that they are obliged to Rise in Arms when the Heads of their Family call upon them.¹⁸

As was seen above, it was the Dukes' need for ready money which

enabled some of the larger tenants and wadsetters to become vassals.¹⁹ Inevitably, the Duke had much less control over men holding lands of him in perpetuity than a Highland chief had over men holding lands by tack. Indeed, the Dukes' vassals proved infinitely more troublesome than his tenants throughout our period, as will be demonstrated in subsequent chapters.

The fact that so many of the Duke's lands were feued also makes it difficult for the historian to present a complete picture of the area. The only one of the Duke's vassals about whose lands I have located source material is Robertson of Lude.²⁰ Unfortunately, the Lude papers comprise only a small number of rentals - not really enough for any meaningful comparison - and a few other miscellaneous items which have been utilised in later chapters.

Information about the Atholl estates comes mainly from two sources: correspondence and rentals. The former will be dealt with later. Rentals fall into two main categories: complete rentals and abstract rentals. The former would list every single possession, usually with the names of the tenants, and the amount paid, both in money and in kind. In a judicial rental one can also find out about the length of tacks. Abstract rentals of a particular estate merely listed the complete amount being paid for each possession, without names or distribution, but these are not very common. From the 1730s onwards abstract rentals covered the estates as a whole, listing the amount paid by each.

Complete rentals are clearly a most important source. Unfortunately, though there are a number of these in existence for the early part of the period, from the 1720s onward very few complete rentals appear to have survived, only about one per decade. In Table 2 below a comparison is made of two farms in Tullimet,

extracted from the early rentals and from a 1742 rental.²¹

TABLE 2

Tullimet (Scots money)

	<u>1685-90</u>	<u>1742</u>
<u>Balnatailor</u> (Balntylar)	Money rent £3 1 B. 2 f. bear 12 poultry 40 loads peats 2 wedders or £4 1 stone butter or £5-6-8	Money rent £22-13-4 1 B. 2 f. bear 12 poultry 40 loads peats
<u>Dalnaboe</u>	Money rent £3-6-8 2 B. bear 15 poultry 40 loads peats 2 wedders or £4 1 stone butter or £5-6-8	Money rent £22-13-4 2 B. bear 16 poultry 40 loads peats

The most striking thing, particularly in the early period, is the amount still being paid in kind. By taking conversion rates for the casualties from other rentals of roughly the same period it is possible to work out the percentage which the money payment formed of the whole. Naturally this can only be notional, but it does at least give us some idea.²² By this reckoning, in the 1680s the casualties of Balnatailor were worth £19-16-8 Sc., while those of Dalnaboe were worth £25-3-4 Sc., which means that the money rents of £3 Sc. and £3-6-8 Sc. were worth only about 13% of the total. In 1742 the casualties were worth £12 Sc. and £14-13-4 Sc. for the two farms, making the money rent of £22-13-4 Sc. worth 65% and 61% respectively of the totals.

Margaret Sanderson found that in the mid-sixteenth century the money part of the rent of the barony of Lochleven was about 16%,²³ which is similar to that of Tullimet in the 1680s. However, on the island of Harris, which one would normally think of as agriculturally

a more backward area, Christine Horricks found that in 1680 the produce rents and money rents were roughly equal in value in about half the holdings.²⁴

Aside from rents, tenants also had to pay an entry fee or grassum. When the holder of a tack died his son would take over the tack but would have to pay a stipulated 'entry' for the privilege of doing so. Similarly, when a tack expired an entry would be paid for the new one. The amounts of these fees were often equal to a year's rent or more.

While Table 1 earlier in this chapter showed the distribution of tenants, wadsetters and feuars in Blair, an equally important question is that of the distribution of rents amongst the tenants. That information can be extracted from two complete rentals of Blair. Table 3 summarises this distribution. (N.B. Casualty conversions have not been added to the money rents in this instance because the 1751 rental converts all of these en masse without listing individual amounts or adding them to the rents. Therefore the only possible direct comparison is purely of money rents.) Basically, it will be seen that there were many tenants paying small amounts rather than a few tenants paying large amounts (though the rent for the mill alone was equal to a large percentage of the rents at the lower end of the scale). This position had not fundamentally altered by mid-century. It would be interesting to know how the rising rents in the 1760s and 1770s affected the distribution, but with no complete rentals available for Blair in that period there is no way of obtaining this information.

The men responsible for collecting the Duke's rents were his factors.²⁵ In the early period there were different factors (or chamberlains) for the different estates, and it appears from a letter

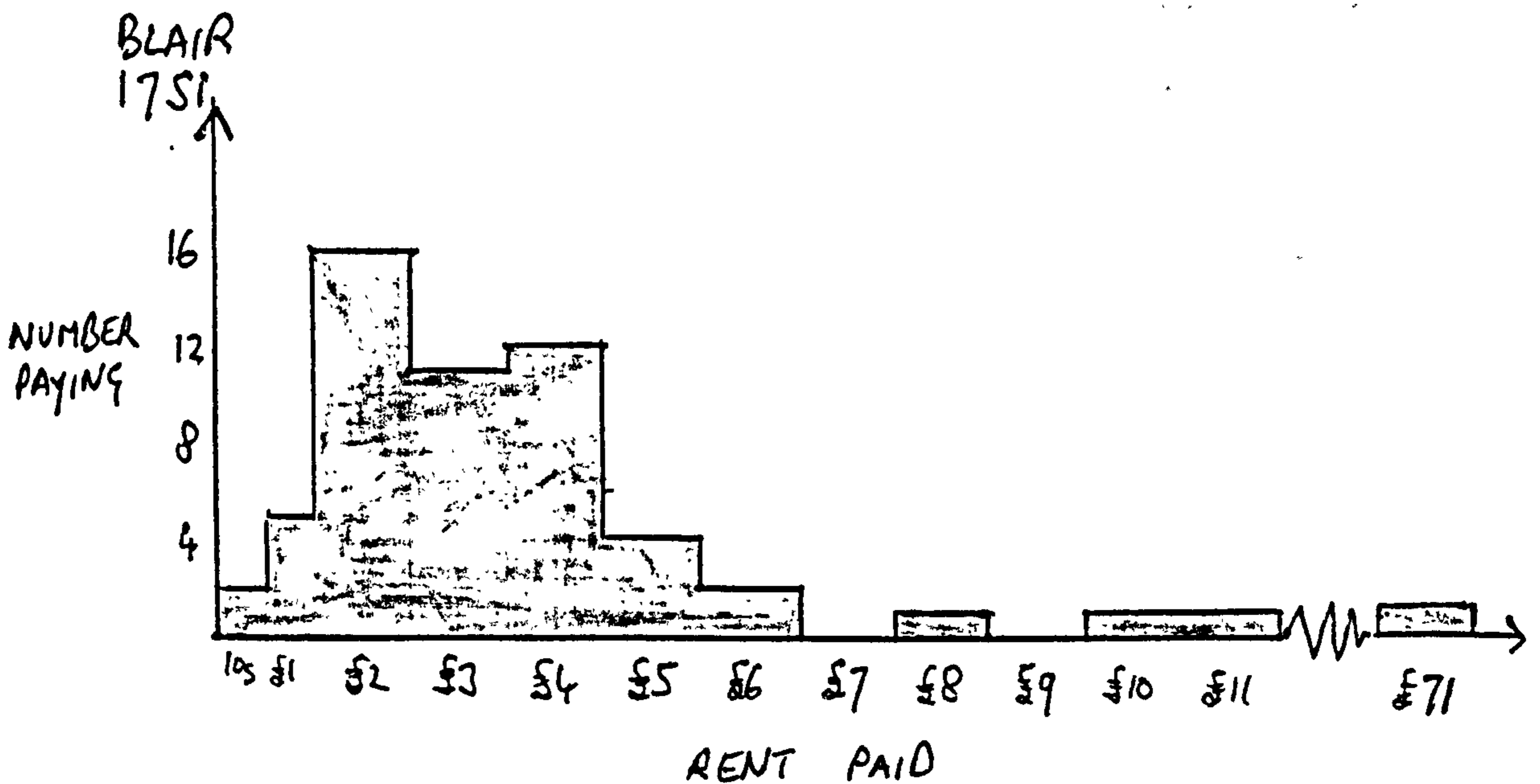
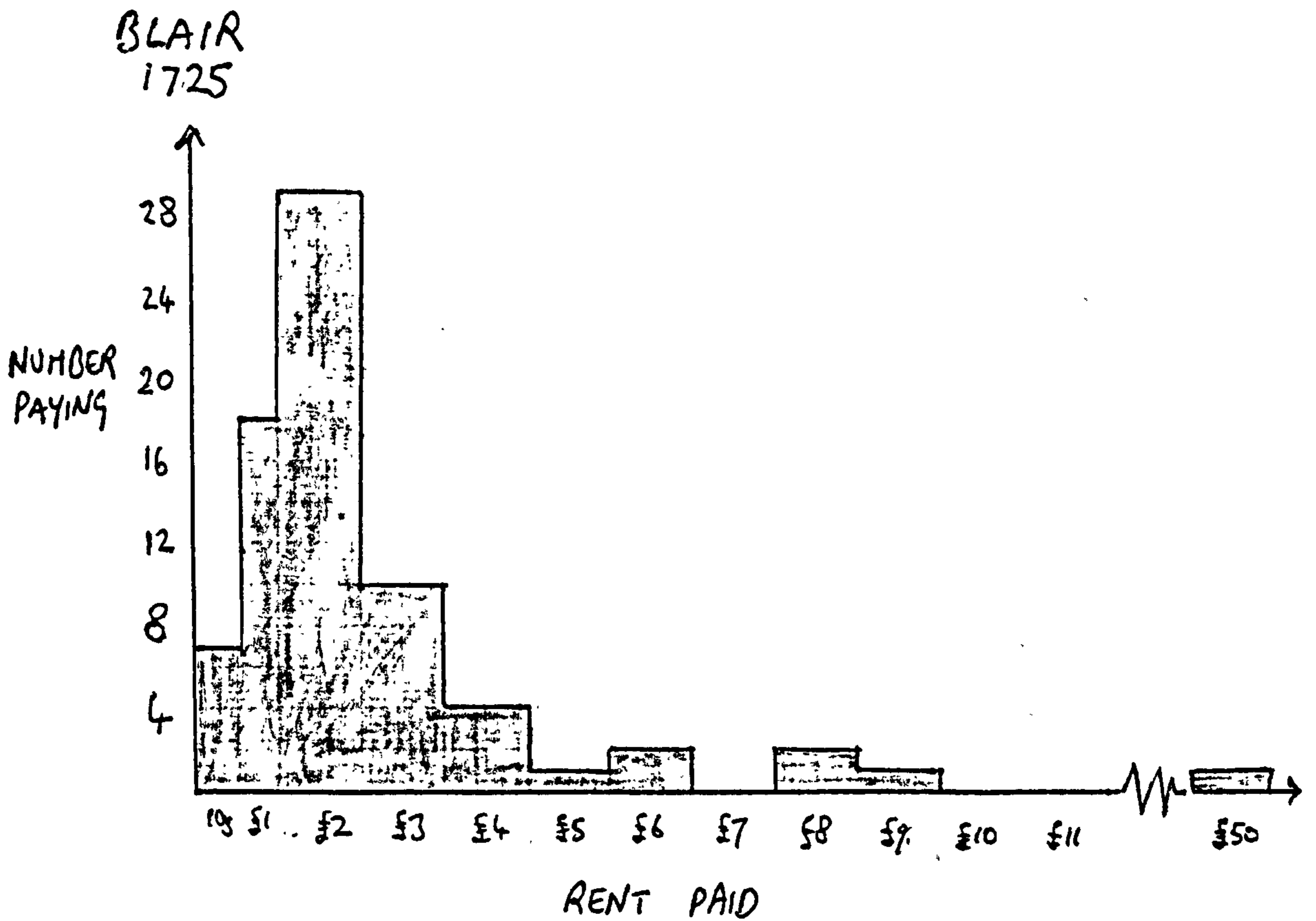


TABLE 3

N.B. "£3" column shows number paying between £2-0-1d and £3-0-0d etc.

of 1697 that when the Duke was not resident, trustees might be appointed to supervise the factors.²⁶ After the death of the 1st Duke his secretary, Alexander Murray, was appointed factor; from correspondence and signatures on documents it appears he had one or more sub-factors under him, but the situation is not clear. After Murray's death in 1741 when it was discovered - as related in the previous chapter - how inefficient he had been in his later years, the factorship became much more professionally organised. The estates were divided into districts - initially three but once Thomas Bisset took over completely from his uncle, the Commissary, only two - and each factor was responsible for his district.

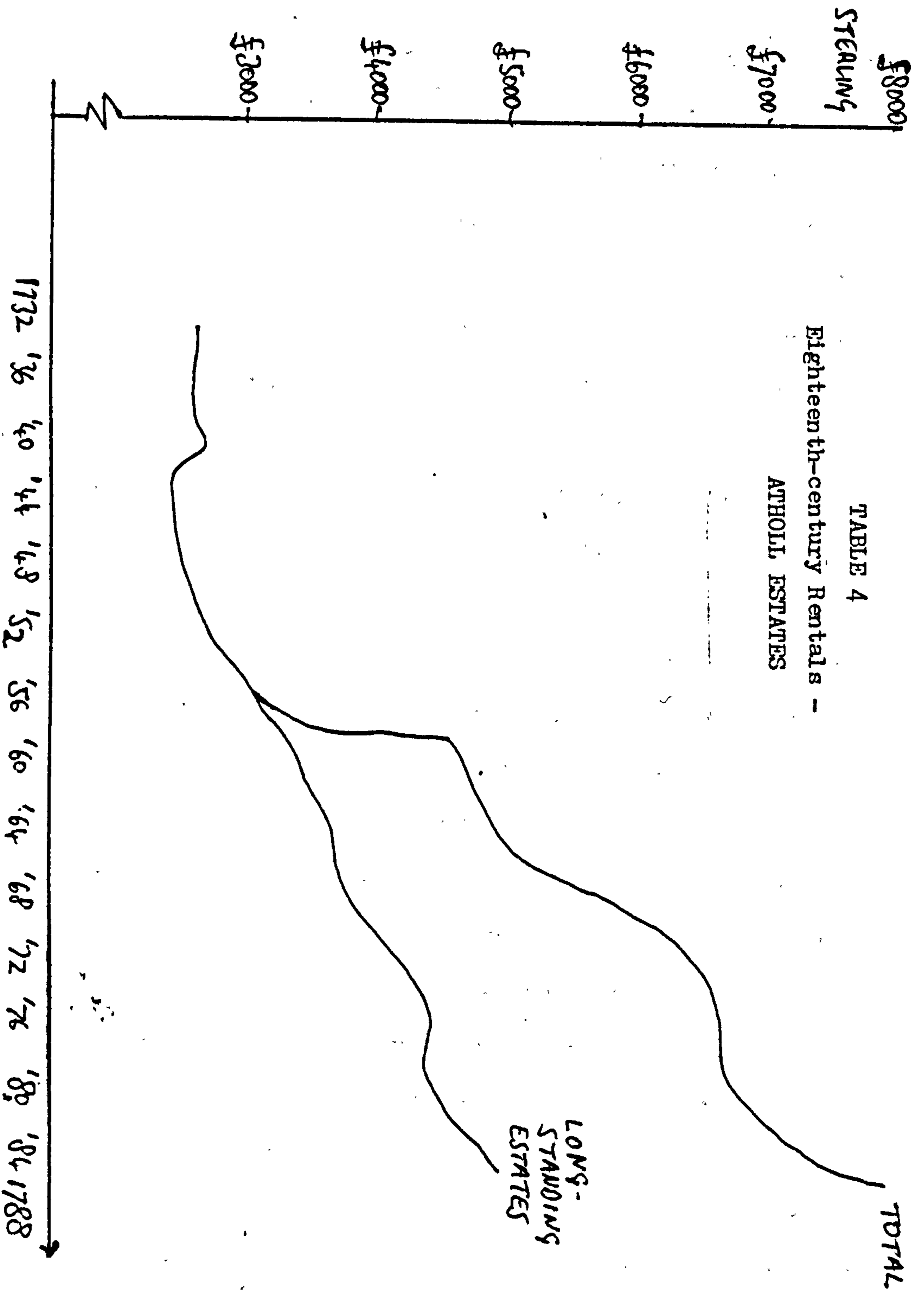
From notes in the Abstract Rentals it appears that the factors kept Minute Books and presumably had notes of each tenant and holding in these, but no such books have surfaced in the archive. What has survived is a continuous series of Abstract Rentals which list the amount of rent for each estate. In the later ones there are also notes about individual augmentations etc., which will be discussed in due course. To reproduce all of these Abstract Rentals would take up a disproportionate amount of space for the information conveyed, so it seemed more sensible to concentrate on one Highland and one Lowland estate - as well as the sum of the whole and of the different districts - and put the information into a table. This table forms Appendix 3 (Vol.II, p.10). (Early figures have all been converted from Scots money into sterling.)

The choice of Blair should not require explanation. Similarly, Tullibardine is an obvious choice for a Lowland estate, in spite of the fact that it was in the hands of Lord George Murray from 1724 until 1745. The arrangement appears to have been that Lord George handed over the complete rents, though from 1742 the tenants

actually paid a higher rent than was passed on to the Duke. Although this augmentation appears for the first time in the Abstract Rental of 1747, the Table shows the reality, i.e. the augmentation beginning in 1742. More information about Tullibardine is supplied in a memorandum of 1746; it is unsigned but from the text it seems probable that it was written by Lady George Murray. It is very discursive and, for that reason, impossible to summarise, but it provides some interesting insights into the way Tullibardine was managed by Lord George, and has therefore been reproduced as Appendix 4 (Vol.II, p.19).

The total rental for all the estates is shown in graph form on Table 4 below. It will be noted that before 1753 the graph is somewhat higher than the figures shown in the Appendix, because before that date I have converted the price of the grain (using fiars prices for Perthshire²⁷) and added it to the money rent. Had I not done this the rental would have shown a dramatic leap upward when grain prices were added to the money rent; this would not have accurately reflected the situation as the tenants were still paying the same amounts, it was only the accounting methods which were changed.

Another thing which has had to be taken into account is the difference between the rentals as they affected the Duke's revenues and rents as they affected the tenants themselves. As will be seen from Appendix 3, from the 1750s onwards successive Dukes were frequently buying new estates. The rents from these estates would then be added to the total, leading to dramatic rises in the graph. (It could be argued that this graph is not really a picture of the Duke's revenues as there is no statement of expenditure to set against it, but the very fact that purchases of land continued to be made right up to the end of our period is surely a good indication



that the picture of constantly rising revenues is an accurate one.)

In order to get a real picture of rents on the estates which were in the Dukes' hands right through the period, the rents from all of the estates purchased from the 1750s onwards have been subtracted from the total, as well as the liferented estates of Huntingtower and Falkland. (N.B. Slight alterations made to rents of new estates have not been taken account of, but the augmentation to the rental of Huntingtower of £183-4-7¹⁰ in 1769 would have seriously distorted the picture, so this amount has also been subtracted.) It will be seen from the graph that in contrast to the earlier period when rents remained very stable, the second half of the century saw a continual rise in rents; nevertheless, when the rents of the new estates have been subtracted this rise proves to have been on the whole a very gradual one.

One obvious question which arises from these figures is the relationship between the rental on paper and the amount actually collected. The only way of ascertaining this would be from lists of 'rests' (arrears), and those have not survived for any significant number of years. The only continuous set of such figures in the Atholl archive is for the 1740s, as set out in Table 5 below (converted from Scots currency to sterling).²⁸

These figures cannot be taken as typical of arrears at any other period, because the 1740s were a unique period of hardship. The disastrous harvest of 1740 led to severe shortages of grain in Perthshire, and when the tenantry were beginning to recover in 1742, grain prices, which had risen to an abnormally high level during the period of scarcity, dramatically dropped again. The winter of 1744/5 was another severe one, and the 1745 Rising put further strains on the tenantry. That the arrears shown on Table 5 were in no way unique

TABLE 5

Arrears

<u>Year</u>	<u>Amount of arrears</u>	<u>Gross rental (incl. grain)</u>
1740	£1155-12-9 ⁸	£2666-16-4
1741	£879-9-7 ⁸	£2658-13-0
1742	£484-1-0 ⁹	£2413-5-1
1743	£1456-19-11 ²	£2424-6-1 ¹
1744	£1818-14-7 ⁶	£2437-0-9 ⁹
1746	£1970-10-6 ¹⁰	£2476-0-10 ⁷
1747	£131-2-10	£2515-4-2 ¹
1748	£212-17-4 ⁵	£2534-10-9 ⁵
1751 & 1752	£146-15-2 ⁶	£2638-13-8 ¹¹

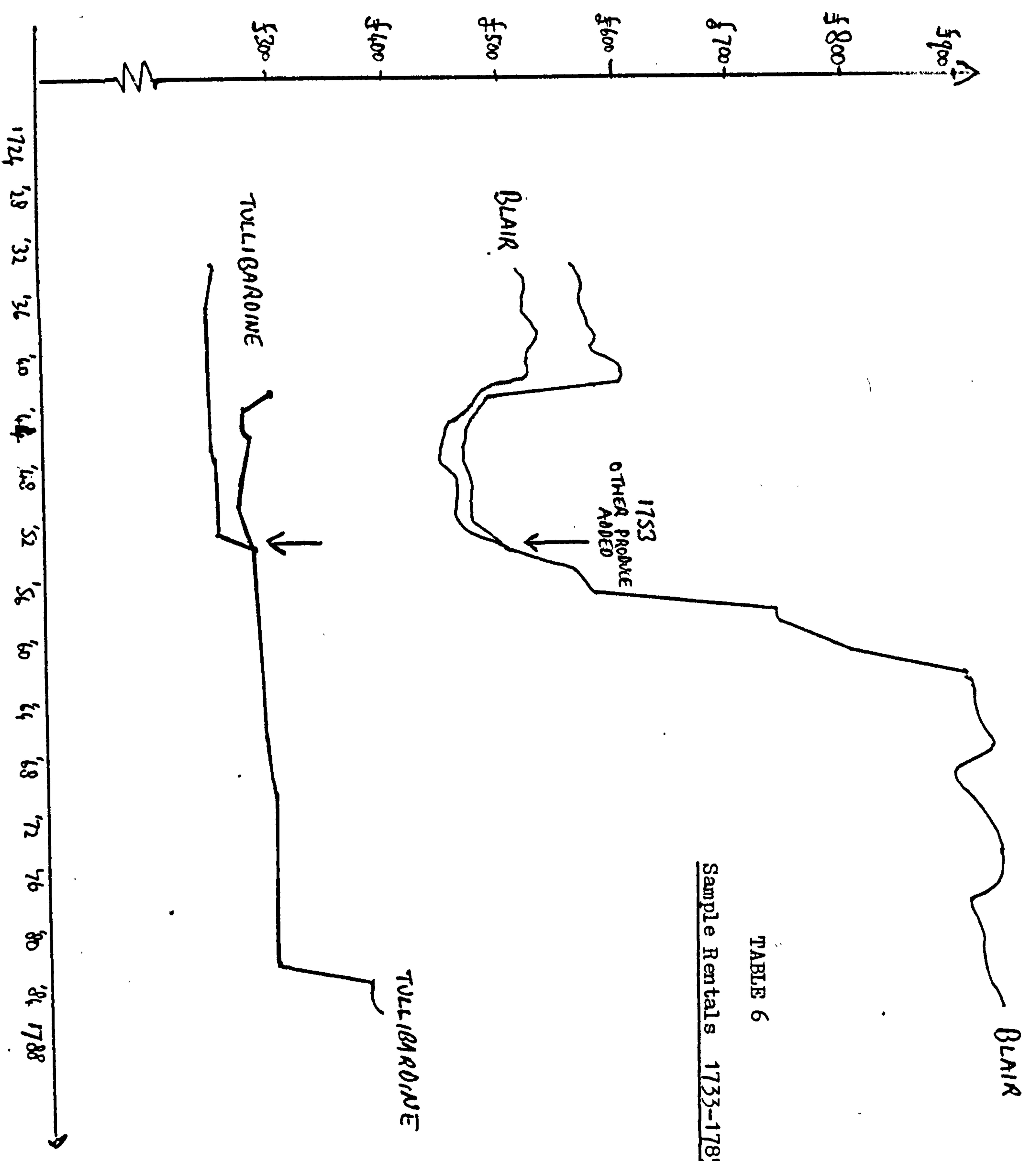
to the Atholl estates is shown by the figures which Eric Cregeen has extracted for the Argyll estates in the 1740s.²⁹ In 1746 the Argyll arrears exceeded £5,000 out of a gross rental of £7,500; while not as high a percentage as the Atholl arrears they were nevertheless also very high. The remarkable recovery made from 1747 onwards (at a time when the Argyll arrears were still a little under £4,000) is an indication of how buoyant the economic state of the Atholl lands really was.

On 14 December 1741, in the course of his tour of inspection of the estates after Alexander Murray's death, Commissary Bisset wrote to the Duke of Atholl: "As I goe through wherever I find a tennent in arrears I endeavour to find out the cause By which means I expect by the time we have done to be able to advyse your Grace hou to rectify where there has been any thing amiss so as in time comeing your Grace may allways within the year be payd up of your rents without allowing any list of rests."³⁰ As noted above, the 1740s turned out to be such an unusually difficult period that Bisset was not really able to

accomplish his aim at that time, but it seems safe to assume that from the 1740s onwards the rental on paper was very close to the rents actually collected.

Table 6 below graphs the movement of rents for the two estates shown in Appendix 3. Before 1753 the lower of the two lines is the money rent while the higher one includes converted grain (at fiars prices) as well. It will be noted that after the augmentation of 1742 the Lowland estate of Tullibardine was more or less left alone for the next forty years. A document entitled 'Short View of the Rentalls of the Duke of Atholls Estates in Scotland Mar.21 1781' states: "The old Leases on the Estates of Falkland & Tullibardine Expire at Martinmas 1782, when the Rise of Rents will be considerable."³¹

It is clear that the attention of successive Dukes was focussed primarily on the Highland parts of the estate, and the continuous rise in Blair rents from the 1750s onward requires an explanation, which is provided by notes attached to the Abstract Rentals. The year after the produce rent was first converted, 1754, shows the first steep rise. However, the Abstract reveals that only two rents were actually raised: Ardkincaill by £0-19-5⁴ and Achmarkbeg by £0-6-11⁴. A further £2-0-10 was added to the rental "for the converted service of harrowing." The bulk of the extra rent actually came from wadset lands redeemed, i.e. instead of a small 'superplus duty' the Duke now collected the full rents. Four wadsets were redeemed that year, adding amounts to the rental of up to £25-18-4 (Bohespick). The following year one rent was raised - Rieriach for £0-5-0 - and another wadset was redeemed - Innervack for £15-19-8⁸. In 1756 several rents were raised, for amounts ranging from 7/6 to £1. In 1757 three rents were raised, but one was a completely new tack of the Mill of



Blair, and the large amount again came from wadsets redeemed.³²
The pattern continued roughly the same in the rest of the 2nd Duke's period.

The 2nd Duke died in 1764. On 10 August 1769 Mackenzie of Delvine, the 3rd Duke's Edinburgh agent, wrote as follows

Your Grace would have little occasion to beg for yourself were you pleased to permitt those whom you pay for prying into your private affairs to try our skill on a moderate rise of your rents while most of the peers & commoners of Scotland are doubling theirs - This I'm convinced might prove of equall service to your tenents for while you continue them precisely on the old establishment they will never change their old modes of farming or rather of scratching the ground & so starve themselves & their beasts for Life.³³

It is worth noting here that the rents of the Duke's vassal, Robertson of Lude, rose from £260-11-8² in 1751 to £557-15-2⁶ in 1767.³⁴ No explanation for this rise is provided in the rentals.

The 3rd Duke evidently did not agree with Mackenzie of Delvine on this subject, for on 2 May 1772 he wrote to Colonel James Grant of Ballindalloch, expressing the belief that the Duke of Gordon was rack-renting his tenants, and continuing

We should not forgett that our present rank, fortune, ease and independence has been purchased by the blood of the ancestors of our present dependants and tenants. We ought to live and let live - by squeezing the very Vitals of the Poor I believe I could squeeze 6 or £700 a year more out of them than I have at present but neither the Blessing of Providence nor the Approbation of my own heart would attend it so I am better as I am.³⁵

The truth of that statement would appear to be contradicted by Table 6 and the figures in Appendix 3, until one examines the Abstract Rentals. There were rent rises, but from 1767 until his death in 1774 the 3rd Duke advanced substantial amounts of money to his

tenants for Improvements, and the augmentations to their rents of 7½% must obviously be put into a very different category. These advances were not made just to Blair, but they did tend to go to the Highland estates. In 1770 he advanced £328-12 for Improvements, and the additional rent he got out of that amounted to £24-12-11. Reproduced below is the list of the separate amounts advanced that year and the augmentations to the relevant rents.³⁶

To £238-12 Ster advanced by His Grace upon Improvements for which 7½% by way of Augmentation is agreed to be paid yearly by the Tenants vizt.

Advanced on Tomnald Inclosure in full, Pittagirr Rental £20	£1-10
On Birkenhill Ditto in full, Laighwood Rental £40	£3
On Ballachallan Inclosure, Tulliemet Rental £10	£0-15
On Drumnacarff & Balnamuir Head Dykes in full £34	£2-11
On Port of Logierate Ditto in full £5-15	£0-9-7 ⁸
On Wester Kinnaird Ditto in full £34-5	£2-11-4 ⁶
On Ballnadrum Inclosure in part, Tulliemet Rental £20	£1-10
On Leduckie Dykes, Laighwood Rental £31	£2-6-6
On Gaskan of Bohespick Dykes, Blair Rental £15	£1-2-6
On Over Bohespick Ditto, Ditto Rental £24	£1-16
On Nether Ditto Ditto Rental £29	£2-3-6
On Burnside, a new possession, Dunkeld Rental £9-12	£0-14-5
On Dalmarnock Head Dyke Ditto Rental £20	£1-10
On Shenval Inclosure Pittagowan Rental £16	£1-4
On Dalno of Bohespick, Blair Rental £20	£1-10
	<hr/>
	£24-12-11 ²

In 1771 the amount advanced was £304, this time for amounts ranging from £1 to £30-6-8. The advances were less after that year, presumably because the more enthusiastic and capable tenants had taken advantage of the opportunity immediately it was offered, but even so the Duke advanced £207-16-10 in 1772 and £123-10 in 1773. There is only one such advance listed in the early years of the 4th Duke. In 1779 it would appear that a number of tacks had expired

(though this is not actually mentioned anywhere), for attached to the Abstract Rental for that year is a long list of tenants' names and their farms, with straightforward additions to their rents.³⁷

Just as one cannot automatically assume that a rise in rental figures meant the tenantry were worse off, so a drop in the rental did not mean they were better off. In fact only rarely did such a drop meant that someone was paying less. This did occur in 1775 when the Abstract states that the deductions which followed were "Diminished in the Rentall for Crop 1775 in regard there was no probability of making the same effectual." These included £3-5 off the rent of Criagsheall and £7-6-1⁶ off the rent of the Inn of Blair and Urrard Beg.³⁸ The cause of any significant drop in the rental was invariably the Duke's taking certain lands back into his own possession, i.e. to become part of the home farm. (See p.52 below for more on the demesne.)

This process began earlier in the century: the 1735 and 1742 rentals show it already taking place at that time.³⁹ However, the pace of enclosure appears to have accelerated from the 1750s onward. Notes like the following appear frequently in the Abstracts: "deduct from the Rentalls for Cropt 1758 the Rent of Toldamh, Ballaloan and part of the Kirktoon of Blair Inclosed by his Grace £17-11-10¹⁰"; "Item the rent of the Park of Invar taken by his Grace in to his own hands £22-7-5" (1768); "Diminished and Struck Out of the Rentall for 1769...The Rent of Easter Tulliemillie taken by his Grace in to his policy £5-11-1⁴".⁴⁰ The 1742 rental shows tenants being re-located on other farms (the entry fee was waived under these circumstances), but I have found no evidence to show if this practice continued later in the century.⁴¹

The earliest references to the difficulties of rent collection

which I have found in the period is dated 18 January 1696. It was from James Murray, presumably a sub-factor, at Tullibardine, to Lady Murray, advising her that all he had managed to collect from the tenants of Laighwood was £5 sterling. "The tenants are far behind with buying their summer meall," he continued, "or else I would have been cleared of all they are resting which will amount to 490 lib, they are yet resting Stenton [factor] for the years 1692 and 1693 and except I cause the officer poynd their catle ther will be noe money be gott till the mercatts."⁴²

It must be recalled that the 1690s were a time of great hardship in Scotland, even more so than the 1740s, with Perthshire fiars prices for oatmeal rising to an unprecedented £9 Scots a boll. On 24 February 1696 Sir Patrick Moray of Ochtertyre wrote to Lord Murray in London to say that many tenants were so badly off they wanted to go away, and there was no possibility of getting replacements, "this being the worst year that the Highlands had had this 7 years bypast." On 7 January the Earl of Tullibardine's Trustees wrote to him from Huntingtower: "The countrie is ruined with the badness of these past years, tennents are not able to pay bygons, and labour, and new ones cannot be gott."⁴³

Not surprisingly, recovery took some time. On 20 July 1700 Charles Stewart of Ballechin wrote to the Earl of Tullibardine about the difficulty he was having in collecting the rents of Glenlyon and Killichassie. In the latter estate the tenants were willing to make their payments in kind - wedders, lambs, butter and cheese - but not the cash payment for 'presents'. At such times recourse could be had to local courts. On 16 July 1701 the Baillie of Glenlyon Baron Court ordered the tenants and feuars in Glenlyon to pay their "haill bygone rests."⁴⁴

But what could be done if tenants simply did not have the cash? For example, on 7 August 1721 Andrew Gardiner wrote from East Haugh of Blair to the Duke of Atholl

My Lord In obedience to your Graces from Blair Castle the 4th instant I caused the officer convey the tenants that pay Martinmas rent And did read your Lordships letter to them and pressd it with all the arguments I could, and all of them sincerely affirmed they had noe money.⁴⁵

As mentioned earlier, the death of the Duke's factor, Alexander Murray, at the end of 1741, was definitely the end of one era in estate management and the beginning of a much more professional approach. For the first few months of 1742 Commissary Bisset worked with great zeal to disentangle the Duke's affairs. His letters are too detailed to sum up, but an extract from one of them, which demonstrates the new approach, is reproduced as Appendix 5 (Vol.II, p. 23). One interesting fact which emerges from these letters is the Duke's realisation of the disadvantages of letting out so much of his lands by heritable bond and tack.⁴⁶

While in the earlier period most of the references to rent collection were negative, dealing with the difficulties of raising the money, this is not the case in the second half of the century. On 19 February 1756 Thomas Bisset wrote, "I return'd from Blair last night, where I had a successfull collection of rents, the Tennents really answered like a Bank", while on 12 March 1758 Harrison wrote, "I must observe to your Grace that all your tenants has been most punctual in paying their rents not one shilling in arrears."⁴⁷

Interesting facts often emerge in correspondence after the death of one of the Dukes, when an experienced factor had to instruct the

new Duke in certain procedures. The following, written by Bisset to the 3rd Duke of Atholl on 24 February 1765, is one such example.

There was always signed annually about this time a precept of Warning, your Graces signes one each year, I now enclose one for this year, which your Grace will please subscribe and return without delay, that Orrat [Stewart of Urrard] and I may execute it in the leagall time against such tennents whose tacks are upon the expirey, that your Grace may have it in your power after you come to Scotland to remove such of them as will not come to reasonable terms for a renewall of their Leases.⁴⁸

The existence of such a practice would not be known without the above reference, and it illustrates both the professionalism of the factors and the highly legalistic nature of the system. However great the Duke of Atholl's power - and no one would deny that it was very great indeed - it did not operate arbitrarily, for there were legal precedents, procedures and documents for all of the Duke's dealings with his tenantry.

An example of the forbearance with which tenants were treated in a bad year can be found in factorial correspondence during the early months of 1773, a period of scarcity and hardship which had earlier led to grain riots in Perth (see p.217 below). What is interesting about the following extract is the way concern for the tenants is balanced by concern for the Duke's interests; a delicate balance which these factors appear to have maintained with great skill. On 12 March 1773 Stewart of Urrard wrote to the Duke

The country is this year in a verry deplorable condition the money very scarce & excepting Your Grace's Rents not a third part of any body's rents paid in Atholl their is near £200 of Your Grace's still resting and I hope I shall be able to Recover them before the first of May if they were poided it would ruin them altogether & they would not be able afterwards to sow their ground even so I shall take

care that Your Grace shall be no looser indeed the most of the tenants have promised to pay sooner & am very hopefull they will do it and as for the vassals I must oblige them to it as they are the most backward.⁴⁹

How did the tenants obtain cash to pay their rents? This information is difficult to get at because rentals only recorded money received, not its source. Casual references in correspondence provide the only means of learning such things. In the Highland areas one would expect to find cattle the predominant source of cash, as cattle were, to quote Malcolm Gray, "for long the staple of Highland commerce."⁵⁰ Certainly one does find references to cattle in the Atholl correspondence. On 20 July 1700 Charles Stewart of Ballechin wrote to the Earl of Tullibardine advising him that "as for money I cannot gett any on Glenlyon of what is resting befor the catle mercats." On 3 August 1704 two sub-factors wrote to the Duke of Atholl from Balquhidder, saying, "There are come no merchants yet for the smal cattell, & we have but little hopes of any mercat worth this year, which we are afraid will make your Grace's rent to come the later in."⁵¹

References later in the century indicate that cattle continued to be a marketable commodity. On 2 December 1770 Bisset wrote to the Duke, "Our Martinmas market held last Tuesday, which proved a very bad one, there were but few cattle and such as sold were under value." Two years later, on 29 November 1772, he was able to write on a more cheerful note, "Our Martinmas market held last Tuesday and proved better than Expectation, There were several from Carlisle and the Borders at it which quickened the sale of black cattle and did much good." However, he went on to say, there was "little or no demand for Linnen yarn which is a great draw back."⁵²

Reading the Atholl correspondence one soon begins to appreciate the relative importance of linen, for while there are hardly any references to cattle other than those quoted above, comments about linen occur with great frequency throughout the period. The earliest reference occurs on 7 June 1705, when the 1st Duke of Atholl wrote to his brother the Earl of Dunmore, with regard to repayment of a debt, that he had not yet been able to raise the money, "for I believe just now there is not 4000 merks in all Perthshire, But the Linnen Cloth mercat being next week makes me in great expectations there will be some gott then." On 23 December 1710 the men looking after the Duke's affairs while the latter was in London wrote from Dunkeld about their difficulties in raising money, "since the rents below the wood are not payd till the Clothmercat." On 7 January 1735 Alexander Murray wrote to the 2nd Duke of Atholl on the same subject of trying to raise money and reminding him that "a good deal of your Grace's rents were not payable till Whitsunday and that the money comes not till the Cloath Markets."⁵³

When Commissary Bisset made his thorough examination of the estates after Alexander Murray's death he also found that payment of rents waited on the sale of linen and commented that "little of the money be east the pass is usually payd until the cloath mercats altho their tacks bear martinmass." On 30 December 1751 he wrote to the Duke's other factor, Humphry Harrison, saying, "you know the rents of my district does intirely depend upon the Linning yearn as there are no catle sold in it."⁵⁴

Andrew Wight, when he visited Atholl in the 1780s, noted the following

The high rents in Athol are mentioned above; but I had almost forgot to observe, that they are partly owing to the industry of the women,

who contribute their share of the rent by linen yarn, every female being employed during the winter in spinning. A young woman has little chance of getting into service, unless she can spin from twelve to fifteen cuts daily. In the market of Mouline held the 1st of March, the yarn is all sold for ready money; and the payment of rent depends on that market.⁵⁵

This dependence on linen rather than cattle as the staple industry differentiates Highland Perthshire (more particularly the area below the Pass of Killiecrankie) very sharply from other Highland areas of Scotland. As the industry was equally important on both sides of the Highland line, it could be argued that in this one way at least Perthshire Highlanders had more in common with Perthshire Lowlanders than with Highlanders in other parts of Scotland. The linen industry is discussed in more detail in Chapter 9, although because this was strictly a peasant industry, the mechanics of which did not concern the Duke or his factors, there is a distinct paucity of material available on the subject.

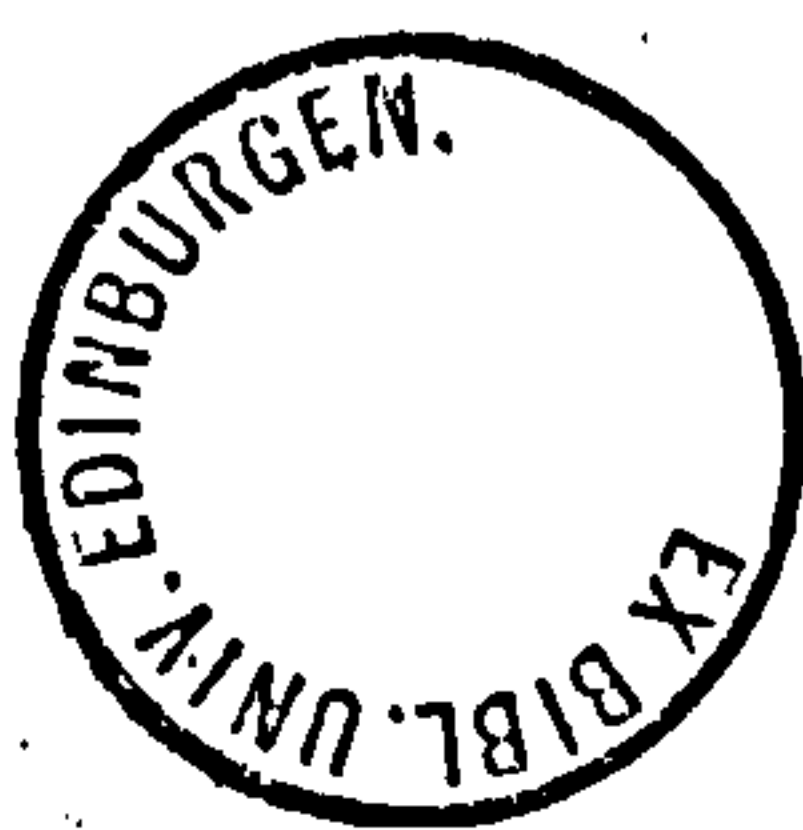
It goes without saying that as far as the successive Dukes of Atholl were concerned, the overriding purpose of estate management was to provide them with enough money to enable them to continue to live in the manner in which an eighteenth-century peer was expected to live. The subject of debts and financial difficulties was discussed in the previous chapter, with the 1730s as the high - or low - point of financial crisis. On 7 December 1735 Alexander Murray wrote from Dunkeld to the Duke of Atholl in London, "I have sent to Mr John Murray an account of pressing demands at this time they exceed a thousand pound of what can be expected of rents and your Graces allowance of four hundred pound."⁵⁶ There is no doubt that Alexander Murray was conscientious, but also little doubt that he was inefficient, for matters were never again as bad after Commissary

Bisset took over.

On 19 April 1742, in the course of his inspection of the estates, Bisset gave the Duke a breakdown of Alexander Murray's financial affairs, showing that the latter had died in considerable debt to his Grace and other creditors; in other words, he did not manage his own money any better than he did the Duke's. In that same letter Bisset wrote that after the cloth market, when there was money in circulation again, he would continue sorting out the Duke's financial transactions, "and I expect we'll make good progress since a little money will go a great length in paying debts in the country when there are so much arrears due to your Grace."⁵⁷ The extent to which the Duke was a creditor rather than a debtor was never brought out by Alexander Murray, but we have already seen from Table 5 the very high amount which could be owed simply in arrears of rent, and there were obviously debts of other kinds as well. Bisset managed matters at that time in such a way as to ensure that outsiders did not realise the true state of affairs, so that Alexander Murray's creditors did not panic, and he arranged for the proper legal action to be taken for the Duke to be preferred to all the other creditors when the time came for settlement. Clearly a truly efficient factor in the eighteenth century had to be a financial and legal expert on top of possessing the requisite knowledge and understanding of the land and people.

It is quite easy to see what successive Dukes got out of their estates, but for our purposes the more important question is what they put into them. In 1759 Adam Smith wrote to John, Lord Shelburne, who inherited the estates of the Petty family in Ireland

We have in Scotland some noblemen whose estates extend from the east to the west sea, who call themselves improvers and are so called by



their countrymen when they cultivate two or three hundred acres round their family seat, while they allow all the rest of their country to lie waste, almost uninhabited and entirely unimproved, not worth a shilling a hundred acres, without thinking themselves answerable to God, their country and their posterity for so shameful as well as so foolish a neglect.⁵⁸

While few of the Duke of Atholl's lands (except forest land) were uninhabited, the overall criticism would certainly apply quite aptly to the 2nd Duke of Atholl (1724-1764). Even more so would Eric Cregeen's remark about the 2nd Duke of Argyll, "Like most men of his rank in eighteenth-century Britain, the Duke conceived of improvement in terms of magnificent building and the development of parks and domainal farm-lands."⁵⁹

The 2nd Duke of Atholl's 'improving' ways seem to have provided a model for at least one neighbouring nobleman, as evidenced by the following from the Earl of Breadalbane at Finlarig, to the Duke of Atholl, dated 21 October 1735: "My Lord I am following your Graces Example in Miniature; at my Farme here, And begs the favour that you would send me your Overseer at Blair for two or three days, to set me in the right Method."⁶⁰ There is certainly no question but that the Duke of Atholl was au fait with the latest in improvement practices. On 5 February 1764 Harrison wrote to John Murray of Strowan, who became 3rd Duke of Atholl later that year

I shall mention how the farm here is intended to be sown this year, Both south fields with Early & Common peese, Both north fields with oats, the Fort land Barley, where the Buckwheat was last year to be sown with Clover & rye grass & the three field at Mile Stone with Turneps drill ways; Wood Land & Hill field for summer fallow for wheat in Septr next, so much for farming here, if you approve.⁶¹

It has been noted that in the second half of the century the demesne was constantly absorbing more lands. When Andrew Wight

visited the area in the 1780s he noted that the Duke's farm was 700 acres arable, of which not more than 120 acres were in tillage, the rest being hay or pasture. He was impressed with the Duke's sheep and cattle, which were specially bred and well cared for.⁶²

As became evident earlier in the Abstract Rentals, it was the 3rd Duke who was the first to look beyond the home farm. Already in 1764, with regard to certain lands which were being offered for sale, he wrote to Mackenzie of Delvine, his agent in Edinburgh

Indeed I have no View whatever to purchase any Land, unless I could gett some within sight of Dunkeld - my business is to pay off Debt in the first place, and if ever I have money to lay out, it will in my opinion be better both for myself & the country to improve the barren Land I am already possessed of.⁶³

Appended to a surviving tack of 1766 is a clause signed by the 3rd Duke promising a two year extension of the nine year tack if the tenant produced written evidence that he had harled his house with lime and thatched it with heather within the first two years of the tack.⁶⁴ Tacks were a very useful way of ensuring that improvements got carried out, as specific conditions could be laid down which the tenant would be legally bound to fulfill. In a surviving tack of 1785 half an acre was to be fallow or in potatoes, clover or turnips yearly over the farm in rotation.⁶⁵ On his visit to Atholl in the 1780s Andrew Wight noted, "His Grace, attentive to have his estate in order, gives long leases to good tenants, and farms in proportion to their stock."⁶⁶

Improvements did not, of course, happen overnight. Some time after our period the 4th Duke looked back on the deplorable state of his lands in 1774, when he had become Duke.

Implements of Husbandry the worst construction. Ploughs used with four

small horses abreast, a man between the centre horses walking backwards to guide the plough from stones. Scarcely a cart but with axle moving round, and with wheels of two pieces of wood - a load seldom exceeding 5 cwt. Numbers of sledges used with a small basket to carry coals &c &c.

No attempts at sown grass, Fallow, Green crop, or any kind of rotation. The only system of ploughing the outfield so long as it would yield even a double of the seed, then leaving it to recover, and seeing it was laid down in grass. The Infield in constant tillage, mostly manured from the roofs of the Houses, or the Flaughter spade - not a Farm House slated, or with any adequate offices - with the average of nine years to run of leases.⁶⁷

One must realise that it was the fashion by then to denigrate all pre-Improvement agriculture. As Malcolm Gray points out, the earlier methods represented an adaptation of available techniques, not only to the physical resources of the area, but also to accepted social purposes (e.g. supporting a large population), and that it succeeded in these purposes more efficiently than later commentators would allow.⁶⁸ What changed most drastically at this time were attitudes toward land use, and by the end of our period 'improvement' was no longer being seen merely as a public spirited and enjoyable hobby but instead as an important means of improving revenues.

There was one aspect of the agricultural system in the 1780s which Andrew Wight did not approve of.

The rent of arable land in Athole may, at an average, amount to 13s.4d. per acre. What in all appearance has produced this high rent, too high in a country where the art of farming is not carried to the height it can bear, is, that the hills adjacent make a great common, to which every tenant has access for pasture in proportion to the extent of his farm.⁶⁹

Wight went on to condemn the practice and to recommend that the tenants be confined to the bounds of their own farms, even if at a

slightly lower rent, which would encourage them to improve the land, while the hills could be let as sheep walks. Looking back on those years from the vantage point of the nineteenth century - by which time he had heeded Wight's advice - the 4th Duke also remarked contemptuously on the system which had operated in his early years

No Hill grasings were let independent of Farms, except the grasing of Fealar, and the other Hill grounds were a kind of general commonty among the Tenantry - in some places even common with other Heritors.⁷⁰

The 4th Duke's attitudes and actions were very much in key with the new attitudes toward the land, which are discussed in Ian H. Adams' thesis, 'Division of Commonty in Scotland.'⁷¹ These major changes were made after our period, so further discussion would be out of place here. However, a booklet published in 1857 about the Highland Clearances, called Donald MacLeod's Gloomy Memories, claimed that the 4th Duke of Atholl had 'cleared' Glen Tilt in 1784 in order to turn it into a commercial deer forest. Based on this source, the accusation was repeated in a letter to the press in 1909 and again in 1931; in 1909 the Earl of Tullibardine, and in 1931 the Duke of Atholl, published long denials in the relevant newspapers.⁷² The number of tenants supposedly 'cleared' was absurdly high, and there was also supposed to have been a connection with recruitment for the Atholl Highlanders (i.e. Glen Tilt tenants refused and were therefore being evicted). There was not a shred of real evidence produced to support the allegations, which were highly unlikely to have contained any truth. Nevertheless, it was certainly the kind of issue which was concerning landowners at the end of our period.

Basically, the new forms of land use - enclosures, sheep walks, deer forests - were all incompatible with a large population, and,

as we have already noted, the problem of displaced tenantry was one which faced many landowners of the period.⁷³ The following document, written in the 4th Duke's own hand on 2 November 1786, is an early indication that his Grace would be regulating the population on his lands in new ways.

Tennents Warned from Nairn Estate

Cottartown)
Letham)
Wetlands)
Kilburnie)

Encouragement held out to any of the tennents in the above farms who follow trades are industrious and have families of three children and upwards the Duke will give them as much ground near Stanley as will be sufficient to erect a house upon with a little garden behind for potatoes the Duke will furnish the necessary wood and give them that and the ground gratis for their prospective lives the neighbouring works [Stanley cotton mill] will give constant employment to their children who instead of being a burthen to their parents will help materially to support them. Any old tenant having no family who can bring proof of his being on the ground 30 years upwards the Duke will assist in building a house and give a small piece of ground to at an easy rate provided he bear a good character Those of the above tenants who are wise enough to see their own interests in accepting the above conditions will give notice thereof to Commissary Bisset that the Duke may give orders about the laying of the ground. Those that do not accept of them will do well to look out for possessions elsewhere as the Duke is determined not to let his lands again in such small farms.⁷⁴

There is still a strong element of paternalism in evidence but also a new spirit of ruthlessness and control not previously found.

Perhaps the one thing which most dramatically improved the lot of the tenantry was not the result of the efforts of either the Duke or his factors. In the previous chapter mention was made of an attempt in the 1720s to encourage tenants to plant potatoes, which apparently

came to nothing. On 22 March 1776 Bisset wrote to the Duke of Atholl, "The Highland Rents have been remarkably well payd this year owing to the high prices of Black Cattle & Linnen yearn, and likewise the Method that the country people have got into of planting great quantities of potatoes which eases them of the former heavy Burthen of buying meall."⁷⁵ This is a very early date for the widespread use of potatoes, and it is frustrating to be given no hint of how the practice originated in this area. It clearly did not come from the factors (and the Duke was not even aware of it, it seems), so presumably some of the more enterprising tenants were responsible for introducing it.

The two themes of paternalism and just dealings, mentioned in the Introduction, have both surfaced in this chapter, as has the theme of gradual change. In spite of continual rent rises in the second half of the century, the early references to real difficulties in paying rents have virtually disappeared by the later period, and one must therefore assume that rent rises were being imposed on tenants able to meet them. For most of the period there is a strong sense of continuity underpinning any changes, and it is only in the last ten years (i.e. the first ten years of the 4th Duke) that tenants could have felt their basic security seriously threatened.

CHAPTER THREE

LIVING ON THE ESTATES

In one of his celebrated Letters from the North of Scotland, Edward Burt, the Englishman who lived and worked in the Highlands during the 1720s, wrote

I shall in Justice, say something relating to Part of the Country of Athole, which though Highlands, claims an Exception from the preceding general and gloomy Descriptions...This Country is said to be a Part of the ancient Caledonia. The Part I am speaking of is a Tract of Land, or Strath, which lies along the Sides of the Tay, a capital River of the Highlands.

The Mountains, though very big, have an easy Slope a good Way up, and are cultivated in many Places, and inhabited by Tenants who, like those below, have a different Air from other Highlanders in the goodness of their Dress and Cheerfulness of their Countenances.¹

As this is one of the few positive remarks about Highlanders which Burt makes in his letters, and as there is no reason to suppose that he needed to curry favour with anyone in Atholl, his remarks must be taken seriously. It is significant that he compared the Highlanders of this area with the Lowlanders, for many of the people he saw on both sides of the Highland line would probably have been tenants of the Duke of Atholl. It has already been stressed that the estate records make no distinction between Highlanders and Lowlanders, so it is of interest that an outside observer found their general state very similar. To such an outsider, then, even as early as the 1720s, it appeared that the men and women who lived in Atholl were better off than in other parts of the Highlands.

The paternalist nature of the system has already been noted. When Thomas Pennant travelled through Atholl in 1772 he noted that the tenants were encouraged "in manufactures and rural economy". He

went on

The ladies promote the article of cleanliness among the lower orders of females by little praemia: for example the Duchess of Atholl rewards with smart hats the ladies who appear neatest in those parts, where her Grace's influence spreads.²

The idea of Highland women sporting 'smart hats' may strike the modern reader as somewhat incongruous, but in the context of the period it must surely be seen as a commendable willingness on the part of the Duchess to involve herself personally in the betterment of the Atholl people.

Getting to know more about these people is difficult. Estate records were concerned with income; vassals, tenants and wadsetters were of interest only insofar as they contributed to that income. Nevertheless, by means of casual remarks in factorial correspondence, by a few surviving Inventories, tenants' petitions, and other miscellaneous items, it is possible to get at least some kind of picture, however fragmentary, of the tenantry.

It is surprisingly difficult to get accurate information even about the landowning class in eighteenth-century Scotland. Loretta Timperley's Directory of Landownership in Scotland c1770 is a gallant attempt, but her entries for Blair Atholl unfortunately do not tally with the information available in Atholl sources.³ One of the few reliable ways of determining landownership in a particular parish occurs in presbytery records. When a church required repairs, each heritor would be assessed by his proportion of the complete valued rent of the parish. Lists of the heritors of Blair Atholl have been extracted for the years 1744 and 1781, and these are reproduced as Appendices 6A and 6B (Vol.II, p.25). It will be noted that the highest valued rent of anyone other than the Duke of Atholl was

Robertson of Lude, and his rents were worth only about a quarter of the Duke's.

Most of the heritors - including Robertson of Lude - actually held their lands of the Duke and were therefore his vassals.

According to the Chronicles, in 1723 Atholl vassals were 112 in number, of the following surnames⁴

Stewart	31	Small	3	Farquharson	1
Robertson	27	Fleming	2	McArthur	1
Ferguson	7	McGillavie	2	McDonald	1
Murray	5	McIntosh	2	McDougall	1
Campbell	4	Rattray	2	McGlashan	1
Butter	3	Reid	2	McImriy	1
McKenzie	3	Spalding	2	McIntyre	1
McLaren	3	Balneavis	1	Mercer	1
Menzies	3	Cuthbert	1	Nairne	1

As their superior, the Duke had the right to exact certain services from his vassals, and early in the century, before these were commuted to cash payments, he certainly did so. The following was a circular letter sent to those vassals whose presence he desired for a meeting of parliament prior to the Act of Union.

Dunkeld June 23, 1705

I intend, God willing, to go from this on Monday next to Edinburgh to the parliament to serve my country, for which there is so great need. I desire you will come here against two a clock in the afternoon that day to accompany me there, which will be a favour to Etc.Etc.

ATHOLL⁵

The Inventories of two Highland vassals, Alexander Robertson of Faskally and David Stewart of Kynachan, have survived, and these offer a good deal of information on the living standards of a Highland gentleman in the eighteenth century. They have been transcribed as Appendices 7 and 8 (Vol.II, p.27). Robertson of Faskally clearly

lived in very great style indeed. An interesting fact which emerges from his testament, and also that of Stewart of Kynachan, is that this was still the pre-'domestic revolution' era in Highland Perthshire. That is made clear by the relatively high expenditure on beds, and by the large number of chairs to be found in each bedroom. In other words, the distinction between bedrooms, used purely for sleeping in, and public rooms for entertaining in, had not yet been made.

Another interesting example of social history which occurs in Faskally's Testament is the extraordinary number of sheets listed, as well as table linen (the total number of table napkins was 188!). This was not uncommon for the period: William Mackintosh of Balnespick in Inverness-shire listed 22 pairs of sheets and 21 tablecloths in his account book on 10 February 1770.⁶ A fact which emerges from Kynachan's testament is that selective breeding of cattle was not yet taking place, for a bull was valued at only £18 Sc.

Margaret Sanderson has recently examined the lands which were feued by the kirk during the sixteenth century. In certain areas of Scotland the feus were not for large portions of land but for farm-touns or portions of farmtouns on which the tenants already resided. She mentions that small feuars of this kind were particularly common in the Perthshire valleys just south of the Highland line.⁷ In our period we find that one of the Atholl estates in that area, the Ochils, was held almost entirely by such small feuars. For example, the Mill of Glendoven (Glendevon) was feued out in two halves, one of which was held by John Pearson. In 1715 the Duke of Atholl ordered an inspection of all the charters, and the note under John Pearson reads as follows

Produced a precept of Clara [Clare] Constat granted by His Grace the Duke of Atholl for Infesting him as Heir to John Persone his Grandfather in the Half of the Miln of Glendoven, and Multers thereof: With that piece of Ground lying frae the Water of Glendoven up the Miln-burn, with the Pastorage of Two Cows, a Mear, and a Summ of Ews on the Bordland with the priviledge of Peats Truffs Fail & Dovets [divots] on the said Bordland HOLDING few of His Grace for payment of Fiftie Merks Scots money, One shilling more a Wedder, and six poultrie of old Few Farme, and Twelve penies Money foresd of augmentatione, Fourtie Merks at the Entery of each Heir: Ten Merks for the Herezald: Suit & presence at the Head Courts to be holden at Tullibardine or Huntingtour; Serving at Hosting, Hunting and other Honourable Occasions And paying the publick Burdens⁸

A future Pearson, probably the grandson, can be found in the Commissary Court records. The Inventory of William Pearson, Portioner of Glendovan Mill, who died in 1755, reads as follows

Imprimis Twelve peuther trenchers twelve shillings Item a Pott and two Kettles seven shillings Item some timber dishes one shilling and two pence Item to a Chimney thirteen shillings and four pence Item a Sped, goose [smoothing iron] and pair bowls four shillings and two pence Item for a cart & sledge four shillings Item four chairs and one stool three shillings Item the top of an old Table, an old Chest and a little wheel and chack reel four shillings and three pence Item five pair blankets and two Cods and bolsters and a ticken bed ten shillings and sixpence Item a pair Sods and Old Coal Seck six pence Item a Grape [garden fork] and shivel six pence Item a Bed sixteen shillings and eight pence Item another Bed three shillings & four pence Item a chest and amrie [cupboard] twelve shillings and six pence Item five Bottles eight pence Item a Horse two pound fifteen shillings Item a cow two pound fifteen shillings all Sterling money Suma Ten pound twelve shillings and seven pence⁹

In a recent article Ian Whyte looked at social structure in early modern Scotland.¹⁰ The problems which he faced in finding clear distinctions at lower levels of society can also be found at

the level of feuars. The Ochil feuars held their lands of the Duke of Atholl and were therefore his vassals, but a comparison of Pearson's inventory above with the inventories of the Highlands vassals (Appendices 7 and 8) makes it clear that the blanket term 'vassal' concealed enormous variations of wealth and status.

In the last chapter reference was made to the Duke having difficulties with his vassals. It would certainly appear from factorial correspondence that feu duties were always harder to extract than simple rents. A different complaint was made by Bisset during his tour of the estates after the death of the inefficient Alexander Murray. On 20 June 1742 he wrote, "I find your Graces property hath been everywhere much encroached upon by the neighbouring vassalls who have overawd the tennents that they never informed."¹¹ With Bisset in charge this was rapidly put right.

In 1700 the Ochil vassals were called before the local Baron Court for non-payment of wedders.¹² However, a far more serious, indeed traumatic, disagreement broke out in the spring of 1717 when, in accordance with an Act of Parliament, the Duke endeavoured to commute all of his vassals' services into cash payments. On 6 May of that year the Duke wrote to Lord James Murray from Logierait (seat of Atholl Regality Court) to say that he had come there to meet with his vassals. The latter were to name arbiters to determine what they should pay for their commuted services. However, instead of doing so they had presented the Duke with a memorial, "full of scandelous reflections on my predecessors & more on my self."¹³

On 23 May the Duke wrote again to his son

I have been so harrassed & fatigued by some of my undutiful vassals that I have not been able to write either to you or any one els. I have been neare 3 weeks past in Dunkeld & Logierate treating with

them as the Act directs for an annual dutie in lieu of their services of hosting hunting watching & warding, & their personal Attendance, But to no purpose, for besides the scandalous Memorial they have presented to me, a copie wherof is inclosed, they have entered into a bond of association to stand by & suport one another in this affaire & al other causes whatever.¹⁴

A non-participant, McPherson of Killiehuntly, attempted to act as mediator, meeting and speaking with the vassals, and attempting to persuade the Duke not to cite all of them indiscriminately before the Sheriff Court.¹⁵ Not surprisingly, in view of the bitterness engendered, the affair dragged on into the following month, and the Duke was even contemplating summoning the vassals before the House of Lords. However, from the Sheriff's letter to the Duke it would appear that the vassals had been ill-advised by their lawyers and were legally in the wrong; presumably once they discovered this they backed down, for there is no record of any legal proceedings, and on 27 June 1717 the Duchess of Atholl wrote to her son that four of the leading rebels had signed a submission for the value of their personal services.¹⁶

A new cause for contention arose later in the century, this time confined to the Ochils. On 12 March 1769 Bisset wrote to the Duke

I mentioned to your Grace and Mr Mackenzie [Duke's Edinburgh agent] the state of the wedders payable by your Ochil vassals, and how they have been converted in the rentall only at 5/10d for several years past, But as they are by their charters bound to deliver them good and sufficient in kind either at Tullibardine or Huntingtour at which they did in former times; I intimated to them last year to deliver them hereafter in kind or pay a higher conversion, because they received ten shillings and upwards for such wedders as they sold nowadays. Solsgirth has paid me eight shillings for his wedders being the price that Mr Rutherford and I conserted as a medium, and I

expect Baillie Alison your wine merchant and some others will do the same, But there are some of them that stands out, when Mr Mackenzie comes here I shall advise with him how to proceed in the matter. I see no reason why your Grace should not have your own from those gentry that get such great bargains off your family.¹⁷

Certain vassals continued to resist, and these vassals were finally summoned before the Baron Court of Tullibardine. By this time Bisset and the Duke had decided not to accept payment in kind, as the wedders and poultry had often been offered "when insufficient". According to the record of the trial (which covers some twenty-seven handwritten pages), the vassals continued stubbornly to insist on the old conversion rates. Witnesses were called regarding current prices. There can have been little doubt about the outcome, and in the Decree of 22 July 1771 the Baron Baillie found all of the defenders liable for payment at the new conversion rates.¹⁸

As the vassals' lands were held in perpetuity and passed down from father to son, it is easy to trace continuity, but what about the tenants? Table 1 below shows the names extracted from Tullibardine rentals for a selection of farmtouns.¹⁹ Arrows indicate that the same name appeared again. In 1742 Lord George Murray augmented all of the rents, and as can be seen, many of the farms changed hands at that time. While overall there was not a great deal of continuity, the table shows that it was possible for a farmtoun to remain in the possession of a single family: both West Third and Middle Third were held by Hallys for the whole century.

In the Highlands the situation is complicated by bureaucracy. Under the traditional system a man would be clearly identified by his patronymics and a line of descent would be easy to trace. English-speaking bureaucracy did away with such means of identification. In addition a number of obscurer surnames which were

TABLE 1 TULLIBARDINE

—————> Indicates no change

	<u>1688</u>	<u>1694-7</u>	<u>1704</u>	<u>1742 pre-augmented</u>	<u>1742 augmented</u>	<u>1765</u>	<u>1783</u>
<u>East Hill</u>	James Aedle	—————>	—————>	William Fran	—————>	John Fran	William Fran
<u>East Thlrd</u>	Robert Aedle John Goutall	—————> Jean Robln	—————> Andrew McLaren	Edward Halley'	John Sinclalr	—————>	—————>
<u>West Thlrd</u>	William Haly James Richardson	—————> ? (Richte)	—————> ? (Richard)	John Halley (not given)	—————>	—————>	—————>
<u>Middle Thlrd</u>	John Haly	—————>	—————>	(not given)	Edward Halley	Widow Hally	J. Hally & J. Gilbert
<u>Western Newtown</u>	William & George Malcom	John Lutfutt	Elisabeth Dugalrns	William Fran	James Fran	John Lawson	—————>
<u>Blairkeath</u>	John Raeburn	—————>	John Gardner	In Lord George's hands	—————>	Andrew Brydle	—————>
<u>Laverockland</u>	William Miller	James McGibbon Donald McJames	James Murray	John Duncan	William Falchney (not given)	John McIlwhand &c	
<u>Kirkton</u>	William Ferrler James Hepburne Janet Hutson(?) James Rutherford Auton(?) Balby(?) John McLeish Laurence Murray Thomas Sinclalr Catherine Drummond	—————> Janet McCrew(?) Isobell Hetherwic Rot. Ruckart David Haly —————> John Anderson Al; Menzies	—————> Margaret Cobler —————> Patrick Gibson —————>	John McGibbon Isobell Gardiner William Reoch John Lutefoot Elizabeth Fran Hellen Bell Agnes Miller Margaret Bayne	—————>	(not given)	Archd. Menzies

TABLE 2 BRAE LANDS OF FASKALLY

	<u>1700</u>	<u>1778</u>
<u>Craigvagaltie</u>	Margaret McCollie Alexander Manach	John Robertson
<u>Bruchriach</u>	Ewan Moir McCollie James McKaik John McKilliechere	Alexr Robertson William Stewart
<u>Clunes</u>	Alexander Robertson Charles Robertson (brother) Donald Monich William Doulich	Alexr Stewart Donald Ferguson (Pat Mannoeh weaver)
<u>Calvine</u>	Patrick Robertson John Robertson Donald McFarlane John McCoil vic Eulay Duncan Robertson McJames baine Angus McDonald Vic Innes Vic Eulay Donald McInnes Vic Eulay	Duncan Robertson Angus Robertson Donald McMillan John Robertson Widow Stewart
<u>Shervail</u>	John McEulay James McCondich	Alexr Robertson James Ferguson
<u>Pittagowan</u>	John Robertson of Pittagowan Angus his son John Gordon alias McVers--?- Alexander Roy McKillichrist Alexander McFarlane Alexander McGlashan	David Gow Alexr McGlashan Alexr Robertson Widow Stewart Donald Robertson Alexr Gow Donald Robertson John McFarlane Junr John McFarlane Senr
<u>Pittaldonich</u>	John McGlashan Paul McGlashan Donald Monach Donald McGlashan James McGlashan	Donald Robertson John Robertson Alexr McDonald John Stewart
<u>Calbruar</u>	James McRobie Donald his son John Ferguson John Bain McFarlane Donald his son Alexander McKilliechrist	Alexr Stewart Alexr Gow

difficult to spell or pronounce without knowledge of Gaelic were subsumed under the names of Robertson and Stewart. Table 2 above shows this process at work. For 1700 it would be easy to work out for the farmtoun of Calvine who was the father, son and cousin; in 1778 it is impossible to know whether any of their descendants

were still on the land. In Clunes in 1700 there was a tenant by the name of 'Monich', an obscure surname which virtually disappeared among the tenantry later in the century. However, in 1778 there was a man of the same name - listed as a weaver and not holding any land - still on that farm.²⁰

Table 3 shows names extracted for a selection of farmtouns between 1725 and 1778. An earlier document with the names of the residents of Blair is the Hearth Tax List of 1694. This is reproduced as Appendix 9 (Vol.II, p.33). Unfortunately, the names of the farmtouns are not given, so a further link-up is not possible. The fact that a Blair rental has survived for each of six decades does at least mean that it is more feasible to look at continuity and change there than elsewhere.²¹

In an examination of physical mobility on a Ross-shire estate, R.A. Gailey found a good deal of change: on one farmtoun over the period 1735 to 1766 he counted a minimum of 47 changes over the 32-year period.²² It would not be possible to quantify the evidence for Blair in this way, because of the overwhelming predominance of the names 'Stewart' and 'Robertson' and lack of further identification in most cases. It seems likely that the McLauchlans on Drumnabechan, Richies on Balnuaran, and McLauchlans on Dalginross were families retaining possession of the same farmtoun, though only the last of these was in the same place throughout the 53-year period.

Using a continuous series of rentals for four contiguous baronies of the Panmure estate, Ian Whyte calculated that for the period 1650 to 1714 the mean length of tenancy was nine years.

TABLE 3 BLAIR ATHOLL.

—————> Indicates no change

	1725	1735	1742-3	1751	1760	1778
<u>Blair Wachtler</u>	Robert Stewart Alexr Stewart John McClashan John Stewart Neill Stewart	—————> —————> —————> Duncan Stewart Donald Stewart	—————> —————> —————> —————> bankrupt, succeeded John McClashan	—————> —————> —————> Senr Alexr Stewart Junr John Stewart James Stewart	—————> —————> —————> —————> —————>	—————> —————> —————> James Stewart John Gow Alexr Moon James Stewart
<u>Balnaran</u>	Donald Stewart James McMillan Duncan Moon	John Gow Duncan Ritchy	—————> George Ritchy	Duncan Robertson George Ritchy	Duncan Moon	—————> Duncan Ritchie Widow Ritchie
<u>Drummacreech</u>	Robert Stewart (wadset)	Alexr Stewart Donald McIntosh James McIntosh	John Stewart Donald Stewart James Murray	John Stewarts Widow James Gow Duncan Moon	Donald Stewart James Stewart	—————> John McClashan Junr John Stewart
<u>Croftcromble</u>	Donald Stewart	—————>	Alexr Gow	Donald Robertson Donald Forbes	—————> —————>	—————> Donald Stewart
<u>Innerslanie</u>	Alexander Stewart	James Stewart	Patrick Stewart (son to Donald late possessor)	—————>	Charles Gow	—————> James Gow
<u>Achmarkmore</u>	Alexander Stewart	James Stewart	John Stewart (son to Innerslanie)	John Stewarts Widow	Patrick Stewart	Malcolm Stewart
<u>Achmarkbeg</u>	John Stewart Neill Stewart	—————> Donald Gow	Donald Stewart	—————>	—————>	George Stewart

TABLE 3 CONTD.

<u>Craigderg</u>	<u>1725</u>	<u>1735</u>	<u>1742-3</u>	<u>1751</u>	<u>1760</u>	<u>1778</u>
Alexr Steuart John Mcbeath Alexr Robertson	John Steuart (son to Innerlany)	William Stewart (Pittinacy's brother) William Stewart (Dalvorist's brother) Robert Robertson	William Stewart James Robertson	John Robertson Archd. McBea	Widow Stewart	
<u>Dalclachalr</u>	Thomas Steuart	John Steuart (son to Innerlany) John Forbes	Thomas Stewart	Widow & Heirs of deceast Thomas Stewart	John Robertson	
<u>Drumabechan</u>	Fergus McLauchlan Duncan Campbell	→	→	→	John Campbell	Donald Fergusson → John Stewart James Stewart
<u>Dalginross</u>	Fergus McLauchlan Alexr McLauchlan James McLauchlan Andrew Tais Relict Kispeth Shaw Isobell Cuthbert	→ John McLauchlan (brother)	→	→ John McLauchlan	James McLauchlan → Donald McLauchlan Patrick Stewart Duncan Stewart	Alexr McLachlan → Robert Stewart John Ritchie
<u>Little Lude</u>	Laird of Lude (wadsat) Duncan Robertson Younger	Duncan Robertson Elder	Fergus Fergusson Alexr Stewart	→ → Patrick Robertson	→ → →	→ John Stewart John Stewart

However, he found considerable variability, with some completed tenancies of very short durations and others for really long periods. He concluded that "elements of both stability and mobility existed within the tenantry, some farmers occupying the same holding for a substantial part of their working lives while others held land on the estate for only a brief period."²³ Lacking a continuous series of rentals it is not possible to break down the information on Blair to that extent, but the table certainly does suggest that Whyte's conclusions would apply to this area as well. (He does not go into the matter of sons continuing to occupy the same holdings as their fathers.)

Every once in a while a tenant emerges as a real individual in the factorial correspondence. For example, on 10 December 1739 Alexander Murray wrote to the Duke

I omitted in my last to acquainte your Grace that on my return from Edinburgh I call for David Kelty your Graces tennent in the park at Falkland and I found out old timber sufficient to mount his barns without the necessity of cutting a tree I found him so well beloved of his neighbours that they were taking from him a good many of his catle to winter them for him He said he was very much obliged to your Grace for your concern about him and particularly in offering him a liferent tack That he had the same reason still for craving a tack for so many years as he had befor the misfortune happened him tho he is but a young man yett as life is uncertain if it please God to call for him immediatly after he had rested a great part of his possession and brought it to heart it would be a great loss to his wife and children...²⁴

Another favourable mention of tenants occurs in a document titled 'Proposals and Agreements with Tenants' and is dated 27 May 1758.

Widow McInroy and her sons the present possessors of Balledmond who have brought that town by their Industry and Dilligence from a very Bad to a good possession Hearing that others have given in

proposals for dispossessing them at the expiration of their tack Entreats that My Lord Duke may give themselves the first offer as they are punctuall payers of the rent and services, They are willing to augment the rent a guinea yearly upon getting a new tack for 19 or 21 years and begs to be heard in case any other offers more.²⁵

Inevitably, however, there were other tenants who emerge from the correspondence in a less appealing light, as in the following letter from Bisset to the 3rd Duke, dated 3 February 1765.

The fact as to James Pearsons petition, is, that he was given up by Mr Harrison for £74 of arrears due Novembr 1763, that tho' I creaved him myself I dare say fourty times and sent James Duncan to him I don't know how often, he disregarded us, This being the case, I found that there was nothing for it at last but the aid of law, and after chargeing & threatening to poynd him, I could never get a clearance of this arrear 1763 till the 7 Janr 1765, when in place of £5 costs which he is pleased to sett forth in his petition he actually did not pay a farthing but 15 shillings to the Messenger for executing the Dilligence. He is remarkably known to be a fellow of an infamous bad character, and my predecessor was oblided every year to force payment in the very same manner that I did, which is notourly known. Your Grace may remember that this same James Pearson sometime in August last, told your Grace a very plausable story, that I had demanded payment of this arrear before it was due, Whereas in fact it was eight months after his term of payment.²⁶

On all large estates tenants had the right to petition the laird directly, a necessary safeguard against oppression by factors. On the Atholl estates it would appear that occasionally an unscrupulous tenant, realising that the Duke lacked personal knowledge of the facts and was therefore likely to be more indulgent than the factor, would take advantage of his right of direct appeal. The factor would then be put in the uncomfortable position of having to put right his employer and superior. The following letter - quoted in full - from Bisset to the 3rd Duke, dated 5 September 1769, is a good example of

such a situation, and also demonstrates admirably the factor's intimate knowledge of the tenantry and his way of managing them.

My Lord Duke I received the honour of your letter last night and I shall attend to the particulars thereof, meantime that your Grace may be prepared to speak to the Nairn tenants allow me to tell you how the matter stands

I see John Foggo has been at Atholl House, your Grace will see by what is marked on the inclosed slip with your own hand how far he was deficient last year and has been so all along, does not mend but grows worse and worse, so that I suspect your Grace will in the end loose by him, he owes every farthing of his rent 1768 being £35-6-4 besides eight bolls meall to the poor of this place who are in the greatest distress wanting it his possession which is a good one and is by all accounts gone to ruine, he has a young fellow a son who I am told is upon the graceless order that stays in the farm with him.

The other man John Miller that petitioned your Grace is poor and has been so, consequently an indifferent payer and his land and houses in bad order.

I was so provoked to find so many deficiencies the last collection that by way of a spurr I ordered a summons for every individual, I find the summons with Big Words has had a good effect upon some and made them come in. I did not intend to carry the summons to extremity at least for some time, but they do not know of this or it would slacken their dilligence, wherefore if your Grace was to indulge those two all the others would be upon you of course and overturn all my schemes of bringing them forward which is doing them reall service - however if your Grace pleases as Miller's poor may give him a delay for ten days only and if you choose may allow him twenty shillings provideing he pays in that time - there is a necessity of looking sharp after Foggo and that your Grace speak to him in earnest and that you give me pressing orders about him and the rest in arrears publickly in their hearing, for it is a chance if severalls does not come to you seeking a delay - I wish you would think of getting ridd of some of the bad ones.

To show your Grace a recent instance of the effect of your indulgence - in spring 1768 I was informed that one John Young was

not able to sow the ground and that if I did not look sharp the ground would lye lee, I went to him and found it to be true, I desired him to find caution or that I behoved to let the neighbours labour and sow the land in order to secure the rent. At length when all the country were sown and none of his ground plowed I made some of the tennents begin to labour, he came with a pityfull grimace to your Grace, out of your clemency you was pleased to indolge him, and now he has not a groat to pay that year's rent 1768 you will loose every farthing of it - this spring he of his own accord gave up possession by write under his hand and the neighbours have laboured and sown the ground - I am affraid I have gone too far and encroached upon your Grace's patience with this disagreeable subject but one thing brought on another and spun it out this length.²⁷

On 31 October Bisset was again writing to the Duke about John Foggo.

After my last collection at Nairne I threatend him and the rest in arrear with Bigg Words in expectation of squeezing payment upon the back of which he and some others went to your Grace wanting a respite no doubt, which was given them; he told me on his return that your Grace was very kind to him, and that Mr Harrison had promised to inclose a piece of ground to him, my answer was why was he silent all this time, why did he not get him to do it, before he left this, and that I did not believe a word of it unless he could show write for it. Then he sayed that Tullybelton tennents and your Graces were encroaching upon him, I desired him if he was sure that it was so, to keep them off and if they woud pursue him he woud be protected - Since that time I sent him severall civill and pressing messages to pay his rent cropt 1768 but to no sort of purpose, at length my patience being run out and put to it for mony myself I desired James Duncan the other day to give him a charge upon a standing horning that I was forced to get out against him the other year and now your Grace sees that he wants to fight us at Law and withhold his rent on frivolous pretexts that never was heard of before - It is showing a fine example to the rest - The man I now find is desperate in his circumstances and his son a drunken coxcomb and so he hopes of mending - he now ows you his rents for 1768 and 1769 being £35

and 8 bolls meall to the poor yearly which by all accounts he will not be able to pay

Your Grace may do what you please but if the lease was mine I would immediately roup his possessions to the best bidder and without loss of time recover from him all that can be got by the aid of law - for my own part for severall years I indulged and pleaded for him, but now that he wants to frighten me with the law I humbly think he ought to be made an example of, and some others too, otherways your Grace will see the consequences - I know your Grace will forgive me for telling my mind when it is in the way of my duty.²⁸

I do not know if Bisset's suggestion was taken up or not, but in 1763 the possessions of an Atholl tenant who died in debt, Donald Stewart of Shenavaill, were indeed roused (auctioned), and the list of his possessions which appears in the Commissary Court records has been transcribed as Appendix 10 (Vol.II, p.36). It is rather sad to find Stewart's widow buying some of the items being auctioned off. This raises the (unanswerable) question of what actually happened to the widow in such a situation; presumably she became eligible for poor relief.

It will be noted that Stewart did have a good number of personal possessions and by inference, therefore, a very reasonable standard of living. It is unfortunate that no such testaments have survived for Atholl tenants much lower down the social scale. A few testaments of this nature have survived for the Argyll lands, showing an extremely primitive standard of living, but there is simply no way of knowing how well or badly off the mass of Atholl tenants were.

An extract from one final factorial letter, this time about a prospective tenant, was written by Stewart of Urrard, factor for the Highland estates, to the 3rd Duke, on 18 February 1771. It is of interest for what it reveals about the incomer as an individual and for what it reveals about social mobility. Also of interest is the

attitude toward Highlanders expressed both at the beginning and end of the letter. It appears to be one of contempt, which seems surprising since Urrard was a local man himself (albeit 'gentry'). Perhaps it was simply that Highlanders did not normally possess the necessary skills or experience to run an inn.

The inclosed proposalls for the publick house at Blair I sent your Grace, by John Stewart Butler to the Earl of Morton by the man's appearance he may do very well even suppose he is a highland man, he has been 18 years in Service and for the last 10 years principall Servant in every family he was in, by which means he has saved some little money about £200 he tells me and is to be married to a girl very fitt for keeping a publick house. She is English and has very good skill of cooking & house keeping. He seem's to think that they would please Your Grace very well as to keeping the house neat & clean & haveing things in order, but insists as Your Grace will see by his proposalls that the house be put in thorow Repair which it certainly has much need of all which will make a great Deduction of rent tho I am positively certain no body will give more...He says he is to get £100 with the girl he is to marry, so that he will have some little thing to begine with, he is a Tennants son of Your Grace's, & Brother to Donald Stewart in Blairuachter to whom your Grace gave 19 years Tack lately for his haveing improved his possession - his being a Country man to be sure is no Recommendation but I am really of opinion by the fellow's method of talking he may do well enough. I beg your Grace's answer in course if approved of he is to go to London himself to buy furniture such as feather beds, Blankets, Chairs, Tables &c which he can get much better & cheaper than in Scotland.²⁹

The right of tenants to petition directly to the Duke was mentioned earlier. This kind of document allows the real voices of the tenants to be heard, albeit in a formal and circumscribed way. Although a number of these tenants must have been illiterate and would have had to obtain the services of someone else to draft their petitions, nevertheless one often gets a genuine impression

of a personality as well as information about social conditions and attitudes not found elsewhere. At the same time one also sees how the Duke dealt with his petitioners.

The following petition is a vivid example.

Petition by Robert McFarland to the Duke of Atholl 1726

To Ane High and Mighty Prince James
Duke of Atholl The Petition Address
and Supplication ----- McFarland
son to Robert McFarland Craigyvarr

Humbly Sheweth

That where your Graces Petitioner has laboured more than these twenty years bygone under sore and tormenting troubles and afflictions, have his body, arms, sydes, hands, and legs, full of running Boills and which are still putrefying and consumeing with Vermine. And yeeld such a smell that every person abhoars to come nigh him or suffer him to lodge in their Houses, And which is every day turning worse, so that his person is almost spent to the verry bones And which circumstances of his has reduced him and his Aged Parent to the greatest poverty, In maintaining and provideing for him in that sad and miserable condition, All which was formerly represented to your Grace by way of Petition, whereupon your Grace was pleased to bestow upon your Petitioner a small quantity of meall for his supportance in the mean time, Since which your Petitioner has laboured under the greatest hardships and poverty, Being scarce able of himself to go from Door to Door to begg his Bread, without the greatest Difficulty and is just now on the starving hand, And ready to famish with Hunger and Cold, which is still added to, and makeing worse his condition, which has already arrived to such a Hight, that he appears in every persons Ey's to be most vile and hatefull, and the greatest object of charity, By all which your Grace may easily perceive your Petitioners Miserable and Despicable condition, and his deplorable and claimant exigences and necessitys to which he is reduced, which has obliged him readress and supplicate your Grace, Most Humbly Begging

That it may please your Grace out of
your wonted charitable frame and
disposition to bestow upon your

Petitioner such a quantity of meall
weekly from time to time as your Grace
shall think fitt, for his maintenance
and supportance under his miserable
stand and condition so that he may not
be any further troublesome to your
Grace & he shall while he liveth most
Earnestly pray &c

Dunkeld September 17th 1726

My Lord Duke allows the Petitioner half a boll of meall out of
charity, this by His Graces orders is signed by yours

Ja. Murray³⁰

Obviously the Duke did not automatically grant the desires of every petitioner. Even if he was not personally acquainted with many of the tenants, he did have factors and others on the spot who, as we have already seen, were perfectly able to advise him of the genuineness of any appeal. But even without this inside knowledge it is surprising just how much can come across in a petition. In the one quoted above the petitioner certainly appears to have been a real object of pity, and the reader's sympathy is aroused. In the following petition, though the man had clearly been very unfortunate, the tone is unpleasant; the Duke's reply, which is not unmerciful but is undoubtedly a far cry from what the petitioner hoped for, is likely to appeal to the reader.

Petition to the Duke of Atholl by John Stewart 1744

To an high and mighty Prince James
Duke of Athol &c The Petition of John
Stewart late of Cloichfoldich now
living poorly in Logyreat

Most humbly sheweth

Whereas the Petitioner being with other Cautiomer in suspension at the Instance of Joseph Watson his Father in Law against Mr David Ramsey of Lethendy for the principal sum originally of no more than

300 Merks Scots, which by a long continued Law Process did at last amount (accumulating Annualrents and Expences) to seven thousand Merks, from the Payment of which the other Cautioner being in the Nation, got free by Law, and the whole lighted heavily on the Petitioner by Reason of his Absence out of the country. Mr Ramsey taking advantage thereof adjudged his Lands, yet upon the Petitioners return he offered to compound the whole for two thousand Merks: but having soon altered his mind, and at last did for the sum of four thousand Merks give up his Rights to his Grace the late Duke of Athol, who over and above that sum pay'd a thousand Merks of the Petitioners Debts; Thus the whole advanced for the Lands amounted only to five thousand Merks; but his Grace selling it to James Robertstone of Ballnacree got nine thousand Merks for it, and he selling it to another got ten thousand Merks, and a third purchased it from him at twelve thousand Merks. Whence it is evident his Grace had four thousand Merks of real Gain in the first sale, for which the Petitioner to this Day received no Allowance but the Possession of an House in Logyreat: and even that in consideration of his Wifes Infetment on her Contract of Marriage for an annuity out of these Lands: which House is now ruinous and ready to fall, the Petitioner by Reason of his Age and Inability to keep servants not being in condition to keep it up; and must be exposed to the open Air and Beggary unless prevented by present Relief.

May it therefore please your Grace to reflect that the Petitioner was only a Cautioner much wronged in his Absence; and what advantage his Grace the late Duke of Athol made by his Bargain with Mr Ramsey; and exercise that compassion which is natural to you by granting what Reason may reckon just, for affording some subsistence to your poor old Petitioner; that he may be in a Condition to leave a ruinous House and live with his Wife in a more convenient Habitation, and your Grace's Petitioner shall ever pray for all com-

fortable Blessings to your illustrious Family

Octr 18 1744

The Commissary has orders to see the House repaired

ATHOLL³¹

Three other petitions of interest have been transcribed as Appendices 11a, b, and c (Vol.II, p.38).

We have discussed vassals and tenants (and wadsetters briefly in the previous chapter), but a large percentage of those who lived on the Atholl estates did not belong to these categories but to the category of servant or cottar. As these people did not pay rent to the Duke they do not appear on estate documents; one can see why Ian Whyte terms all those below the level of tenant as "almost shadow people". According to Whyte, cottars were not usually paid directly by the tenants, but would be granted a small portion of arable land and grazing, as well as a cot house and kale yard, in exchange for their labour.³² Margaret Sanderson defines the social position of cottars as agricultural labourers with a tied house, working for the husbandman or directly for the landlord. Malcolm Gray decided that the best definition of cottars was a negative one. "The people of this class had no firm position in society, no fixed occupation, no definite tenure of land; they were not specifically farmers, wage-earners or independent craftsmen, but sometimes all at once."³³ The veracity of this statement will be borne out below.

Not surprisingly, cottars rarely appear in factorial correspondence, not even collectively, though after the Forty Five, when Lord George Murray's family had left Tullibardine, Bisset wrote to the Duke, "It will take some pains after your Grace comes to the country to settle the Barony of Tullibardine, a great part of it being set in pendicles to cottars and workmen who were in use to

pay their rents to Lord George by their Work, and as they have been out of business these two years past they are little better than starving."³⁴

In 1748 there are references in factorial correspondence to cottars in Inver. It appears that the tenant, James Johnston, had to give up the cottar houses there, and the Duke was advised by his factor, Humphry Harrison, that the cottars could either be removed at the following Whitsunday, or allowed to continue as tenants of his Grace. Harrison suggested that the latter course was probably best as the rent the cottars had paid to Johnston was double what Johnston had paid to the Duke for the houses; a second letter makes it clear that the cottars did remain as tenants of the Duke.³⁵ This is of interest in showing that cottars did in certain instances pay an actual rent to the tenant; it could also be seen as an indication of social fluidity when 'cottars' could so easily be transformed into 'tenants'. In reality, however, the Census of 1778 shows all of the inhabitants of Inver still as cottars, none of them holding any land, though one of them, a vintner, had three servants of his own.

Cottars are mentioned as a group in the Lude Barony Court records on 7 March 1738.

It being represented to the Baillie that there are a great many Cottars who live in the ground who pay no acknowledgement to Lude notwithstanding they destroy his grass & much of his mosses in digging of peats & of his ground in casting turf & divots wherefor the Baillie ordains each Cottar within the Baronie of Lude to pay immediately a Rick henn, one day to cast peats, one day to wide lint on the ground, one day to sheare in harvest & one day to press Lint and that to be continued yearly and it is hereby ordained by the sd Baillie that all the respective Tennents who keep Cottars shall be lyable for the performance thereof when required thereto.

However, the above clearly did not put an end to the problem of

cottars, for on 23 February 1751 the following appears in the Lude Barony Court records.

Whereas it is evident that the harbouring of so many coatters within the Barrony is very prejudiciall to the Heritor as well as to the Tennents themselves by their picking and stealling Feull kaill and many other things Therefore it is enacted that from and after Whitsunday next no Tennent shall harbour or give residence to a Coatter without first haveing the allowance from the Heritor or his Factor after they are satisfyd with the Coatters honest and good character and of their being usefull and not burthensome in the Barrony and that under the penalty of six pounds Scots each tennent contraveening and that yearly while he continue the coatter in his possession and besydes being lyable for all damage that may be sustaind by Heritor Tennents or others through the delicts or trespasses of the coatters of their wives or children³⁶

From surviving tacks it would appear that it was Atholl estate policy to eliminate sub-tenancy. At the beginning of our period a tack would normally lease the land in question to the tenant, his heirs, and sub-tenants "of no higher degree than himself." However, from as early as 1729 onwards most tacks specifically excluded sub-tenants. The Lude Barony Court extract below, dated 20 March 1777, shows that this was also the case with Robertson of Lude's tacks, though with little effect.

The said James Robertson of Lude also gave in a general complaint agt the whole Tenants of the Estate of Lude Setting furth that altho his Tenants by their Tacks & Minutes of agreement are expressly secluded the priviledge of subsetting any part of their possessions to Sub-tenants and Cottars at least are not allowed so to do yet notwithstanding thereof, and of the many acts of Court formerly made thereanent particularly by an act of the Baron Baillie on the Estate of Lude bearing date the Twenty third day of February Seventeen hundred and fifty one years it is enacted that all Tenants upon the Estate are expressly Discharged to give residence to any Cottars without

the proprietors liberty and his approbation of their honesty & good character & of their being useful and not burdensome in the Barony, nevertheless many of the Tenants on the Estate are still in the pernicious practice of subsetting parts of their possessions to subtenants and also of giving houses to Cottars contrary to the express tenor of their Tacks and to the proprietors inclination and that without his leave or approbation by which means persons of bad fame may be harboured on his Estate without his leave & knowledge And likewise that such poor Cottars are continually hurting the Estate by cutting not only the natural woods but also the planting on the Estate and many other Inconveniencies as they have no horses to lead peats & turffs in due Season and therefore Craving that the said old Acts might be renewed and that a new Act may be immediately made to the effect aforesaid and that such of his tenants who may at present have such subtenants & cottars be ordained to remove them from their possessions agt the term of Whits next and particularly that all Tacksmen and Tenants on the Estate may be discharged in all time coming from subsetting any part of their farms or from taking in any cottar or cottars in to his Estate but such as are of good reputation & fame and who shall be approved off by him under the penalty of Twelve Pounds Scots money yearly for every subtenant and Nine pounds Scots for every cottar that shall be so taken in to his Estate without his consent & approbation as aforesaid Such tenants on Conviction before the Baron Bailie of the Estate to be fined as aforesaid and the fines to be distributed by the Complr among the poor residing w'in the Barony of Lude.³⁷

An Atholl Memorandum of 1750 relating to a tack being given to Peter McGlashan for the whole of Kirkton of Blair outside of the Duke's enclosures contains a note stating that McGlashan was not to have either subtenants or cottars.³⁸ However, it seems more likely that, as in the Lude extract above, the clause was usually meant to be a form of social control, a means of regulating the number and quality of subtenants and cottars, rather than to completely eliminate them.

On 25 November 1695 a list was drawn up of men within the

barony of Glenlyon above 12 years of age, presumably for some kind of military purpose. The men were categorised as tenants, sons of tenants, servants (or 'hire men'), and cottars.³⁹ The breakdown is given in Table 5 below.

TABLE 5			
<u>Glenlyon 1695</u>			
<u>Men Over 12 Years of Age</u>			
<u>Tenants</u>	<u>Sons</u>	<u>Servants</u>	<u>Cottars</u>
127	5	11	16

Contrary to some modern estimates of cottars as the largest section of the population, the above shows that in this area and at this time they were quite a small proportion of the whole.

In 1778 a census was taken of the Duke's Highland estates. All men over the age of 16 were listed (women only when they held land) and were broken down under each farmtoun as tenants and cottars - the latter with their occupations if any - servants and sons.⁴⁰ The total numbers are as shown below in Table 6.

The number of tenants also gives us the number of households headed by tenants, and the same is true of cottars, which means that some kind of comparison is possible between the two groups. There is a great deal of variation in the proportion of cottar households to tenant households on the different estates. The lowest proportion is in Laighwood where cottar households formed only 10% of the total. The largest proportion is in the area from Little Dunkeld to Balmacneil where they formed approximately half of the total. A more usual proportion on the above estates was between 1/4 and 1/3.

Ian Whyte found that "cottars and tradesmen" formed about 40-60% of male heads of household and single men⁴¹, but he was writing

TABLE 6
1778 Census

	<u>Tenants</u>	<u>Sons</u>	<u>Cottars</u>	<u>Servants</u>
<u>Laighwood</u>	26	12	3	11
<u>Hatton Drumbuies etc.</u>	19	10	3	2
<u>Little Dunkeld to Balmacneil</u>	33	16	32	13
<u>Tullimet to Killiecrankie</u>	70	53	39	9
<u>Faskally</u>	47	19	19	6
<u>Blair</u>	58	46	32	11
<u>Strathtummel</u>	24	8	13	4
<u>Bohespick</u>	33	21	15	1
<u>Kincraigie</u>	30	23	9	2
<u>Strathgroy</u>	22	11	7	3

about the seventeenth century.

On individual farmtouns proportions varied enormously, from the two extremes of farms with no cottars at all to farms with only cottars and no tenants. An extract from the List of Blair and Glentilt tenants shows the kind of information obtainable from this source.

<u>Farm</u>	<u>Name</u>	<u>Holding</u>	<u>Svts.</u>	<u>Sons</u>
Blair	John Stewart Vintner	2 Plough	2	
	Robert Anderson Smith			3 - 2 at home smiths & 1 at Glasgow
	Robert Robertson mercht.			2 - 1 at home & 1 apprentice to a wright at Dunkeld
	Donald Robertson mercht. Donald Donaldson wright Dun: Stewart Labourer			
Haugh of Blair	William Stewart	1 Do.		1 at home
	John McPherson Cottar			2 - 1 at Edr & 1 a heckler at home
	Donald Duff millar John Forbes Labourer			
	McGillivie weaver	1 Do.		

Cuiltouch	Lauchlan McIntosh	1 Do.
Riechlachrie	Peter Reid	1 Do.
Gin Park Corner	Gow shoemaker	

Although only one person above is actually described as a cottar all of those without a holding must be put into that category, and the great variety of occupations listed certainly bears out Malcolm Gray's contention about the difficulty in defining a cottar other than by negatives.

Presumably the category of 'servants' included both domestic and farm servants. Whyte found that servants were almost never recorded as married in poll lists and assumes that, unlike cottars, they lived in the tenants' households.⁴² If the category of 'sons' applies only to tenants and cottars and not to servants - which presumably is the case - then this would bear out Whyte's contention.

The information about sons is also of great interest, as it is an early indication that migration - both permanent and seasonal - was already taking place from this area to the Lowlands. A fairly frequent statement under 'Sons' is "1 serving in the Low Country."

Other than in this census it is rare to find any mention of the occupations of those living on the Atholl lands, which is one of the things that makes a document titled 'Proposals Presented to the Duke of Atholl 22 January 1708' unique.⁴³ The aim of this anonymous work was to persuade the Duke of Atholl that it would be a good idea to centralise everything within the Regality of Atholl at the town of Logierait, making the latter into a market and commercial centre, with a monopoly of many services, as a means of bringing greater prosperity to the area. Although the proposals were never taken up, they offer fascinating insights into the social life of the period.

The writer discussed a wide variety of subjects including education, the manufacture of wool and linen, forestry management,

and the treatment of servants, pointing out in each case what was wrong with the system as it then operated and what could be done to improve it. Amongst the craftsmen already at Logierait, whose efficiency and probity the writer believed could be much improved, were smiths, shoemakers and tailors. Craftsmen not at that time found in Logierait, which the writer thought were needed there, included glovers, candlemakers, bakers, bonnet-makers, barbers and periwig makers, and apothecaries.

Of all those pursuing a livelihood in Logierait, the group which the writer felt most strongly about were the brewers.

It is well known that most of them are a graceless and profane part of the very dregs of the people and they are become more cunning still and dexterous for promoting the kingdom of darkness than ever was hitherto known in this country for now avouedly and with confidence they invite all that come nigh their dwelling to drink whither strangers or acquaintances with a great dale of fawning overture & kyndness as though they were to exact no payment By this fair hypocriticall and flatering invitation all who are prone to yield to the lusts & inclinations of the flesh answer the call and render themselves voluntar prisoners to the Brewer though they perhaps have no drouth All the tyme they are adrinking the dis-cource the Brewer entertains his guest with is how such a company drank so much that he hade never better fellowes about his house and that such a man bore up after he hade sent all the rest to bed, and how such a man payed so much and another a whole reckoning and that in this manner they did continew until they hade drained up all he hade And would brewers often meet with the lyke that brewing and selling of ale and liquors would be worth the waiting on Then he adds that such a miserable fellow or company were with him on such a night or at such a tyme and that he would not furnish them coall & candle for all their change and that their was not a man since that tyme but to whom he told how miserable they were and adds that they were not poor & indigent but rich & wealthy and that it is a great disparagement to be ane ill fellow in a change house and that they hade the impudence to goe away after they hade gott his own

pynt or gill without making him amends When the guest hears the discourse of his host though he have no inclination to drink yet to prevent the censure of his host calls more when that is drunk the brewer to shew his goodwill & respects to such a kynd guest gives his own pynt when that is drunk the guest to recent(?) the kyndness of his host calls for more and perhaps for all the liquors the house can afford till at length from pynt to pynt and from gill to gill they become worse than brute beasts By this divilish custome and way of procedure which is very much in fashion at present in the Regality the Creature which God gave for the sustentatione of man is abused to such a degree of excess as was not known here in any former age.

It is not often that we get such a wealth of detail about an aspect of social history in eighteenth-century Scotland, and, as we shall see below, the writer was not alone in his detestation of brewers. It is worth pointing out that if the pints referred to above were still Scottish pints, then their quantity was approximately three times that of the standard English pint.⁴⁴

There is one final source available to anyone interested in studying the ways of the Atholl people in the eighteenth century. It must be remembered that although all of the surviving estate material is in English, the overwhelming majority of those who lived on the Highland parts of the estate did not express themselves in English but in Gaelic. Earlier in the century many tenants probably spoke only Gaelic; later on, with the spread of SSPCK schools, a large number were probably bi-lingual, but Gaelic still remained their native language. This would have applied as much to substantial tenants and even vassals as to small tenants and cottars.

Poetry in the Gaelic tradition was not a literary exercise as it was in English. It was a means of preserving details of noteworthy events and of encapsulating feelings and attitudes. With the virtual eclipse of Gaelic in Perthshire now it is easy to forget the richness

of the tradition there in the eighteenth century. Much of that tradition was an oral one, but after the publication of the so-called Highland epic, Ossian, in 1761, there was a great interest in collecting and writing down Gaelic poetry. Alexander McLagan, who became minister of Blair Atholl at the end of our period, was one of the most important collectors at that time. Naturally he collected poems from every part of the Highlands, but he did not neglect his native Perthshire.

Within the McLagan Collection I have found four Atholl poems, one of which will be found in Chapter Six. Donald Meek of the Celtic Department in the University of Edinburgh produced literal translations which we then worked into fluent English. I also found one poem in Transactions of the Gaelic Society of Inverness, dating from 1767. The Song on the Loss of the Boat of Invergarry, which tells of a ferry boat capsizing, is reproduced in full as Appendix 12 (Vol.II, p.42). Because the incident would obviously have been well known amongst the people for whom the poem was composed, the details of the accident were not spelled out,⁴⁵ and because the composer was a poet rather than merely a transmitter of news or a story teller, he did rather a lot of moralising. Nevertheless, aside from the intrinsic interest of a poem about a local happening, it also offers important insight into attitudes toward the son of the local landlord - a vassal of the Duke of Atholl - Henry Stewart of Fincastle.

The heir of Fincastle
Was awake day and night,
Searching for them about the banks,
And he cold and wet in his footgear.
He deserved the blessing of the tenantry
And he got it abundantly;

May the good Lord reward him amply -
Pure is the pillow in his bed.

There are several more verses praising Henry Stewart for his successful efforts at finding the bodies and his ingenuity for using Highland ponies to transport them to Blair. There is also a verse of more general praise.

You were the widows' support,
And the prop of the poor;
Frequently were they about your kitchen,
You never wished to abandon them;
Getting greens and bread
Meal and milk together -
It cannot be told or related
All that you spent on needy folk.

Finally there is a confusing verse about the tragic death of Stewart's wife at this time. The relationship between a vassal and his tenants comes across very vividly in the poem, particularly the sense of responsibility on the part of the former and of respect and devotion on the part of the latter. It is firmly in the Highland tradition of a chieftain's relationship to his clan, though there would be no way of guessing at any of that from estate records.

The second poem is also about a drowning but of a different nature. In Chapter One the death of the 3rd Duke of Atholl in 1774, by drowning, was described, and that is the subject of the Lament for the Duke of Atholl, transcribed as Appendix 13 (Vol.II, p. 47).

The Lament or Elegy on the death of a chief is one of the mainstays of the Gaelic poetic tradition, and a verse like the following could, with minor variations, be slotted into any number of such works.

Your fragrant rooms
Have no joyful musicians;
There is no enthusiastic noise,
Or even a prayer in your hall;
Your family has been directed
Out of the country for awhile,
And we are tormented
Since they have buried you in the earth.

The surprising thing is simply that this was composed not about a Gaelic clan chief but about a Duke whose ancestors came from the Lowlands. However, this was, of course, the Duke who refused to rack-rent his tenants and clearly felt a strong degree of protectiveness toward his people, similar to a clan chief who followed the old ways, which gives the poem a certain appropriateness.

After the expressions of sorrow and praise for the Duke, the last verse extolls the virtues of Stewart of Urrard, the Duke's factor for the Highlands.

And although we are all sad as a result of it,
We ought to be brave
While Urrard is in residence
Keeping your estate in good order;
There is no one in Europe
Who can extort from him his rightful dues,
And the amassing of gold
Will not tempt him an inch.

Praise for a factor is not a very common feature of Gaelic poetry, and though the poet was clearly a member of the gentry - probably a vassal - nevertheless he would not have put in a verse like that (nor would it have survived) unless he had general concurrence amongst the people, since it was they who would have sung the song and kept it alive. It does confirm the view which one gets from reading the correspondence, that the Duke's factors were just men and respected

as such by the people on the estates.

The third poem, Salute to Atholl, Appendix 14. (Vol.II, p.51), is dated 1781. The work is a poem of praise about the country of Atholl, in rather generalised 'poetical' terms. There is one verse which is of particular interest, because it appears to evince a momentary disquiet amidst all the prosperity and pleasure.

Your people live in tranquillity and sufficiency;
They put by in times of such peace and plenty;
They have good things instead of junk,
And a sufficiency of sound education.
Your new generation are promising to give pleasure
Both to their good king and to their land.
May he not have heirs who value them less
Than the sheep which come from the Lowlands.

This is a very early mention of sheep in Gaelic poetry, though by the 1790s the Minister of Blair Atholl (McLagan himself) was lamenting the displacement of people by sheep.

Overall, however, the poem presents a very rosy picture indeed of Atholl, one which ties in well with Burt's view at the beginning of the chapter, and also with Wight's view (quoted in the last chapter), formed at about the same time as this poem was composed. One thing to be noted is that McLagan gave alternative versions to several lines, which could indicate that the poem was much in circulation, since in an oral tradition verses repeated to the collector by various people would invariably have some alternative readings, which McLagan carefully noted. If true, this would confirm that the view of Atholl presented in the poem was popular with the people as well.

It would be reassuring to round off this chapter with such a roseate picture, but there is still one poem remaining, Song on the

Enemies of the Tenantry (Appendix 15, Vol.II, p.58), by Alexander Robertson in Bohespick, who was clearly a member of the lower orders, not the gentry. Though no date is given on the poem, there is some evidence to indicate that the poet was living in the year 1715.³¹ The area of Bohespick was wadset at that time. What appears to have sparked off the poem was the imposition of a grassum on the tenantry; this was presumably done by the wadsetter and there is no way of tracing the precise date or the reasons..

The poem was obviously composed in great bitterness, by a man struggling, along with his neighbours, to keep body and soul together, only to be faced with a demand for yet more money. It is hard to imagine a harsher indictment of the landowning class than the following verse.

When you get up early in the morning
In your shirts,
When you happen to take a dram
And your hand is at the cup;
You will be by your very nature
Oppressing your stock (tenantry);
You cannot be maintained
Without keeping the tenantry in subjugation.

However, the poem is not concerned merely with landlords but goes on to condemn a number of artisans and others who in their different ways also oppressed the lowly tenants. One is immediately reminded of something else written at roughly the same period, the anonymous Proposals of 1708, discussed earlier, in which the corruption rampant among local artisans was strongly denounced. And the last verse of the poem is about that very group most harshly condemned in the Proposals.

When the brewers set to work
With their stills in every corner (of the land)
There will be many a coin counted out for them
And no receipt given for it;
Were it not for the excisemen
Keeping a watch over them
They would strut among us
Like a Lord in every way.

Clearly an overly roseate view of Atholl must be tempered by the realisation that there was a darker side to the picture, and that for the mass of the people there, as elsewhere, life was a continual struggle. Without knowing more about the way wadset lands were administered it is difficult to assess the significance of the fact that this very negative poem was the work of the tenant of a wadsetter rather than of the Duke. From the documents quoted in this chapter, the overall impression one gains is certainly not one of oppression, but rather one of fairness and consideration toward the tenants.

CHAPTER FOUR

THE KIRK AND MORALITY

In 1690 the episcopal church structure, which had been established in Scotland since the Civil War, was abolished, and Presbyterianism took its place. In the south of Scotland the overwhelming majority of Episcopalian ministers were ousted very rapidly; in Perthshire such ministers retained considerable support for a long time.¹ While the struggle for ascendancy might on the surface not appear to be of much relevance to the tenantry on the Atholl estates, in reality this is far from true.

The correspondence in the Atholl archive, combined with presbytery records, brings the struggles which took place down to a very human level, in a way which secondary material can never do. Attempts to replace well-loved Episcopalian ministers with unknown Presbyterians led to resistance at various levels of local society.

The struggle also had wider implications, for the Episcopal bishops had refused to accept the new monarch. Therefore, as far as the Presbyterians were concerned, Episcopalianism was synonymous with Jacobitism.² This gave the question of planting the Highlands with Presbyterian ministers political importance and urgency. The encouragement of ministers speaking the Gaelic language as well as the formation of the SSPCK (see next chapter) were developments that hinged directly on the need to replace Episcopalian ministers with Presbyterians in the Highlands. Because of its central geographical location Perthshire undoubtedly felt the impact of this to a far greater extent than did more distant Highland areas.

We will look at the church from 'above', so to speak, in Part I of this chapter, and then turn in Part II to a very different aspect,

the kirk session. The role which the kirk session played was as a local court of morality and as an agent of social control. It has not been practicable to look at the kirk session records for all of the parishes in which the Duke of Atholl held land, therefore one Highland parish and one Lowland parish have been chosen as representative.

Although two of the key functions of the kirk - poor relief and education - have been left for the next chapter, the different aspects presented here will provide a good picture of the part which the kirk played in the Atholl lands.

I.

When Presbyterianism became the form of the Established Church, Episcopalian ministers were allowed (nominally at least) to retain their benefices, as long as they complied with the law compelling them to pray publicly for King William and Queen Mary, and many did so. On 25 March 1693 the Marchioness of Atholl wrote to Lord Murray, her eldest son, who was in Edinburgh:

You may remember that I spoake to you when you were heir that I expected that the Ministers above this place would pray for King William and Queen Marie, accordingly they have actually done soe, which you will know by Mr Comrie the bearer hereof, who is commisionate by the rest of his Brethren to acquaint some of the Councell with it, that they might not be troubled with citation, since they have given obedience.³

In Tibbermore, the parish of the Murrays' Lowland seat, Huntingtower, the minister, Mr Alexander Balneavis, was first summoned before the presbytery in 1690 but managed to hang on to his benefice for another two years, when he was deposed for not praying for William and Mary, and other offences.⁴ In Little Dunkeld Mr Alexander McLagan "renounced" Episcopacy in 1693 and was continued as parish minister by the presbytery, the only instance of this occur-

ing in a Perthshire parish.⁵

Planting a parish with a Presbyterian minister did not necessarily guarantee that minister's acceptance by the parishioners, particularly if the local heritors had not been in favour of the change. A vivid example of this is provided by extracts from a letter dated 4 February 1692 from Mr John Forrest, placed at Falkland by Lord Murray (the future 1st Duke of Atholl).

My Lord your Lordship knoweth what discouragements I have been under since I came to Falkland, none of which I aver except, at my very admission except your Lordship and other three persons, by your Lordships appoyntment none did offer to receive mee, though often desyred so to doe, thereafter it was designed I suld not have ane house to dwell in, which made your Lordship take the hous I am in for mee on a reasonable rate. All the considerable heritors in the parish (excepting your Lordship) are but 4 whereof two never hear mee and the other two but very seldom, though all subscribed my call & after their example many others goe to hear and baptize their children elsewhere, & now at last have gott up another to preach & draw away the people...A meeting house I know they resolve to have here, I know also a gentleman who said lately to a Minister that they lyked mee worse than the most violent in the kingdome. My Lord this hath been very burdensome to mee who have never, any where, in all the course of my Ministrie, been trysted with anything lyke that, & if it wer the Lords will to keep me still under it, my days would not be but both short and uncomfortable.

The letter went on to say that the writer had had a call from a parish in East Lothian and begged Lord Murray to allow him to accept and leave Falkland.⁶ It is clear that he suffered real misery as an unwanted incumbent, and considering what he had had to put up with, it is not surprising that he should have wanted to leave.

The situation continued unstable, with the Episcopalians always hoping that the Presbyterian settlement would not last. The accession of Queen Anne further raised their hopes, and the correspondence of

that year reflects the heated debates which were taking place. On 18 November 1702 the Marchioness of Atholl wrote from Dunkeld to her eldest son

...as to what is proper concerning the Episcopall Clergie...I thought it needless to trouble you further about it, esppecially having reason to suppose, that in the matter in it self, & the circumstances of those distressed persons, & the people concernd in them calls for noe less charitie & justice, soe I can't possibly conceive how it can prejudice any project or measures for the good of the country, when nothing is intended but such a simple tolleration or indullgence as was granted by King Charles & King James to the Presbyterians when the legall government was episcopacy, & now my desire is the same for the poor distressed people that was in those dayes for the presbyterians, alwaies believing it was an ill thing to persecute any for their religion.⁷

In direct contrast to this rather unworldly view is the following extract from a letter written by the Reverend Mr Wyllie to the Earl of Tullibardine on 16 October 1702, which seems to exemplify the attitude of the Presbyterian establishment on this matter.

And next to oppose with all vigour any legal Toleration to the Episcopal party. For albeit no good christian can be against ease and Toleration to tender consciences yet it is evident, That the Episcopal party have already in effect all the Toleration they can reasonably desire to pretend to; And that to give them by an express Law what they have by connivance were to encourage them to assume more and more upon the matter to overthrow the established presbyterian constitution. For the question in this case on their part is not point of conscience, but rather of party of state and of policy or who shall have the Ruling power; and the difference stands not so much in matter of opinion, as in Jurisdiction; and to raise an Episcopal Jurisdiction more or less is in so far to make a palpable breach upon our claim of Right, and in so far to subject this nation, not only unto the influence, but even to the Government, to the will and to the convenience of England. And no argument can be brought

from the Liberty of presbiterians in England to the Liberty of prelatists in Scotland; so long as the two are not upon an equal foot, and as the Sacramentary Test stands unrepealed in England, by which all dissenters are debarred from publick Trust; and there is no such barr excluding any in Scotland from any share in the civil Government, they are capable of, whatever otherwise their principles be. And lastly, your Lordship knows the Temper of us in Scotland is such, That the presbiterians will never bear a legal Toleration to the Episcopal party, but will look upon it especially in our present circumstances as a downright overturning of presbitery.⁸

The above makes it very clear why any immediate solution was not to be expected.

We have already seen how difficult it could be to plant a Presbyterian minister in a parish where the heritors opposed him, and this kind of local conflict also occurred in the Perthshire parish of Muthill. On 9 November 1703 the new incumbent, a Mr Mitchell, asked for the keys to the kirk and was refused them; for more than a year after that he was forced to hold his services outdoors as he could not get in the church.⁹

An effort made by the presbytery to get the keys in the summer of 1704 led to a local riot, "resistance being made by severals in the parish who kept the doors of the Kirk and Kirk-yard with swords and staves...beating and wounding severals that had come there to hear the word." It is not clear whether an Episcopalian minister was still holding services in the church, but the presbytery records complain about Episcopal clergy in the parish baptising infants and marrying couples without the proper proclamation of banns.¹⁰

The presbytery approached the Duke of Atholl for help, and his Grace wrote to the heritors of Muthill, advising them to give up the keys. This had no effect. The presbytery approached the Duke again, and his Grace eventually issued orders to the Sheriff Depute to make

the doors "patent", i.e. open, presumably by breaking them down. This the depute refused to do, on the grounds that as the kirk was not within the shire but within the stewartry he needed orders from the Privy Council or the Queens Advocate before he could act.¹¹

On 20 February 1705 the Privy Council promised representatives of the presbytery that an order would be drawn up, at which point the heritors finally capitulated and agreed to give up the keys. Nevertheless, as late as 4 May 1708 the presbytery were still expressing concern about the "intruders" in Muthill parish.

In this instance the Duke of Atholl was in agreement with the actions of Auchterarder presbytery. In 1705, however, the attempt by Perth presbytery to plant the kirk of Moulin on the death of the Episcopalian incumbent led to the following letter from the Duchess of Atholl, written on 4 June

I must freely tell you that I can not but think there are some amongst you that has some other thing in veu then settling a presbyterane minister in Moulen else they woud not take such crass ways to doe it, for since my Lord has told you he is resolved to have a presbeterian minester settld there you ought to alow him considering the circumstances both a little time & his owne way as to bring it about & I can assure you by the presipetant way the presbetry of Dumblain tooke with Balquider lost that place to the minester they desired, which if the presbetry of Perth folow the course they are on will doe the same as to Moulien, but if they will take my Lord's advice & concur with him in the methods he lays down they shall sooner & better come to their purpose & I can answer for it will setle a presbeterian minester there as soone as posible he can.

Needless to say, a letter of apology followed, the reason for the presbytery's precipitancy being that they had received information that the church was being intruded upon by Episcopalians.¹²

While the Duke of Atholl was perfectly willing to comply when

it was a question of planting vacant parishes with Presbyterian ministers, he was also concerned to protect the Episcopalian ministers within his area from persecution. On 31 May 1706 the Duke wrote from Dunkeld to the Earl of Mar, Joint Secretary of State

My Lord This is the first trouble I have given your Lordship since you went to London, But the too forward and begott proceedings of the Presbitery of Perth against the Ministers of the Episcopal persuasion who are within my Interest oblidges me to intreat your Lordship to lay their case before the Queen, that she may be pleased to allow them her protection, which I suppose is agreeable both to her inclinations and Interest. I have always allowed the Churches where I am concerned when they were vaccant to be planted by Presbyterian ministers, but have also thought it just and reasonable to preserve the Episcopal ministers who are good men in the Churches they possess, There are yet Five of them remaining in Atholl, three of them were in before the Revolution and have preached in their Churches ever since, The other two has been in several years before King William's death, tho' not admitted by the Presbitery and now during Her Majesties reign, They does expect her protection which I humbly desire for them if her Majestie think fitt which may be done by sending me a letter for her Majesties Advocat not to insist against them, which if granted has need to be soon, because the Presbitery have taken Instruments against my Sherif Deputt requiring him to turn them out in the terms of a late Act of Councill in March which has given rise to these Courses.¹³

The Earl of Mar replied to the Duke's letter on 11 June 1706, saying

Her Majestie is inclined to doe any thing that is favourable to those ministers which is conform to law, but your Grace knows when they are not qualified to the Government which I beleive is the case of those your Grace wryts of, the law does not protect them, nor can any body doe it, even though they pray expresslie for the Queen. The government indeed did conive att Severalls of them, who preach both in Churches and meeting houses, and I wish they had continued to doe so still, when they give no disturbance to government nor say anything offensive to it, but if they be persued it would look odd (and I

believe not legal) to order the Advocat or any other persuer to desist when the law strikes against them.¹⁴

Another, more specific, instance of the Duke's protection occurred in 1708 when in response to a letter from the Commission of the General Assembly enquiring about intruders into kirks and manses, Dunkeld presbytery determined to do something about two such intruders within their bounds, Duncan Stewart in Blair Atholl and Robert Gordon in Clunie. Naturally they advised the Duke of Atholl, whose response was that they "would sist [halt] their procedure against the said Mr Duncan." Although summoned before the presbytery more than once, Duncan Stewart never compeared, and the officer who delivered the summons had stones thrown at him by women in a mob. This certainly suggests positive loyalty on the part of the parishioners (a surmise which, it will be shown later, is correct), though whether they would have resorted to violence had they not been aware that they had the Duke's tacit concurrence is a moot point. So Duncan Stewart remained at Blair. Robert Gordon did compear before the presbytery, and after much legal wrangling the presbytery "did and hereby do finde that the said Mr Robert Gordon has intruded about the said paroch and does exercise his ministerial function and possesses the manse and gleib their without any just title or right and that theirfore he ought to remove theirfrom." However, in 1713 the church of Clunie was declared vacant because of the death of Robert Gordon, who must therefore have remained the incumbent in spite of the presbytery's opposition.¹⁵

It must be emphasised that the Duke's actions arose out of feelings of loyalty, responsibility and justice, not out of adherence to the Episcopal church. His relations with Dunkeld presbytery, of which he was a ruling elder, were very amicable and productive. Although he

did not personally attend meetings, the following entries are typical of many in the register:

Mr Challmers informed the presbyterie, That his Grace the Duke of Athol desires a communeing with some of the Brethren anent the highland Libraries and other affairs relateing to the presbyterie whereupon the presbyterie appointed Mr Glas Moderator Mr Challmers and Mr Chapman to wait upon his Grace and report against the afternoon (That afternoon) The Brethren appointed to commune with his Grace the Duke of Athol report that he desired the presbyterie would think of regulating the Highland parochs many considerable parts whereof ly very remote from the paroch churches, That the parochial libraries might be conveniently disposed of, And that the vacant church of Mulion might be supplied.¹⁶

The question of reorganising Highland parishes was one which also claimed the attention of the Duke's great landowning neighbour, the Earl of Breadalbane.¹⁷ It was, in fact, a question which recurred throughout our period, for many Highland parishes were indeed much too large to be administered efficiently, yet schemes to reorganise these parishes invariably foundered - defeated, one suspects, by sheer geography. The solution found later in the century was to appoint itinerant catechists to cover the areas not accessible to the parish church.

The Earl of Breadalbane was also concerned to protect the Episcopalian clergy within his bounds, and on 6 October 1709 he wrote to request the Duke's assistance in proving that the charges against two such ministers were false. In his next letter, on 15 October, he wrote that "I am told from Inverness, that the Episcopall Clergie in these countries, haveing made their appearance before the Cirquitt Court as they were appoynted for the same cryms that our ministers are, for not praying for the Queen expressly and for irregullar preaching, baptising and marrying, the process was

let fall being insinuat to the judges that if they proceeded there would be ane appeal to the parliament, which I think should be a coppie for us to doe the like if there be cause." The precedent being cited would appear to be the case of the Reverend James Greenshields, an Episcopalian minister in Edinburgh prosecuted and gaoled by the magistrates. Much to the surprise to these magistrates he appealed to the House of Lords, and his appeal was upheld.¹⁸

An interesting question regarding Episcopalian ministers concerns parishioners' loyalty: was it just to the person or was some of it to the denomination? For the most part it seems safe to surmise that it was the man rather than the view of rightful church structure which mattered, yet after the death of Robert Gordon in Clunie when the presbytery attempted to declare the kirk vacant and supply it with a Presbyterian minister, that minister found the doors shut against him and was unable to get the keys. A year later the presbytery, making an enquiry into the Episcopalian preachers within their bounds, found that a Mr John Gordon, admitted into orders since the Revolution, had intruded upon the church of Clunie. In December 1714 the presbytery ordained a Mr Ross minister of Clunie, but John Gordon did not actually move out of the manse until the spring of 1715 after various legal processes had been instituted against him. In May Ross complained "that after he had caus till and labour his gleib some of the people of Cluny had sown it pretending the Lady Clunys orders for so doing."¹⁹ All of which does suggest a definite inclination for an Episcopalian minister, though whether that inclination was held by all the parishioners or only by the heritors is a more difficult question to answer.

In the summer of 1712 a disagreement broke out between the Duke of Atholl and the family of Weem regarding the parish of Dull.

Details are scanty, but it appears that Captain James Menzies took advantage of the Duke's absence to place his own candidate, also a Menzies, in the kirk. In June 1712 the Duke appealed to the Earl of Breadalbane, who advised him that he would do his best to help but that the Patronage Act had complicated such matters.²⁰ In September the Duke wrote to Lady Menzies, bitterly protesting the settlement of Mr Menzies and demanding that his own nominee be placed at Dull instead. However, the Duke's nominee did not in fact accept, and in 1713 the settlement of Mr Menzies was sustained.²¹

However, this was by no means the end of the matter. In December 1713 Mr Menzies complained to the presbytery

that notwithstanding of his being legal minister of the paroch of Dull and his settlement fully and finally determined by the commission of the general assembly Yet the people of Foss do frequently come in an hostile manner...to stop and hinder him from going about divine service in the Church of Dull and that the people of Foss when they come to Dull will not hear sermon from him tho within a very short space which is the principal preaching place of that paroch by which he is obliged to preach in the open feilds being exposed with a great many of his parochiners who do attend upon divine ordinances to the injury of the weather and rigour of the season in storms of winds and snow tho at the same time they declair they have nothing to say against his life or doctrine only pretend they are obliged to make that opposition by order from another.

The driving force behind the opposition is made clear by the entry in the presbytery's records that "criminal letters were execute against an hundred and twentie five of the Duke of Atholls vassals and tennents att the instance of the minister of Dull my Lady Weem Grantully and others." The presbytery exerted itself to mediate, on condition that "his Grace the Duke of Atholl and his vassals shall not molest Mr Menzies by hindering him to exercise his ministry in

any part of the paroch of Dull", and eventually the parties did come to an agreement.²²

Until 1715 the situation was one of Episcopalian ministers being tolerated and protected by great landowners like the Duke of Atholl. In all of the cases of rioting or opposition to Presbyterian ministers by parishioners discussed above, it would appear that the heritors of the parish concurred with this opposition. The Jacobite Rebellion altered the situation considerably, however, for most Episcopalian ministers openly declared their adherence to the Jacobite cause. In August 1715 Dunkeld presbytery were advised that the Duke of Atholl "designed to protect Mr Duncan Stewart no longer because he refuses to pray for our king and that his Grace thought it fitt that there should be a presbitery pro re nata and that they should prosecute him as an intruder before the shireff depute."²³ The first Presbyterian minister of Blair Atholl in our period, John Hamilton, was presented by the Duke of Atholl in July 1717 and ordained on 25 February 1718.

The ministers of Fortingall and Kirkmichael were both deposed for their Jacobitism, but actually getting rid of them proved to be a long and difficult process, in the case of Kirkmichael accompanied by mob violence.²⁴ As these Episcopalian incumbents were no longer being tolerated by the gentry it would appear that the loyalty of the parishioners was entirely spontaneous.

In the years that followed, Jacobite Episcopalian ministers were driven underground. Meeting houses were allowed, but the minister would have to pray for King George, and the maximum number allowed inside (not counting the minister's family) was eight persons. In February 1724 the Duke of Atholl wrote to Sheriff Craigie complaining that the latter had claimed there were no meeting house ministers

who did not conform to that law in Perthshire, whereas he (the Duke) had received information concerning two meeting house ministers - in the parishes of Caputh and Fortingall - who did not pray expressly for King George, both of whom should be prosecuted.²⁵ Amongst the unclassified Atholl papers is an anonymous denunciation which begins Information against Mr Robert Steuart alias Mobile concerning his irregular marrying of Agnes McGlashan and his preaching and praying contrary to law 1724.

The document stated that in March 1724 the said Robert Steuart, a deposed Episcopalian preacher, performed a marriage ceremony for the said Agnes and her ex-servant Finlay Gow, both of whom had apparently never satisfied church discipline for past sins and therefore could not lawfully get married. Steuart was also accused of preaching without being in any orders and doing so in front of a number far exceeding that prescribed by law, and of not praying in express terms for King George.²⁶

The whole question of Episcopalian meeting houses is, and must always remain, one of the elusive facets of Scottish history. What percentage of the population attended them, how many were baptised and married in them (perhaps significantly affecting population figures derived from parish registers) - these questions remain unanswerable for our period because records of meeting houses (legal or illegal) have not survived. Only through such denunciations can we even learn of the existence of meeting houses at this time, and then it is only those with a preacher who rendered himself liable to prosecution; there must have been a large number who conformed to law and who were therefore never recorded anywhere.

For instance, in 1728 the minister of Blair Atholl, Robert Bisset, wrote to the presbytery to say, "that Mr Duncan Stewart who

kept a meeting house in his paroch being dead the people attend ordinances pretty well and hopes that if a stop were put to their getting of another to keep a meeting house that they would all generally attend ordinances there."²⁷ In other words, all those years since the 1st Duke of Atholl had withdrawn his support from Duncan Stewart the latter had remained in the parish - entirely unrecorded - with a substantial number of adherents.

By the end of 1724 the 1st Duke of Atholl had died and been succeeded by his second son James. The difference in the relationship between Duke and presbytery can be quickly discerned. As has been noted in previous chapters, the 2nd Duke, who lived until 1764, was involved in London politics, residing in Scotland for short periods only. The presbytery were more likely to deal with the Duke's 'doers' than with the man himself, and those 'doers' could be notoriously hard to pin down, so that in at least one instance the presbytery finally gave up the attempt.²⁸ In 1728 the presbytery "thought fitt to send some of their number to congratulate his Graces return to Scotland"²⁹, which tells its own tale.

It would not be true by any means to claim that the 2nd Duke of Atholl played no part or had no interest in the kirk; on the contrary he kept his finger very firmly on the pulse of events and as patron was an active participant. It would be difficult, however, to find much evidence of genuine religious feeling or the kind of concern for the spiritual well-being of those on his lands which characterised his father. Self-interest appears to have been the chief motivating force behind the 2nd Duke's interest in the kirk though this force was undeniably at times a very powerful incentive to action.

In the early 1730s it was not Episcopalianism but a new phenomenon - Presbyterian dissent - which caused the greatest problem.

The Patronage Act had been a thorn in the flesh of many local congregations since its passing in 1712, and during the 1720s a combination of circumstances made for growing tension. However, the provision in the law which stated that if a patron did not exercise his rights within six months the presbytery could fill the vacancy did at least offer the latter a loophole enabling them to consult local wishes in settling parish ministers. Then, in 1732, by a highly questionable voting procedure, the General Assembly passed a new law stating that once the six months were up the choice should be made by elders and heritors. When the Synod of Perth and Stirling met in Perth that autumn, Ebenezer Erskine, an evangelical minister of Stirling, bitterly attacked the Assembly's decision. He subsequently refused to retract and, along with three other ministers who supported him, was suspended from the ministry. Their response was to form a rival church, "The Associate Presbytery", claiming, naturally, that they alone were adhering to true Presbyterian principles.³⁰

On 21 November 1733 the Moderator of the General Assembly's Commission for the Highlands and Islands wrote to the Duke of Atholl, advising him of the deposition of the three ministers who supported Erskine.³¹ One of the three, James Fisher, was minister of Kinclaven, where the Duke held lands. On 10 December 1733 Fisher wrote to the Duke insisting that he had complied with his Grace's instructions, having allowed the Presbyterian minister access to the kirk and going to considerable pains to prevent the parishioners protesting.³²

An attempt was made by the Reverend Alexander Stoddart, minister of Falkland, to involve the Duke further in the matter. On 17 January 1734 he wrote a long letter to his Grace, attempting to prove to him that the sole cause of the secession was the Patronage Act, and imploring the Duke to use his influence with the King and the General

Assembly to repeal the hated Act.³³ The Reverend Alexander Stoddart may have been quite a saintly person (he was the only minister acceptable to the parish of Falkland, and when he was transported there from Dunkeld the anguish which the latter parish seems to have gone through on losing him is an eloquent testimonial), but his letter reveals him to have been a very unworldly soul. It is difficult to imagine anything more unlikely than the Duke of Atholl working for the repeal of an Act which gave him the power - a power which he did not fail to exercise on every possible occasion - of placing the men he chose in the positions where he wanted them.

At the end of February 1734 the Duke and his factor, Alexander Murray, were voted Elders to represent Dunkeld presbytery at the General Assembly. On 3 March Murray wrote to the Duke telling him about the voting and enclosing a letter circulated by Erskine after the meeting when they formed the secessionist church.³⁴ Although much of Erskine's work has been published, including his defence before the General Assembly, I have not found any published correspondence of his (the supposed 'Whole Works' consists only of sermons and discourses), and have therefore transcribed this letter as Appendix 16 (Vol. II, p. 62). Murray's only comment to the Duke was, "it is strange that such enthusiastical mad men should be so much countenanced and supported." A view doubtless shared by his Grace.

In 1740 there was quite a furore when for the first time the Duke of Atholl and Alexander Murray were not elected the presbytery's representatives to the General Assembly. The reason alleged was that the Duke did not keep family worship, which a certain Act (never produced) apparently required, but it was quite clearly the ecclesiastical equivalent of political in-fighting. The letters of Murray and some of the ministers involved, with their accusations, protes-

tations of innocence, and counter-accusations, come across as sordid and nasty. Later that year the Duke was nominated by the General Assembly to be a member of their Commission, and also to sit on the Committee for Reformation of the Highlands and Islands, and Management of the Royal Bounty for that End, which may have soothed his Grace's ruffled feathers somewhat.³⁵

From here on most of the correspondence concerning the kirk is on the subject of patronage: solicitations of the Duke's favour for particular nominees etc. To enumerate these in detail would be tedious and not particularly illuminating, so the present account will be confined to letters and presbytery entries of special interest. For instance, a note from Thomas Bisset, factor, to Humphry Harrison, attending on the Duke, dated 20 June 1742, shows clearly how in some cases a man in the position of the Duke of Atholl could get his way without even being the patron of a parish.

Sir, I forgott in my letter to his Grace this day from Dunkeld to acquaint him that Mr Chalmers minister of Kinloch is a dieing and past all hopes of recovery. The King is Patrone so that in case his Grace shoud intend to doe for Mr Nicoll or any other there is a proper opportunity especially that all the Heritors are such as will be determined by his Grace.³⁶

On at least one occasion there was a misunderstanding about who actually was patron. In 1755, on the death of the minister of Clunie, the Master of Airlie presented a Mr Thomas Webster to be the new minister. On behalf of the Duke of Atholl Thomas Bisset protested at the presentation, claiming that his Grace as patron was the only one with a right to place a minister there. Lord Airlie's factor demolished this claim. Apparently while the Earl of Airlie had been abroad, having been forced to flee the country, one or two vacancies had

occurred in the kirk of Clunie, and as the Duke of Atholl was the most considerable heritor left in the parish the presbytery had accepted his presentations without demur. However - as Airlie's factor went on to prove - his Grace had absolutely no legal claim to the patronage of Clunie, which belonged solely to Lord Airlie. Thomas Webster was subsequently admitted minister of Clunie.³⁷

In 1759 the Duke of Atholl and Lord Airlie agreed jointly on a new candidate.³⁸ In 1771, under the 3rd Duke, the question of presentation arose once again. The Duke did not object to Lord Airlie making the presentation, as long as the latter asked for his consent, "Reciting that they are joint patrons per Vices by compromise betwixt their predecessors in order to avoid further disputes &c".³⁹

The machinations involved in choosing a suitable candidate for presentation are so clearly exemplified in the following letter that it has been reproduced virtually in full. For a fuller understanding of the issues involved one would need a study of Atholl politics, but even without knowing the specific background the political emphasis is clear enough. The letter is from John Mackenzie of Delvine, the Duke's agent in Edinburgh, and is dated 24 January 1761; the addressee is unknown, but from the text it was almost certainly Humphry Harrison, in attendance on the Duke.

Sir I transmitt the three enlos'd Letters rather as a fund of Entertainment to you possibly they make his Grace or Mr Murray laugh than that I propose any other effect from them

About ten days ago That peaceable meek man Mr McLaggan came & told me in all the drooping simplicity of the gospell That Auchtergaven kirk was vacant Insisting that I should apply his Grace on behalf of his apostolick son - my answer was That in the present shape of things, when Attempts were making to strip the family of a natural feather in the country That I should reckon it unkind nay cruell in any reall friend to importune so improperly for a favour of any kind

Especially one which for aught I knew may be askt by others who can be just as usefull and may yet be less determin'd - By this means I got free of one suitor But I since received the three enclos'd & my opinion still remains the same That it would scarce be good manners to urge just now for any man least it should create the smallest pinch on an Incident (as single Incidents sometimes do) That may help to make a convert of some doubting Freeholder - Duff who is one of the candidates I never heard of till I read his name in this letter which comes from a client of the Laird of Bonhard who is pleas'd to think I did him some trifling good office ten years ago & every Christmas sends half a dozen of fat hens to me they are commonly good But then he keeps the Feathers to himself -

Another is from my own friend Mr Hill & my answer to him is obvious, That if he will lay aside his Non-Jurancy & become a Member of the Assembly as he is already come the length of frequenting pres-bettrys I will humbly solicit for him & him only at the present juncture because then Mr Murray may share in the merit above of making so usefull a Proselyte here below

The 3d Letter is from Hunter himself Mr Hill's candidate who I believe has for some time been at your Pool at Dunkeld But with what merit I know not, when Mr McLaggan was last year thought to be on his way to Heaven to receive the rest of his wages as you scruple him an augmentation on earth, my neighbour Hunter call'd upon me & I indeed promised to lend in a word in his favour on any proper occasion to his Grace or any other patron But the same reason which made me refuse Mr McLaggan is equally prevalent to forbear applying for any other But if Aldie & Tullybelton who are both trump cards could be brought by proper hints to apply for him or any other, and that they would do as they would be done by perhaps this Incident trifling as it is may be of its own use to facilitate or clear up reciprocate marks of other people's good will.⁴⁰

There is certainly nothing in the above to suggest that spiritual considerations played any part in choosing ministers. Admittedly, a potential presentee would normally preach for two or three Sundays before the congregation, and the heritors, elders and heads of families would then say yea or nay, but though earlier in the century it

was not uncommon for a patron's candidate to be rejected, this appears to have become increasingly rare in the later period.

II.

On 17 October 1719 the Duke of Atholl signed a 'commission against immoralities &c'. Persons guilty of 'immoralities' included anyone who travelled on the Sabbath day without evident necessity, "Drunkards, Cursers and swearers, fornicators, and the makers and forgers of lyes and scandals, or propagators of the same." They also included "those that are guilty of steeping Lint in running waters, killing of black fish or fishing in prohibited time of fishing, or muir burning."⁴¹

Although Dunkeld Regality Court dealt mainly with the latter kind of offence, there are two slim volumes amongst the records which are titled 'Regality of Dunkeld Constables Minute Books of Immoralities'. As these 'immoralities' are recorded only for the years 1705-1707 and 1736, one must assume either a brief upsurge of moral fervour, or alternatively that there had been short periods of efficient recording of something that went on all the time. On 21 September 1705 an entry reads "Duncan Greig delates [reports] Jean Jamiesone for swearing and when challenged she desyred him to kiss his arse."⁴² Clearly the constables did not always have an easy time.

During that period most of the entries concerned drunkenness and swearing. Subsequently it would appear that Sabbath breaking became increasingly frowned on. The following was enacted by the Bailies of Dunkeld on 26 April 1714

if any man or woman in the city of Dunkeld shall be sitting in the fore street upon the Sabbath day in any time of that, they shall Incurr a penalty of 20 shill: Scots, toties quoties, as also the parents of any child above the age of 4 years that shall be seen

playing in the street on the said day shall Incurr the like penalty, & ordains the constables to take particular note to dilate such as shall contemn the present Act.⁴³

This emphasis is very much in evidence in the 1736 entries within the Constables Minute Book of Immoralities, the following two being typical.

Dunkeld 19 January 1736 - Dilated to the Court for not being [in] Church and being upon the Street in the time of forenoon Sermon yesterday Charles Duff Elder and William Husband

Dunkeld 12 April 1736 - Thomas Robertson in Dunkeld his wife being dilated for sitting yesterday upon the Street⁴⁴

For the most part, however, there was a clear distinction made in our period between which kind of cases came up before which kind of courts. Actions which we would dub 'criminal' would for the most part be brought before the local Baron Court or the Sheriff Court. The local courts judging what we would be likely to term 'sin' were the kirk sessions and presbyteries.⁴⁵

The following is a late nineteenth century view of the kirk session in our area:

Of all judicatories it was the most respected and best obeyed; for the Highlanders, remiss and careless in other matters, set great store by the ordinances of baptism and communion; and the cutty-stool and sackcloth gown were much more dreaded in 1700 than the threats of the law and 'tout' of the royal horn. Seeing there were few restrictions on the intercourse of the sexes, and considering the oblique idea they had of some other moral duties, it is astonishing to find how little the evil of illegitimacy prevailed.⁴⁶

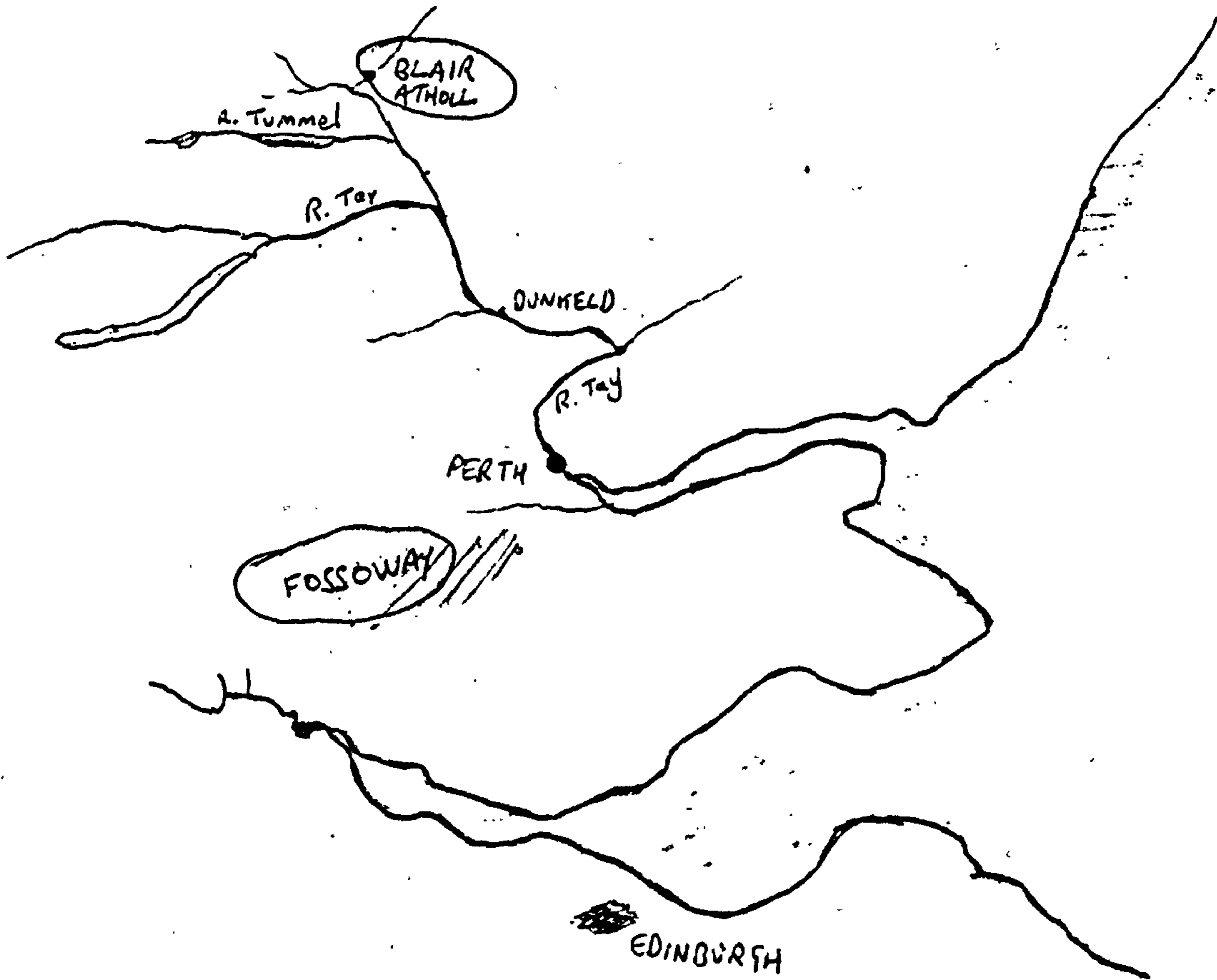
In the course of this chapter we shall see if the facts bear out the above statement or not. Before going on to look at the workings of the kirk session in more detail, however, it is worth asking who the men were who were responsible for keeping the parishioners on the

straight and narrow, i.e. the elders.

Only a small number of the elders of Blair Atholl have proven to be traceable. Some were on lands which did not belong to the Duke of Atholl. Others were on farm touns wadset or feued by the Duke and do not therefore appear on the Duke's rentals. Those from Atholl farm touns who do not appear on the rental must be presumed to be sub-tenants. The men who have been traced were without exception small tenants. Robert Steuart, elected an elder in 1721, had an eleven year tack of a ten shilling portion of Blair Wachter, sharing the $4\frac{1}{2}$ merkland with four other tenants and paying a rent of £20 Sc. per annum. Malcolm Steuart and John Steuart were both tenants of the 3 merk land of East Tulloch; the former held one merkland and paid an annual rent of £20 Sc., and the latter held half a merkland and paid £15-6-9 Sc. Charles Conacher was the possessor (i.e. tenant) of Alexander Richys Croft in Blair; he had no tack but paid yearly £3 Sc., a firloft of meal, a firloft of bear and six poultry.⁴⁷

In the letter which the 1st Duke of Atholl wrote on 2 September 1712 to Lady Menzies regarding the planting of the church of Dull (see p.105 above), he protested that "when the day was come Capt: James took upon him to administrat the oaths in English to several of the Elders, who did not understand a word of that Language, which was a great profanation of an oath."⁴⁸ The fact that these Highland kirk elders spoke only Gaelic reinforces the impression gained above that elders were not members of the gentry. They were men who must have been respected, but they were very much members of the community, not set above it, and undoubtedly reflected at least some of the attitudes and ethos of that community.

For purposes of comparison I looked at two different parishes, Blair Atholl (or, more precisely, the united parishes of Blair Atholl



and Strowan) and Fossoway (or, more correctly, Fossoway and Tullibole). The former - a seat of the Duke of Atholl - was a large sprawling Highland parish. The latter was entirely Lowland, with a population about half that of Blair; in it was the Duke's Ochils estate, including the coal mining village of Blairingone. In Blair Atholl it would appear that virtually all of the parishioners belonged to the established church for most of our period. In Fossoway, however, the figures which the OSA gives for the number of seceders in the parish works out at approximately $1/4$ of the population; it must be assumed that in the latter part of the century these seceders did not come under the authority of the kirk session.

Table 1 below shows the figures extracted for both parishes for three different 5-year periods.⁴⁹

The usual procedure was for a pregnant unmarried woman to be reported to the kirk session who would summon her before them. Although she might initially deny the accusation, proof of her condition would manifest itself soon enough. The term 'ante-nuptial fornication' meant that the couple had anticipated the wedding night. Presumably the evidence for this would be a child being born after the marriage but before nine months had elapsed; this is not specifically mentioned in the kirk session records, but the parish register records certain infants "begat in ante-nuptial fornication". A relapse - or in some cases a 'trilapse' - meant that this was a second or third illegitimate pregnancy. The total figure for illegitimate births includes these 'relapses'; the latter figure simply allows us to see to what extent illegitimate children were being born to habitual offenders rather than as a 'one-off' phenomenon.

It will be noted that adultery was a much rarer offence than simple fornication. A researcher into the kirk's attitudes toward

TABLE 1

	<u>Illegit. child</u>	<u>Ante-nuptial fornication</u>	<u>Relapse</u>	<u>Adultery</u>	<u>Other Offences</u>
<u>Blair Atholl pop.3257^a</u>					
Period 1 1718-1723 ^b	37	9	13	2	14
Period 2 1748-1752	47	4	4	2	18
Period 3 1775-1779	32	2	-	1	3
<u>Fossoway actual pop.1765^c estimated estab.church members 1288^d</u>					
Period 1 1718-1722	6	2	-	-	5
Period 2 1748-1752	10	-	2	-	13
Period 3 1775-1780	6	4	1	3	5

^aThat is the figure given in Webster's Census of 1755. The OSA gives a figure of 3120, but the hundred-odd people were most likely to have left the area between 1780 and 1790, so I am using the first figure throughout.

^bthis is actually a five-year period, as there is a gap of about nine months within it.

^cWebster's figure. The OSA states that the population in 1780 was 1716, but such an insignificant drop in numbers does not seem worth taking account of.

^dbased on the fact that in the 1790s 27% of the parish were listed as seceders.

such matters in the early modern period has shown that whereas fornication was regarded as a "filthy vice, but not abominable and offensive in nature", adultery was listed along with blasphemy, perjury and murder as a capital crime.⁵⁰ The writer of the account of Blair Atholl in the OSA wrote, "To the east of Atholl-house, there is a

deep pool, with a rock in it, whence adulteresses were of old thrown, sewed up in a sack, and drowned."⁵¹

By the eighteenth century more enlightened attitudes prevailed, and while adulterers had to make many more appearances before the congregation, as well as to pay a much higher fine⁵², no particular shock or horror was expressed in the kirk session records at discovering an adulterer. There is no mention in these sources as to how adultery was detected. The subject of 'other offences' will be discussed under the appropriate kirk session in due course.

Table 2 below shows illegitimacy ratios for both parishes. (N.B. The notes in Table 1 also apply to Table 2. For periods 2 and 3 the number of estimated established church members has been used for Fossoway rather than the total population.)

TABLE 2

Illegitimacy Ratios

	<u>Blair Atholl</u>	<u>Fossoway</u>
Period 1	5.7%	1.9%
Period 2	7.2%	4.4%
Period 3	4.9%	2.6%

To work out these ratios a crude birth rate of 40.31 per thousand of the population has been used for Blair and a crude birth rate of 35.10 per thousand of the population has been used for Fossoway. (These are the figures given in Scottish Population History for the Highlands and Hebrides and for the Eastern Lowlands.⁵³)

Assuming that these ratios are correct, then some interesting things emerge from them. In the first place the illegitimacy ratios are consistently higher for the Highland parish than for the Lowland

one. While it is possible that Fossoway's kirk session was less zealous in chasing up offenders at one particular period, this was definitely not the case in all three periods. It does rather look as though the Victorian writer quoted on p. 115 above was mistaken in his assessment of the kirk session's chastisement as a corrective to illegitimacy in the Highlands.

The other noteworthy fact is that whereas illegitimacy graphs for England tend to rise between 1700 and 1800⁵⁴, in both our parishes there is a peak at mid-century and then a drop back to earlier levels. There are, of course, two possible explanations. The first is that Scotland did not follow England's pattern, and that illegitimacy really declined. The second is that by the third quarter of the century kirk sessions no longer had the zeal to chase up every possible sexual misdemeanour, and that a greater number of illegitimate births therefore went unrecorded.

The usual source for European illegitimacy figures are baptismal parish registers. The Fossoway parish register for this period lists only the father's name and so is not usable for this purpose. However, the Blair Atholl parish register provides all the requisite information.⁵⁵ The numbers of illegitimate births recorded in this source are compared with those from the kirk session records in Table 3 below.

TABLE 3

A Comparison of Illegitimacy Figures for Blair Atholl

	<u>Parish Register</u>	<u>Kirk Session</u>
Period 1	20	37
Period 2	24	47
Period 3	13	32

The wide discrepancy between the two figures is startling. Some infants may have miscarried or been born after the end of the five-year period, but it certainly does appear as though a number of bastards were not being baptised.

It will be noted that the upward swing in numbers mid-century and later drop back down also shows up in the parish register figures and suggests that Scottish patterns may well have been different from English. The whole question of what constituted a legal marriage was much more complex in Scotland than in England, and may have played a part in contributing to these figures.⁵⁶

To turn now from the general to the particular, we shall begin with Blair Atholl in Period 1 (though the basic procedure was the same in both parishes in all three periods). The initial step - that of reporting to the session that a particular woman was said to be with child - has already been mentioned. Once the woman was standing before the session and had confessed her guilt, the next step was to get her to name the father so that he too could satisfy church discipline.

In a thesis on this subject the point is made that it was not just a question of satisfying church discipline: in Scotland, if paternity was proved, the father had to contribute towards the cost of confinement and the maintenance of the child until the age of seven. The kirk session in attempting to establish the correct identity of the father, could therefore have been making sure both that the latter was not evading his social responsibility and also that the child would have adequate provision made for it.⁵⁷

In most cases when the man was called before the kirk session he admitted his own guilt, but not always. There were occasions where a man flatly denied being the father or even having had intercourse

with the woman. Both parties would be called before the session a number of times in the hope that one or the other would break down and admit the truth. Witnesses were often called in the hope of proving the guilt or innocence of either party, but as sexual intercourse was unlikely to have taken place in front of others they did not normally prove very helpful. All that the session could do was to put continuous pressure on the parties involved. Often they would be called before the presbytery, in the hope that the extra weight and authority of that body would break them down. Sometimes it did, but there were instances where the man continued to deny responsibility, and the kirk session ultimately had to give up.

In one unusual case in this period the woman, Margaret Forbess, claimed the father of her child was Niel Steuart, and he agreed that this was so. However, the session heard reports that in reality Niel had been persuaded to claim paternity because it was actually his brother's child, and the brother was a married man. The case dragged on for months, and the records do not show it being satisfactorily resolved.

There was never any attempt to persuade either of the parties to get married. Presumably the assumption was that they would have if they could have. A man needed to be able to afford to set up his own household before he could marry, and clearly most of these could not. Of the occupations actually mentioned in this period one woman had been a nursemaid and four had been servants; four men were also servants, and there was one weaver, one fiddler, one dyer, one waulker, and one wright.

When the offence was a second or third, the offender was recorded as being a relapse or trilapse. Sometimes more details were provided. Liliias, or Lilly, McDonald was alleged to have relapsed in

fornication with Donald Steuart, a fiddler in Tynacraig. In fact she confessed that she had had a child by him four years earlier and another two years before, both of which had been baptised; she was now pregnant for a third time, but on this occasion the father was a different Donald Steuart, a weaver in Muir of Blair. She had to make innumerable appearances before the congregation, but clearly she could not have felt there was much shame involved in unmarried motherhood.

Rape appears to have been rare. There was one case, though, of a married woman forced by a man. Although initially he denied it, apparently he had told others of his action (boasting?) and so was forced to admit it. He had to pay a very large fine, so obviously the session did not treat such behaviour lightly.

The other things which came before the kirk session fell into a variety of categories. There were four cases of a man or woman contracted in marriage who changed their minds and 'retracted'; they had to pay a fine. The only case of Sabbath breaking involved the waulker at the Waulk Mill of Blair who had previously been alleged to have gone fishing on the Lord's Day and so had not been permitted to hold his child to baptism but had to get a sponsor instead. When asked to pay his baptism money he refused, claiming that he had not been fishing on the Sabbath and that as he had not been permitted to hold his own child to baptism he would not pay.

Calumny, slander, backbiting and jealousy made a few appearances. Someone wanting their name cleared could have recourse to the session for that purpose. Margaret Catenach complained that Christian McDonald was too intimate with her husband, Duncan McGregor. Subsequently she admitted it was sheer jealousy and she had never actually seen the two "in an unseemly posture". The session made it their business to

reconcile husband and wife but insisted that Duncan and Christian were never to converse together without another person present.

Donald Robertson, a cottar in Cuiltbeg, brought a complaint against Margaret Nickglashan. Apparently she had claimed he stole malt and bear from her. He wanted his name cleared and his accusers stigmatised as calumniators. The session looked into the matter, but "it was found nothing worth." One of the most intriguing cases of the period cannot, unfortunately, be followed up. On 29 May 1720 Elspeth Robertsons in Blair was accused of horrible imprecations on James McLaren in Blair who was very ill with a swollen right hand and likely to die. Alas, this entry occurs before a nine month break so that is the last we hear of what amounts to an accusation of witchcraft.

In Period 2, on 21 May 1749, John Robertson in Wester Balhuain "being interrogate if he, when he made charms to John Tossich's cow in Wester Monzie, said that a witch in the Toun end, did harm to the said cow, deny'd that he never uttered such." The following year, on 11 March 1750, we find a statement to the effect that according to the Commissary of Dunkeld's precept, James Frazer and John Tossach in Wester Monzie gave in a Declaration denying they believed Elspeth McLauchlane to be a witch. The fact that it was the same farm toun in both instances suggests that it may well have been the same woman whom the locals thought of as a witch, however prudently they denied it to the authorities.

One must not assume that the paucity of accusation of witchcraft means that such beliefs were not still current, for it is well known that they continued to be strong in Highland Scotland well through the nineteenth century. Knowing, however, that the kirk did not show any sympathy with such beliefs, the parishioners in our area clearly kept these matters amongst themselves rather than

bringing them before the session.

The main difference I found in Period 2 was the number of so-called voluntary compearances. Instead of waiting to be accused and summoned an increasing number of men and women turned up at the kirk session confessing that they had been guilty of fornication and stating their willingness to undergo church censure. This continued into Period 3 as well. It could indicate an increasing respect for the church (though the number of misdemeanours was certainly not diminishing), or perhaps just less fear of the consequences in the knowledge that such offences were no longer being regarded so seriously.

Otherwise the procedure was the same as in Period 1. In one unusual case in 1752; Donald McIntyre, accused of being the cause of Hellen Stewart's pregnancy, admitted his guilt with her but refused to own himself father until he saw that the date of delivery coincided with his guilt, as he claimed that other men had also enjoyed her favours. The fact that for the most part a woman could point to only one man as possible father suggests that promiscuity was unusual.

Occupations were more often stated in Period 2, though the pattern remained similar. Fourteen of the men and eleven of the women were listed as servants. Three of the men accused of fornication were the employers of the women they had fornicated with, and two others were sons of employers. There was also a miller, a tailor, a shoemaker, and the gardener at Blair Castle. James Bisset, the young Commissary of Dunkeld, was accused of being the father of one illegitimate child. And on 5 March 1749 Ann Stewart of Kindrochat claimed that the father of her child was the Hon. John Murray, son to Lord George Murray (the future Duke of Atholl in fact). What is striking about this entry is that there is no follow-up; no public appearances, even by the woman, no church censure, just silence. Evidently

hushing the incident up was first priority.

During Period 2 there was one rape and one attempted rape. In the former case the girl had apparently told her parents, and also the man who was courting her, but her father insisted she keep quiet about it. Evidently there was shame connected with ravishment, just as there is today, even if the woman is in no way to blame. On 7 February 1748 an unsuccessful ravisher, Donald Fergusson in Aldan-oulaish, was fined £10 Sc. and appointed to compear before the congregation. On 5 March 1749 there is another entry stating that Fergusson paid £9 Sc. for breach of Sabbath and attempted ravishment. The man was obviously a troublemaker.

Cases of slander became more frequent in this period. The word had a much broader definition in eighteenth-century Scotland than it has today, encompassing any derogatory remark which was untrue. A good name was clearly important in the community. After the session found that the scandalous report spread about Ann McKenzie in Rienacoileach was false, she asked that an order vindicating her character be published. The session considered this a reasonable request and did so. Sometimes the session's role of peacemaker could prove complicated. In 1751 Duncan Fergusson in Easter Invervack complained that Grissel Stewart had ruined his and his wife's good name by charging him with theft and murder and his wife with adultery. Grissel, on the other hand, claimed that he had first slandered her. Witnesses were called for both parties, the evidence was sifted, and the session finally concluded that both parties were guilty, but she more than he.

Accusations of breach of Sabbath were also more frequent in this period. Fighting was the most frequent offence, but there were others. On 30 April 1749 John Robertson Senior in Killmaveonaig admitted that

on Sunday evening, 3 April; he had found his neighbour's swine in his sown land and seeing the damage done had pursued them to his neighbour's door and killed one of them. The session considered this a heinous breach of the Sabbath, fined him £5 Sc. and appointed him to make public appearances before the congregation. On 19 November of the same year, a John McIntosh "wrote the names of severall of his Neighbours upon a piece paper, being Sunday, to find out some shirts stollen from him, and saw them put in water." The session fined him a crown for breach of Sabbath. They do not seem to have been at all bothered by his unusual action, presumably some kind of local superstitious practice.

There are no revelations in Period 3. Either the populace became less sinful and contentious or, as surmised earlier, the kirk session pursued their duty less rigorously. Sinners included five male servants, two female servants, a merchant in Perth, a gardener at Blair Castle (again), a sailor in Edinburgh, and two soldiers. One of the latter, who was in (or said he was in) the Atholl Highlanders, apparently ravished Isobel Stewart when she was at her summer shealing. As there is really no more to be said about Blair Atholl in Period 3, we shall turn to Fossoway in Period 1.

The pattern there is similar to that of Blair Atholl. Occupations are rarely given so we cannot compare those, but otherwise there is fornication, scandal-mongering etc., just as in the Highland parish. There were no cases of Sabbath breaking in this period. There was one instance of a couple appearing voluntarily to confess their guilt of ante-nuptial fornication. They were rebuked by the session for denying their guilt when they were cited before their marriage, which suggests the wife discovered she was pregnant and thought they might provoke less wrath by coming forward at that stage rather than after

a child appeared prematurely.

In August 1722 Hendry Henderson asked the minister to baptise his child. As the infant had been born six weeks before the wedding, Henderson was forced to admit to ante-nuptial fornication. However, on his next appearance, in September, he flatly denied ever confessing to that sin and insisted he was not guilty. The couple were summoned three times in October but never showed up, so the session resolved to bar them from all church privileges. There is no record of whether or not this had the hoped for effect.

John Feters compeared on 17 August 1718, admitting fornication with his servant, Isobel Drysdail, citing times and places. However, when she compeared it was to state that although Feters had made attempts at those times she had never given in to him. She was not pregnant, but he still insisted they had been guilty of fornication. The session gathered (presumably from local gossip) that Feters wanted to marry Isobel but she was unwilling, so he was trying to blacken her good name. Further attempts to make him admit the truth were unavailing, so the session eventually referred the matter to the presbytery. Feters' nerve seems to have failed him at that stage for he did not compear before the presbytery, and the latter sentenced him guilty of calumny.

In Period 2 Sabbath breaking became a frequent offence. On 5 May 1749 John Fisher in Miltoun of Glendovan was summoned because of a report that he had threshed straw for his beasts on the Sabbath. For months he denied it while the session called witness after witness; eventually the matter was passed over to the presbytery who declared him guilty. Certainly in this period the session spared no time or effort to prove the guilt of anyone summoned before them.

Unlike Blair Atholl where the most frequent way of breaking the

Sabbath was to get into a fight, in Fossoway it was drunkenness. There is no point in enumerating the various cases - one of them, John Drummond, in a drunken fit apparently tried to preach a sermon! - but there was definitely one persistent drunkard and not only on a Sunday.

Thomas Louthian is first mentioned on 2 January 1751, when the session was informed that he had been drunk on the Saturday before the Sacrament, which gave offence to everyone who saw him in the congregation. When he finally compeared in June he admitted having been drunk then and on other occasions. After being rebuked and exhorted he was dismissed but was warned that if he did not reform the session would proceed to higher censure against him. On 7 August it was reported that he was still getting drunk, and on 15 September a further report reached the session of his drunken behaviour. On 22 September he admitted his drunkenness and on 6 October made a public appearance before the congregation and was rebuked for habitual drunkenness.

However, on 19 April 1752 the session was advised that Louthian made a practice of staying at home on the Sabbath day, when he was habitually drunk and speaking "scandalous language". The officer who went to cite him reported that he found him drunk in his bed. On 10 and 17 May he was summoned but did not compear, and the session evidently decided to drop the matter as nothing more is heard until 26 September when the session was advised that he was still getting drunk, and cursing, swearing, and abusing his family. The session summoned him three times before giving up and referring the whole matter to the presbytery.

Swearing without drunkenness also cropped up from time to time. The session spent time from May 1748 to January 1749 trying to

ascertain if William Dempster had indeed called James Davie a "damned liar". It was reported at one stage that Dempster had called the session "a parcell of Stupid Idiots", which cannot have put them much in charity with him.

The most interesting case in this period, however, concerned fornication. On 24 July 1748 Christian Muddie compeared and admitted she had given birth to an illegitimate child. She claimed the father was James Watson, but though he acknowledged guilt with her he denied being the father. Witnesses were called as to whether the baby had been born before term or not, but no conclusive answer emerged. The session decided not to worry about paternity since both parties admitted guilt, and they both made their public appearances and paid fines. In October Watson was proclaimed for marriage with someone else.

In September 1749 Christian Muddie was summoned and asked if she was with child again; she denied it. In October the session heard that she planned "to fly the country" (i.e. the locality) and paid her a visit, at which time she admitted herself guilty of a relapse in fornication. She named James Dewar as father; he denied paternity. Months of interrogation followed, wherein it emerged that Dewar had offered Christian money to leave. Both were cited before the presbytery more than once. Dewar refused to admit anything and remained under church censure. In October and November 1750 Christian Muddie made her public appearances and was absolved.

On 7 August 1751 the session was informed that she had fled and was reported to be with child. The moderator was to write to Edinburgh where she was said to have gone. On 25 August a letter was read out from the minister in Edinburgh. Christian had been there for a week but was now gone. A woman with whom she had stayed claimed

she was with child and had stated that it was the same man who had fathered her last child.

On 22 September the session was informed that she was staying with a relative in Kirkcaldy. The beadle went to Kirkcaldy, but it turned out she had stayed there only one night and was gone. In November the session checked with Edinburgh again but she had not been back there and was reported to be in Saline. In December she was back in Fossoway, and when summoned she compeared and denied she had been pregnant when she left the parish in July. When asked where she had been she described her travels, but there were some noticeable gaps in her narrative. The minister later produced a letter from the minister in Saline saying that some weeks ago a child had been left in Dunfermline. On 5 January 1752, by order of the minister, Christian Muddie's breasts were examined by midwives, who declared that she had brought forth a child since weaning her last. In spite of additional witnesses who claimed she had been with child when she left the parish in July, Christian continued to deny the fact. In August the session was informed by two men in Dunfermline that she had given birth in Kirkcaldy, though the officer who went there did not obtain further information. By this time the sheriff substitute of Perth was also involved in the case, though by the end of 1752 it was still not resolved.

It seems unlikely that Blair Atholl kirk session would ever have gone to so much trouble to follow one person, which demolishes the idea that Fossoway's consistently lower illegitimacy ratios were due to less zealousness. The woman's actions on discovering that she was pregnant for a third time, even to abandoning her own infant (for there seems little doubt that that was indeed what happened) show just how seriously she took the kirk session. It does seem that

unlike the Highland parish of Blair Atholl, where repeated illegitimate births do not appear to have conferred any great shame on a woman, in Fossoway the kirk had enough influence to severely stigmatise such a woman and make her life a misery in consequence.

If we move on to Period 3 in Fossoway we find some curiosities. On 25 February 1776 James Kirk declared to the kirk session that his name and that of Isobel McCraich had been spoiled by a report that they had lain together with his wife and had remained in bed after the wife had got up. He admitted that the three of them had been in bed together but insisted that Isobel had got up first. The session called witnesses who substantiated Kirk's story, but he was warned by the minister to be on his guard in the future.

An even more curious case concerned a married woman, Helen Maxwell, accused by John Keir on 25 June 1775 of impeaching his character. According to her testimony Keir had arranged a tryst with her for a particular night. She had told her husband, who dressed himself in women's clothes and kept the tryst in her place. Witnesses agreed that the husband had indeed met up with Keir, and that he was dressed in women's clothes. Everyone, including Keir, appears to have recognised the man immediately in spite of the female garb, so it is difficult to imagine the point of it all. The session delayed making a decision (indefinitely as it turned out).

One new phenomenon which emerged in this period was clandestine marriage (it did not manifest itself at all in Blair Atholl). On 5 November 1775 Robert Glas, 'servitor to Mr Coventry of Gartwhynian', compeared with Agnes Law, previously his maid servant, declaring they were clandestinely married. They showed the session their marriage lines signed at Edinburgh in November 1774. The session rebuked them, declared them married persons, and exhorted them to behave as

such. One can see that under the circumstances there may have been good reasons for keeping their marriage secret for a while, but in another case no such obvious explanation presents itself. On 18 October 1776 Henry Davidson appeared ex gratia (i.e. without being summoned) with Elison Spence, acknowledging they had been clandestinely married and showing their marriage lines from Edinburgh dated June 1776.⁵⁸ The very fact that both these couples journeyed to Edinburgh for their marriages argues increasing physical mobility.

In both our parishes, but more notably in Fossoway, the kirk session kept careful track of everyone coming into or going out of the parish. No one was allowed to settle in the parish without a 'testificate' (testimonial) from a minister attesting to their good character; newcomers who did not immediately produce such a document would be summoned before the session and would not be left in peace until they came up with it. Anyone leaving the parish would know they could not settle elsewhere without a testificate and would thus have to apply for one before going. This system undoubtedly helped the kirk session to exercise a measure of social control and to keep an eye on the movements of parishioners.

It was also important from the point of view of the administration of poor relief, and we turn now from considerations of morality to two other areas where the kirk played an important role: poor relief and education.

CHAPTER FIVE

POOR RELIEF & EDUCATION

Poor relief and education are two very important aspects of social history, but unlike the nineteenth century when Statistical Accounts and Parliamentary commissions provide a good solid base from which to work, eighteenth-century source material is very patchy.

Professor Rosalind Mitchison has mapped out the progression of events from the sixteenth to the nineteenth centuries which gradually transformed the Scottish poor law.¹ Assessing the day-to-day administration of poor relief in our period is difficult. However, every landowner was forced at times to become involved in this issue, so the Atholl archive has yielded a certain amount of material on the subject, which has been supplemented by kirk session and Justice of the Peace records. While it would be foolish to claim that anything resembling a complete picture emerges, we do at least get an idea of the concepts which governed the giving of poor relief, as well as the effects of the measures taken.

For education, aside from references in Atholl correspondence, there are presbytery records and SSPCK records. Here we have the curious position of learning much more about charity schools than about parochial schools because in the eighteenth century the latter were, on the whole, running smoothly enough not to require comment, while the former were an innovation.

An important, but distinct, aspect of the subject of education concerns language. It was the declared aim of the SSPCK for much of the century to eradicate Gaelic from the Highlands, transforming the people there into English speakers. A section on this subject will

conclude the chapter.

I. Poor Relief

Three different aspects of poor relief will be dealt with here. The first is concerned with money collected and disbursed. As kirk session records show, this was all done in a way which by later standards seems extremely haphazard, but dealing with such evidence as is available on the subject does at least give us some insight into what went on. The second thing has to do with ideas and 'schemes' about the organisation of poor relief. At certain points in the century those responsible for relieving poverty were forced to realise the inadequacy of the system and to try and come up with ways of improving it. Thirdly, there is the subject of famine relief, i.e. what happened during those periods of harvest failure when ordinary poor relief was not enough.

The first relevant document in the Atholl records of our period is dated 1687 and is a Mortification for the poor of Blair by the Marquis of Atholl.² In it the Marquis, in consideration of

the wants and necessities of the poor with[in] the parochene of Blaire have thought fitt to m[ortif]ie twelve bolls meall and twenty four pounds of money to be payed yearly for the reliefe and —ie of six of the most indigent within the [said] parish to be nominate presented and appoynted by us our aires and successors in the Earledome of Atholl, As alsoe we out of the same charitable dispossitione doe mortifie the house and yard possest be John Stewart merchant in Blaire for accomodating of the said six indigent persones.

This mortification continued throughout our hundred-year period, an impressive example of continuity.³ The decision as to eligibility of the six "bead men", as they were called, was the kirk session's. A document in the Atholl archive titled 'List of Bead Men in the Parish

of Blair 1749' has six men on it who still received two bolls of meal and £4 (Sc.) of money.⁴ It seems unlikely that the six men were actually accommodated in a house as stated in the mortification.

If they had been one would have expected the question of repairs to have come up from time to time in the session records, but I did not find any references of this kind.

In 1697 there was another mortification by the Marquis of Atholl. It appears from the wording of the document that a previous minister of Blair, Walter Stewart, had several years earlier mortified five hundred merks, but that the Letter of Mortification had been lost so the poor never received the money. In memory of Walter Stewart, the Marquis wrote

we hereby Mortifie assigne assigne(sic) and dispone To and in favors of the poor and indigent people for the present being And hereafter to be in the parochin of Blair-Atholl All and heall the soume of Fyve hundred merkes Scottis money Resting to us be Gilbert Stewart of Fincastle be bond dated the First day of June [1697] Reserving alwayes to us and our heirs and successors the office of patronage thereof And for that end we hereby recommend to the minister and elders of the said paroch for the present being and hereafter to Be To give up to us yearlie Lists of such poor persones within the said paroch as doe merit and deserve the benifite of this our mortificatione.⁵

If such annual lists were indeed produced then they have not survived in the archive. In fact, unlike the 1687 mortification, no further references to this 1697 mortification have surfaced. On the other hand, a 1753 entry in the Blair Atholl kirk session register mentions the Duke appointing charity to be given weekly to the poor of the parish.⁶ If even the least paternal and most frequently absent of the eighteenth-century Dukes still considered that he had certain obligations to the poor, then one can see how strongly this

sense of responsibility was built into the structure of landownership in Atholl.

Not all of the gentry were so willing to undertake that kind of responsibility. On 9 May 1718 there is an entry in Fossoway kirk session records stating, "The session finding that the Laird of Rossie hath given no return to the letter to him anent the poors money resting be him therefor they did impour John Dick, John Brand and John Letham or any one of them to use legal dilligence against him for recovering the same." Subsequently the session asked the presbytery's advice on the matter, and on 2 February 1720 "the Minister reported that the advice of the presbytrie was that it will be more prejudicial to the poors box to insist in that affair than to let it fall and desist therefrom."⁷

The poor did not, however, depend entirely on the gentry for relief. The following entry from the Blair Atholl kirk session register (10 January 1720) shows that men and women who were not landowners did at times provide money for the poor.

This day Barbara Forbess in the Brea of Fascally came and told the Session that her father left 50 merks Scots to the poor of this Paroch to be Lodged in the hands of the Session and the annualrent of the said Principall Sume to be given to the poor yearly, and she said that her father desired in the Mortification, that so long as he or any of his Children lived, that he or they should have the disposing of the said sume's annualrent, as they pleased to some object of pity especially if there were any of their own friends indigent within the Paroch, and she this day appointed to Margaret Gray in Tiriny and to Alexr Robertstone one years annualrent to be equally divided between them and ane other years annualrent to Margaret Forbess in Ludes Ground; and a 3d years annualrent to McLaren Son to Alexr McLaren Walker at the Walk-miln of Blair Atholl.⁸

The word 'friend' at this time usually meant 'kin'. (The Gaelic word 'cairaid' is still used interchangeably for either friend or relative.) It is clear that this mortification did not come from someone who would have been classified as 'gentry', but from an ordinary member of the community. A statement made as late as 1844, that "the best assistance which the poor have in...highland parishes is from the kindness of their friends and neighbours"⁹ was obviously true throughout the early modern period.

On 6 September 1719 an entry in Fossoway kirk session register reads

This day the session being informed that the above named Margaret Foord her case & condition is very distrest and indigent the session considering that what the pors box could spare to her now & then was but small in regard to her necessity therefor they unanimously concluded that intimation should be made the next Lords day for a voluntar contribution to be gathered in her favours at the stile the first Sabbath of the ensueing moneth of October.

According to the entry for 4 October the amount collected for her came to £22-25-6 Scots, an impressive sum considering that at the quarter session on 16 August 1720 the amount of £15-10 Sc. was distributed amongst no less than nine of the parish's poor.¹⁰

Parishioners did not make the same distinction as kirk sessions did between the poor who were deserving of charity and those who were not, a fact which never ceased to exasperate the authorities. Time and time again attempts were made to stop folk giving charity to anyone who asked. On 29 October 1751 the Perthshire JP Quarter Session resolved "that every person giving Charity to any Vagrant Beggars at their Doors shall be fined in five pound Scots for every Transgression."¹¹

The question of what precisely made someone a proper object of

charity is difficult to answer because quarter session and other entries merely listed the recipients by name without appending any further information about them. However, on 23 October 1753, the day on which Lady Charlotte Murray (daughter of the 2nd Duke of Atholl) married John Murray of Strowan (nephew of the 2nd Duke and future 3rd Duke), a list was produced of "poor Householders within the parish of Blair Atholl who though in very straitning circumstances do not beg." The Duke arranged for half a boll of meal and half a guinea to be delivered to each of them.¹² The list included the following names and details

John Murray in Blairuachdar is a beadman but this allowance is far from sufficient to maintain himself and aged wife who has of a long time been mostly bed fast

Duncan Robertson in Balluain had several years ago his leg broke in the Duke of Atholl's work His Grace has since given him a beadmanship but being much disabled by the said misfortune and having a numerous family of small children he is still very indigent and a proper object of charity

Alexr McDougal in Kirkton of Strowan a sickly old man

Elsbeth McLean in Trinifuir sickly and sometime delirious

Finlay Mcrossie in Portneilan an old blind man

Isobel Calmanach in Bonrannoch disabled by sickness either from earning her bread by her labour or from travelling to beg

It would seem that in order to qualify as a "proper object of charity" one would have to be in a fairly desperate or even hopeless position.

I transcribed three particularly neat quarter session reports from the Fossoway kirk session records, dated 10 May 1748, 16 August 1749, and 2 August 1752. Seven of the fourteen 1748 recipients of charity were also on the 1749 list; the average they received was £1-4 Scots. Only one of these appears on the 1752 list as well, and

she only received six shillings Sc. in 1748, 12s Sc. in 1749, and 2s Sc. in 1752. Only one woman who appears on the 1749 list (but not the 1748 list) also appears on the 1752 list. So it is clear that not many people remained on the poor roll for very long; either their circumstances must have improved, or else they died, having been fairly near death already in order to get on the roll.

There was certainly much variation in the overall amounts disbursed. In August 1749 it was £40-3 Sc., while in August 1752 it was only £7 Sc. Admittedly the 1749 list also included monies paid to the beadle for cleaning the communion table cloths, to a wright for his work, to a presbytery clerk, to a Mr Davie for extraordinary singing, etc. There were also various sums given to "ane object at the Door." 1752 on the other hand was a bad year. On 31 December the Register states, "This day the Session taking to their consideration that the number of their poor is so increased that dayly collections cannot serve them. They therefore judge it proper to call in their annual-rents."¹³

Blair Atholl kirk session did not hold quarter session meetings, but for some unknown reason they kept a record of all the money collected and disbursed from 31 October 1762 to 1 November 1763.¹⁴ In the course of that year only five names (all of them women) appear more than once, and only three of these more than twice. From November till May Elspeth Stewart in Carrick appears nine times; in the latter month the necessities for her funeral, including her coffin, appear on the list of poor law expenses. However, Rachel Cameron appears thirteen times, and she seems still to have been going strong at the end of the year, having moved in the course of it from one farm town to another. However, the fact that the overwhelming number of names occur on the list only once certainly

supports the view that for most parishioners of Blair Atholl poor relief was strictly a last resort.

An unusual use of the pors fund occurs near the end of our period. An entry in Blair kirk session register dated 27 February 1780 states

The Minister told the session that as he had formerly proposed to them to Employ so much of the pors funds for paying a Physician who should inoculate for the small pox the children of such poor parents as were unable to pay for that operation, and had their approbation tho it was not minuted he now informed them that he had written last week to Dr Farquharson Physician at Dunkeld Requesting him to come to Blair as soon as he could for this purpose and promising him two guineas out of the pors funds for inoculating as many of the poor as he pleased for That money The Session having considered the above and approv'd thereof.¹⁵

After 1751 poor relief was in theory the responsibility of the heritors of each parish instead of the kirk session,¹⁶ but the extent to which the theory was put into practice seems to have varied from parish to parish. Outside interference was certainly resented, as the following entry of 7 July 1751 in the Fossoway kirk session register makes clear

This day was read ane act of the Sheriffs of Kinross anent the suppressing of vagrants and requiring each paroch within their bounds to Maintain their own poor, and Desiring each Session to send up a list of their poor, and the funds they [have] for their maintenance

The Session considering the same find that as the poor of the paroch of Tullibole which lyes in Kinrossshire and of Fossoway in Perthshire cannot be distinguished what belongs to the one and the other. They therefor appoint their Clerk to write the same to Mr Lossly Sheriff, and to let him know as the funds cannot be given accompt of to him so a list of the poor will be needless and that they are resolved to keep their poor within the bounds of the

paroch.¹⁷

It would appear that the kirk session and heritors were in harmony with each other in our area. In August 1775 Fossoway heritors and kirk session met together to consider a proposal that each parish maintain its own poor and agreed that "they were sufficiently able to maintain their own poor." In December of that year the session made the decision that those of the poor "who are able to go about to beg should be served with badges and allowed to [go] thro' the parish but not out of it, such as are neither able to go nor work should be weekly supplied according to their necessity and at the discretion of the Session", which certainly sounds as though the session were still in charge. However, the statement that "it is the oppinion of the Session that their funds are full able to supply the poor in this parish without any assessment upon either Heritors or householders" shows that kirk session and heritors presented a united front against any encroachments by county government.¹⁸

The issue of legal assessment was one of the great bugbears of the eighteenth century. Although heritors would be willing to tax themselves in periods of crisis and for short terms¹⁹, they strenuously resisted all attempts to force them into making this a regular practice. The fact was, however, that the funds available for the poor were often inadequate, and therefore it behoved the authorities to come up with ideas to improve the system. The Minutes of a committee meeting of Perthshire JPs in Edinburgh on 23 July 1756 - sent by the sheriff depute to the minister of Blair Atholl - have been transcribed as Appendix 17 (Vol.II, p. 65).²⁰ This is "a plan for the proper and effectual maintenance of the poor within their respective parishes." The idea was that if the poor could be kept within their own parish bounds, each parish would be capable of looking after

its own paupers. The suggestion that heritors and elders should tax themselves was made but was hurriedly followed up with an alternative: that anyone considered deserving of charity be issued with badges and allowed to beg within the parish. Once again a fine was to be imposed on anyone giving charity to vagrants.

On 7 June 1775 a committee of Perthshire JPs produced another long report on this subject.²¹ By this date, however, the emphasis had shifted significantly, as evidenced by the fact that the meeting of the committee had been held for the purpose of "forming a Plan for Detecting and Prosecuting Petty Thefts and other Crimes." This Report will come up in the chapter on crime as well, but as the basis of its recommendations was that such petty crimes were directly related to the numbers of vagrants and beggars roaming the country, which in turn was a result of ineffectual poor law administration, it also warrants discussion here.

The Report recommended that the Act of 1756 be revived and put into execution. A list of 'Rules to be Observed by the Heritors, Minister and Elders, at Parochial Meetings for the Maintenance of the Poor' was appended, and this list has been transcribed as Appendix 18 (Vol.II, p.68). This simply sets out the procedures which should be followed in administering poor relief, most of which strike the reader as so obvious it is difficult to imagine that they were not already being applied.

At the end of the Report there is a Memorial given in by the Committee for the Synod of Perth and Stirling, dealing specifically with the subject of vagrants and beggars. The first part describes the effects on the beggars themselves of their way of life ("the Lazy and indolent among the Poorer sort acquire an unconquerable aversion to industry, become inveterate in habits of Wandering and

idleness, and Bring up Familys of Children to Dissipation and vice who become the Pest and nuisance of society"). The more interesting part, however, is the one which deals with the effects on those who gave charity to beggars

The swarms of Common Beggars who every day surrounds their Doors clamorous for alms, is a Grievance which People of all stations, severely feel & Loudly complain of. The supplys given to such tho voluntary & Dictated by the feelings of Humanity yet amount to a tax found Heavy & oppressive by People in the Middle & inferior Ranks of Life especially by the Farmers & ordinary tenants of this county, among the greatest part of whom it is a Maxim, however absurd, to Lett no Beggar Depart from their Doors without Receiving alms, a handfull of meal (their common Bounty) tis true is of no great value, but when given every day to Numbers, it amounts to no small Quantity in the Year, -- to a Quantity indeed, much greater than they themselves are sensible of tho this indiscriminate charity operates as one, & not the Least inconsiderable cause of the Declining Circumstances of many among them.²²

As many of the entries in the New Statistical Account in the nineteenth century continued to complain about this same problem, it was clearly a difficult one to overcome.

In October 1775 the Perthshire JPs drew up a new Act, incorporating the suggestions made by the Committee's report. On 3 December 1775 Bisset wrote to the Duke of Atholl

There is a schem in agitation just now over all this county of provideing a maintenance for the poor, and that each parish should maintain their own poor - the low Country gentlemen are mostly keen for it, But they are Divided in the Highlands where the poor are by far the most numerous, and the funds by far the most inconsiderable - The Justices of Peace in their Quarter Sessions upon the 15 October last have made an act for the above purpose to commence the first of January - a little time will show how far it may answer.²³

The Perthshire JPs were certainly not alone in drawing up such

schemes. The records of the East Lothian JPs include a Report, dated 30 December 1773, on this same subject.²⁴ As with the Perthshire report two years later the emphasis is on vagrancy and crime rather than on poor relief, but the first proposal is simply that the JPs should resolve to keep "with vigour these Laws by which the several Parishes are obliged to maintain their own poor".

It is clear enough that as long as heritors were unwilling to tax themselves on any long-term basis, it was going to be difficult to raise sufficient money to support the poor, and as long as ordinary parishioners were willing to give alms to beggars, regardless of where they came from, it was not going to be easy to stop vagrancy and unauthorised begging. As a general rule, however, the subject only came up for discussion at times of harvest failure or dearth, which suggests that at other times the system was at least adequate, albeit inefficient.

As mentioned in Chapter 2, the 1690s were a period of very great hardship. With no kirk session records available for this period in our area, and only a comparatively scanty amount of correspondence in the Atholl archive, it is not really possible to build up a picture of events at this time. The following letter from David Moncrieff to Lord Murray in London, written in 1696, is therefore of particular interest in showing practical ideas for relieving the situation.

There is ane universall scarcitie of victuall in this Kingdom, which probablie will increase the harvest appearing very late, ther are some merchants here inclynable to buy considerable quantities of oats and peas in Yoarkshyre, wher they may be had at eassie rates, meerly for relieff of this cuntry, if a convoy could be had, to enter them within the Firth, I thought it my duty to acquaint your Lordship with this, the scarcitie is soe very sencible particularly in Pearthshyre, wher as I am told, ther is noe meall to be had for money, that the poor are in very great distress²⁵

Whether Lord Murray or his father, the Marquis, took any action I have not been able to ascertain, but the idea that a landowner, however distant he might have been at the time, did have some kind of responsibility to relieve famine is clearly present.

The next serious dearth in Scotland (though certainly not comparable to the 1690s) occurred in 1740-41. On 21 May 1741, in response to a circular letter written by the minister of Blair Atholl, the heritors and session met together "in order to concert Measures for subsisting the poor in this time of dearth". They came up with four resolutions, of which the first three were concerned with making certain that charity was strictly confined to genuine parishioners and the genuinely destitute. Only the last resolution dealt with the need to increase the supply.

4to That the Session exert themselves to raise what funds they can with the utmost speed and diligence and with such funds as they with the assistance of the Heretors can raise, supply such of the poor as are unable to travell, and also buy lint to be spun by such poor as can spin and they to be payd in meall for their work at spinning.²⁶

Rosalind Mitchison thinks that in this particular period of crisis, "on the whole control of movement and support for those in need operated effectively."²⁷ Although Professor Mitchison would apply this statement only to the Lowlands, the fact that there were no further repercussions in kirk session records or Atholl correspondence does seem to imply that such a positive comment could apply to Highland Perthshire as well.

The Perthshire JPs discussed ways of dealing with the 1741 dearth on 6 May, 28 May, 11 August, and 27 October.²⁸ On 4 May 1742 a complaint was made that the parishes of Muthill, Fowlis, Kirkmichael and Methven "had neglected to make provision for the poor of their

parishes" with the result that "the whole neighbouring Country was infested with begging poor." On 17 August the Clerk reported that he had written to the principal heritors and the minister of each of these parishes. The reply he received from Methven was

That the heritors & kirk session had last year in obedience of the order of the Quarter Sessions made necessary provision for the indigent poor of their parish That they continued to subsist the poor of the parish ay and untill the neighbouring parishes had given up the raiseing of any publick funds for the maintenance of their poor That in consequence thereof great numbers of begging & indigent poor from the highlands and all the parishes in the neighbourhood daily overspread the Country and particularly infested the parish of Methven That they judged it impracticable for them to keep up their funds any longer and Therefore granted liberty to the poor to travell as formerly ay and untill such regulations should be made and such publick funds be raised as might be necessary for the supply of their poor.

The above seems to confirm the premise presented earlier, that in times of crisis heritors were willing to tax themselves and avert potential disaster, but as soon as the danger was over matters reverted to normal inefficiency. With no strong central government to step in at this stage it is difficult to imagine the situation being any different.

The year 1752 is not normally listed by historians amongst the years of dearth, but Perthshire fiars prices for oatmeal rose from £5 Sc. in 1750 to £6-10 in 1751 and 1752. We have already noted that 1752 was a difficult year in Fossoway, and the following extract from Blair Atholl kirk session records, dated 29 March 1752, indicates that the dearth must have been fairly widespread, encompassing as it did the most Lowland and most Highland parishes amongst the Atholl lands in Perthshire.

the session considering the poor of the parish's case, by reason of the appearance of the scarcity of meal - desir'd the session clerk to give a list against Sabbath next, of all the bills and fines due to them, to put them in Execution, in order to provide somewhat for supporting the poor, the ensueing summer²⁹

This was very similar to the expedient adopted by Fossoway kirk session that year and seems a sensible and pragmatic approach, though what percentage of the money which they called in they actually got is a moot point.

The next period of dearth was 1772-3, and this received coverage in the Atholl correspondence. On 27 December 1772 Thomas Bisset wrote on behalf of the Duke of Atholl to Moray of Abercairny, "as an old customer", making an application for 200 bolls of meal. Moray's reply to Bisset on 1 January 1773 was that he had not yet received any of his tenants' meal, had no idea how much to expect from them but was certain it would be much less than the usual quantity, and therefore expressed himself unable to commit himself to supplying his Grace. Bisset wrote to the Duke, "I am really difficulted about the provision of this years meall, there is no Quantity to be got for money, every body are upon the Reserve and keeping up, and the Notion of Dearth allready begins to prevaill."³⁰

Bisset went on to say that riots had taken place in Perth by a mob determined to stop the export of grain to England. Other documents give a full account of the rioting and are dealt with in the chapter on crime. On 10 January 1773 Bisset wrote that since the export of grain to England had been stopped, meal had been brought to market to supply the poor, and dragoons had arrived to keep the peace; the riots had stopped, though similar incidents were taking place at Dundee.

Although the years 1771-2 are normally given by historians for

this period of dearth³², it would appear that in our area 1772-3 would be more accurate, for further letters by the Duke's factors in the spring of 1773 confirm the hardship which the tenants were suffering. The year 1773 was also a year of financial crisis, which may have affected grain prices as well. In March of that year Bisset again pressed Abercairny for meal and was told that the latter could make no promises as to quantity but that he would spare what he could; Bisset's opinion was that Abercairny was afraid of further riots and therefore loth to release any grain until there was no more possibility of rioting.³³

The famine of 1782-3 was by far the most serious of the eighteenth century. Rosalind Mitchison writes that although in the long term the crisis was met by central government action, it was the more immediate action undertaken at local level which initially averted starvation and epidemics.³⁴ This is borne out by the evidence available in the OSA. The minister of Fossoway wrote:

the severest season which has happened here for a long time, was in 1782. At that time, every description of men exerted themselves to assist the poor. A meeting of heritors, called for the purpose, thought it better to assess themselves, than to encroach on the parish money lent at interest. Different quantities of meal were bought, and sold to the people at the common prices in a year of plenty; and this mode of relief was continued till the scarcity was no longer felt.³⁵

The minister of Blair Atholl wrote that in 1782 the Duke of Atholl bought 500 bolls of meal, drove it at his own expense to Dunkeld and sold it at a reduced price to the poor of the town and neighbourhood.³⁶ Unfortunately there is no correspondence in the Atholl archive that would inform us where this meal actually came from.

It would appear that the 500 bolls of meal distributed in 1782 in Blair were still not sufficient, for between May and July 1783 the Duke's Edinburgh agent, George Farquhar, was trying to buy large quantities of meal to further relieve the situation. What emerges impressively from these letters is the enormous amount of trouble being taken to ensure that the grain was of good enough quality. In one of his letters Farquhar wrote, "The Fall's [big grain merchant firm] at Dunbar have cooked up a mixture of spoilt Oats from all quarters and are I am told selling meal from that, so low as 14sh per boll but I suppose that is by far too cheap. People may as well die of hunger as by poison, and save some Expence."³⁷

There is also correspondence with the Sheriff of Perthshire regarding the provision of meal by central government (the Duke had evidently feared that Perthshire was being neglected), and with the local ministers, in order to ascertain how much meal was needed to feed the poor.³⁸ From first to last, then, the Duke of Atholl and other Perthshire landowners took on the responsibility of dealing with this potentially major famine, underlining once again the paternalist nature of the system.

While superficially there would appear to have been little change in the way poor law administration muddled on in our hundred-year period, the harvest failures of the 1690s saw very great suffering with significant numbers of the population starving to death, while by the 1780s such potential disaster was effectively averted. Naturally there are a number of factors involved, including better roads and communications generally, but the fact remains that though the eighteenth-century Dukes of Atholl may have been heavily involved in London politics, this did not lessen the responsibility which they felt for the well-being of their tenantry.

II. Education

One of the key objectives of the Reformation in Scotland had been to establish a school in every parish. Although its success was far from negligible it was also far from complete. On 7 April 1724 Auchterarder presbytery recorded the following.

As to the affair anent Schools The Minister of Glendoven reported that his parish has neither legall Sallarie nor Schoolmaster The Minister of Findoe Gask that they had a Schoolmaster but wanted a legal Sallarie; the Minister of Blackfoord that they had a legal Sallarie but wanted a Schoolmaster The Minister of Trinity Gask that they had a legal Sallarie but wanted a Schoolmaster

The response of the presbytery strikes the reader as somewhat inane

The presbytery Considering this affair do appoint those who had legal salaries and wanted Schoolmasters to sett about getting them as soon as possible and those who wanted legal salaries to pursue for it in law.³⁹

The legal salary range at that time was 100-200 merks, supplemented usually by a fee for acting as session clerk. Although parents paid fees for their children to attend school, the basic salary of a parochial schoolmaster was paid by the heritors of the parish, assessed proportionately to their valued rents. This was all very well if the heritors were keen to have a school, but that was not always the case. Even when a school was established the schoolmaster could still have difficulty in getting his salary, though matters were not usually as bad as in Comrie where on 22 October 1707 Auchterarder presbytery were informed "that the schoolmaster of Comrie hath been abused and beaten by some in that parish for using Legal dilligence to get his sellary so that he and his family are forced to leave that place."⁴⁰

On 4 June 1705 the schoolmaster of Innercharnock in Balquhiddel,

Patrick Mullion (also spelled Mullione and McMullen) petitioned the Duke of Atholl for three years of unpaid salary.⁴¹ In the archive is also the following short list (N.B. the currency is not specified but in view of the date is clearly Scots).⁴²

Note of money advanced by His Grace the Duke of
Atholl To Schoolmasters within Perthshyre
Febry 23rd 1706

	£	s	d
Imp: to Neill Stewart Schoolmaster of Bonrannoch	40	6	8
It to Patrick McMullen Schoolmaster in Innercheanock in Balquhidder	40	0	0
It to Mr James Stewart Schoolmaster at Mullen	20	16	0
It to Mr Wm Young Schoolmaster in Glenalmond	3	14	0
It one Boll of meall			
		<hr/>	
	Summa	104	16 8
the pryce of the Boll meall is		5	6 8
		<hr/>	
	Summa	110	3 4
		<hr/> <hr/>	

There is nothing to explain why the Duke should have advanced those sums, but the most logical explanation would be that the other heritors were being recalcitrant about paying and the Duke felt a certain responsibility toward the schoolmasters in his area.

Even much later in the century the fact that a parochial school was established was not a guarantee that it would be free of such problems. On 29 June 1758 the minister of Tibbermore wrote to a Perth lawyer, Alexander Wood, who was visiting the Duke of Atholl to say that the old schoolmaster had died and he had in mind a replacement and hoped for the Duke's concurrence. He went on

There is no fixed Salary, so far as I know, but the Heritors have been in use to pay five pounds [presumably Sterling] yearly to the former schoolmaster, which affords him a very mean subsistence, so I wish the Heritors could be prevailed upon to raise it to an hundred pounds [presumably Scots] yearly. The schoolhouse is entirely ruinous, & I

was afraid it would have fallen about the old Man's ears, it stands also in a very improper place, & it would require about thirty pounds sterling with the Parish Services to build a new one; I am persuaded if my Lord Duke would concur in the matter, his Example would determine the other Heritors.⁴³

This is a very rare instance of a parochial school being mentioned in the records. In 1721 the 1st Duke of Atholl had set up a school in his coal mining village of Blairingone⁴⁴, and the OSA for Fossoway mentions a school at Blairingone "for the benefit of the children belonging to the work people of the colliery."⁴⁵ One can surmise that this is the same school, but I found no references to it in the intervening period in either Fossoway kirk session nor Auchterarder presbytery records, which is typical of the situation regarding Lowland schools.

Fortunately for the social historian this paucity of evidence was not so true of the Highland parts of the estate where as early as the 1690s the need to improve educational facilities appears to have been appreciated. King William arranged a gift of £150 Sterling yearly, payable out of the Bishopric of Dunkeld, specifically for the use of Highland schools in Perthshire, Dunbartonshire and Stirlingshire. Appendix 19 (Vol.II, p.72), an extract from the Minutes of the SSPCK, gives more information about this. (The SSPCK wanted to take over the gift themselves, but their attempt was unsuccessful.) The earliest references in the Atholl records to King William's gift occur in two letters of 1705 to the 1st Duke of Atholl, who was a trustee.⁴⁶

Interest in Highland education grew in the early years of the eighteenth century. This was not primarily because of charitable feelings but for political reasons. The Highlands were seen as a hotbed of Jacobitism, and inculcating the Gaels with a different set

of values was seen as crucially important. We have already seen in the previous chapter the extent to which Episcopalianism retained its hold in our area at this time, which added to fears about the unreliability of its people.

It is not surprising, therefore, that when a national society dedicated to establishing charity schools in the Highlands was initiated it should have had the backing of the Church of Scotland. In 1707 the General Assembly's committee of education wrote to presbyteries all over the Highlands to find out how matters stood in the various parishes and what encouragement could be expected. They then circularised presbyteries and persons of influence requesting assistance in setting up this new Society.

In 1708 the abortive Jacobite invasion proved a great spur to action, and the response from all sections of society was generous enough to enable the Society to be incorporated in 1709. The 1st Duke of Atholl was a founder member of the SSPCK.⁴⁸ In view of his Grace's involvement, the Society set up one of the earliest of its schools in Blair Atholl. Not very long after, at the Duke of Atholl's request, the SSPCK also set up charity schools in Balquhidder parish.⁴⁹

In the summer of 1716, according to SSPCK minutes, Mr James Murray, the schoolmaster of Blair Atholl, wrote

giving a good account of the progress of his schollers and encreice of their number, And showing That his Grace the duke of Athol is most kind to him, and has ordered a Chamber for himself, and an house for the school to be presently given him, so that he is well accommodated for school & house, And that his Grace has been pleased to write to all his vassalls, tennents & people to countenance his school, and send their children to it.⁵⁰

There is no way of knowing what the parishioners actually thought of the school, but this kind of encouragement from the Duke, who

clearly had their own interests at heart, must have had a significant effect on the response of the people.

Unfortunately it was discovered later that year that the Society's school had "broke and ruined" the parochial school there. The Society therefore gave orders that either the Society's school be moved to Strowan or another convenient place, or that the parochial school be set up elsewhere in the parish to satisfy the legal requirement. The Duke was advised of this and eventually agreed that the SSPCK school should be moved to Strowan, though it was 1720 before there was a new parochial school in Blair and a new charity school in Strowan, and even then the schoolmaster did not have a house; in fact he was still complaining about the inadequacy of his accommodation in 1722. Perhaps the Duke lost interest once the school had been moved from Blair.⁵¹ In 1723 the SSPCK wrote to his Grace to say that as the numbers attending the school at Strowan had greatly decreased, it was thought best to move the school to another location in the parish, but so little enthusiasm was shown for the idea that the school remained where it was.⁵²

However badly off James Murray may have been for accommodation, at least one other was even worse off. George Park, charity schoolmaster at Foss, appeared before the presbytery

and represented that although that when he went to teach the school in that place, Foss, Kynachan & Duntaulich had engaged to provide him in a sufficient schoolhouse yet so it is that sometimes he has been obliged to lodge in a barn sometimes in an old kilne & now in an old & ruinous smiddy which is like to fall so that he cannot stay in it without endangering his life and that they are as far from building a schoolhouse as the first day he went there and craving that the presbytery would either see to provide him a schoolhouse or remove him to some other place or else he behovd to quite the society's service & cast himself upon providence tho he & his family should be

reduced to never so great straits.⁵³

The presbytery appointed brethren to put pressure on the heritors to put a roof on the house which had been begun and were assured some months later that there would be no further cause for complaint. However, the following spring Park was again appearing before the presbytery to say that in spite of all the promises nothing whatsoever had been done to repair the schoolhouse; he once again insisted he would be obliged to "cast himself upon providence". Fortunately the Society - having temporarily given up on Foss - managed to find him a post at Strathbraan.⁵⁴

It does not appear that any subsequent Duke of Atholl was a member of the SSPCK or greatly involved in the question of education, though naturally the Duke would always be responsible for presenting the parochial schoolmaster at Blair Atholl. On 14 December 1741 Thomas Bisset wrote to the 2nd Duke of Atholl

I forgot in my last to acquaint your Grace that the Heritors of the paroch of Blair were much satisfyd with your Graces choise of Mr Niell Steuart to be their schoollmaster. He entered to the schoole at martinmass and is like to have a throng of scholars The minister and others are perfectly satisfyd with his dilligence and applicatione as well as his ability to teach.⁵⁵

A series of letters in August 1756 are revealing. The first is from Baillie William Spence to one of the Duke's factors, Humphry Harrison, the second from the new schoolmaster of Dunkeld, John Mearns, to Harrison, and the third from Harrison to Spence. From Spence's letter, dated 10 August, it appears that Mearns had gone to the school before paying his respects to the Duke, and that when Spence had taken Mearns to the Duke, his Grace had received them with ill favour; Spence apologised profusely in the letter. Mearns'

letter, dated 11 August, is worth quoting at length

Dear Sir I think myself very misfortunate in not having the pleasure of seeing you before you went to Blair I came to Town Friday last with my wife about eight o'clock at night and my children about eleven. Next morning some carts came in with my furniture which kept me employ'd the whole of that day either taking it into the house or putting it into some tolerable order so that I had no clean linen 'till Sunday morning and could not appear with any decency before any Gentleman much less before my Lord Duke. On Sunday afternoon I told Baillie Spence that I thought it proper some form should be observ'd in introducing me to the school. At first he said no forme had been observ'd at the admission of any of my predecessors but upon second thoughts he saw the expediency of my proposal and it was agreed that you should be invited to represent his Grace Accordingly as he tells me he sent you a card next morning for that purpose. - how great was my surprize when I heard you was gone But how much greater was my confusion in the afternoon when coming up with Baillie Spence & Mr Man to wait on my Lord Duke and to make my acknowledgements for the honour done me we were received with a frown not at all agreeable to the natural sweetness of his temper - In the form of my admission His Grace's authority was acknowledg'd his benevolence & diffusive goodness mention'd with proper expressions of gratitude & praise and after the ceremony was over his health was drunk with the greatest cheerfulness by all present - Dear Sir I earnestly beg you will take the trouble to represent the whole of this unhappy affair to his Grace in its true light Impute it to Ignorance Bashfullness or in short to anything except to a want of Respect for his Grace which could never enter into the heart of one who as he came in by his favour must still be supported by the same.

The tone of cringing servility is unpleasant to read, but it does point up in a particularly graphic way the power which the Duke of Atholl possessed. He could hire or dismiss a schoolteacher at will, and as his pleasure dictated. The incident also points up just how jealous the 2nd Duke of Atholl was of his position, to react so strongly to such a petty incident. After the two letters begging

pardon, Harrison wrote to Spence on 13 August to inform him that "his Grace says that since the affair of Mr Mearns is over he will think no more of it, but he apprehended that as his Grace was upon the spot the Right and Regular way would have been for Mr Mearns to [have] had his Graces Presentation befor he was inducted."⁵⁶ The 2nd Duke of Atholl may not have had the same interest in education as his father, but one must never forget that his power and influence were no less potent.

The 2nd Duke also had to play his part in the administration of King William's Gift, as evidenced by letters to him on the subject over the years.⁵⁷ None of the letters are of particular significance, but they do show his continuing involvement. There is no correspondence on the subject of education with the 3rd Duke, who was Duke for only ten years (1764-1774), but on 13 August 1775 Bisset wrote to the young 4th Duke

My Lord Duke I inclose a letter from Mr Wood Writer in Perth intimating (as I apprehend) the annuall Meeting of the Trustees of King Williams Donation to be held at Perth the 4th September

The letter is a piece of form, and if your Grace was in Scotland you would probably attend the Meeting as your Father and predecessors usually did, in regard they had the chief direction of that fund, which was procured by your greatgrandfather when Secretary of State to K William, for the Benefite of schoolls and schoollmasters in the Highlands of Perth and Dunbarton shires.⁵⁸

It is possible that the 4th Duke of Atholl may have taken a greater interest in education in the period after this thesis ends, but judging by the following, which appears in the SSPCK Minutes 6 March 1783, he certainly did not start out that way.

The Subcommittee had it in view to suppress the School at Kindallachan Alexander Duff Master, and the School at Clunemore Duncan Robertson

Master agreeably to the Minute of the Committee of Directors, who thought the Society hardly used by the present Duke of Athol who had withdrawn his half of the salaries which the late Duke had agreed to give at the erection of these Schools at his request - But observing from the reports that both of these Schools were numerous and flourishing they judged it proper to continue them for this year.⁵⁹

Aside from what it reveals about the 4th Duke of Atholl, the above is also of interest in the way it demonstrates that education and the desire for it had by this time taken on a momentum of their own. It was remarked earlier that at the time when the first charity school was set up in Blair there is no way of knowing what the people actually thought of it, or how eager they were to send their children there. However, for later periods we do have evidence of real enthusiasm for education, as revealed by petitions. The first is only a reference in a letter to a petition from Bunnanoch to the 2nd Duke for a charity school there, but it dates from 1733 which seems very early in the century for such a desire to be manifesting itself.⁶⁰

In Blair Atholl kirk session records, 9 November 1766, the following entry appears

There was an Overture of settling a school in the Braes of Glen-erichty for this winter season, And the residenters there petitioned the sessions help to encourage a person to set up there, And the session promised Ten pounds scots for said persons encouragement during the said time.⁶¹

However, by far the most interesting document, unclassified amongst the Atholl papers, is the following

The Petitione of the whole tennents of Glen Tilt and Dalginross to his Grace the Duke of Atholl 1769

Unto ane High and Mighty Prince John Duke of Atholl &c

This petitione of the whole tennents of Glen Tilt and Dalginross

being a sixteenth merkland

Most humbly showeth

That your Graces petitioners are intend to bring up there bairns as usefull members of society, but they ly att a distance from Blair is that there bairns are not able to go the length att any time of the year and seeing that schools are so plenty and in the uttermost purty in Scotland your Graces petitioners craves that your Grace will be so well disposed as to order a schoolmaster to be settled in mid place and a convenient place that both the top of Glen Tilt and Dalginross bairns may come daily to get there education, there will be about two or three and fourty familys in the above named lands, and unless your Grace will order a Society schoolmaster among them there bairns will be lost for want of education as there parents is not able to pay board for them in other places, and if it please your Grace to consider our circumstance and order the settlement without loss of tyme it would be a great satisfacione to your Graces petitioners and to there bairns likewise, as they lye in a remote corner and cannot gett educatione but they expect your Grace overlook upon the poor bairns as they and there parents are still depending in your Graces forwardness in this affair for propagating the Christian knowledge as it is so plenty in a purty and unless your Grace joins in this it is not in our power to settle it May it therefore please your Grace to consider the premisses and the whole tennents of the above lands and there bairns will order a legacie for your Grace and your Graces family that shall never part with the family of Atholl and that is their blessing for now and ever.⁶²

After reading the above it would be difficult to refute the contention that a belief in the importance of education was no longer something imposed from above, but had become part of the consciousness of the people of Atholl.

What did this education consist of? In the spring of 1726 Dunkeld presbytery interviewed two prospective charity schoolmasters, John McNaughton and Henry Stewart.

they being removed the Committee resolved to make tryal of them as to their fitness for the Societies Design and called the foresaid

John McNaughton, and took tryal of his reading, knowledge of the Principles of Religion, writing, arithmetick, and singing, and found that he is capable to read English, and that he gave an agreeable account of his knowledge of the principles of Religion, that he writeth a tolerable good hand, and that he knows and practiseth the Common Rules of vulgar arithmetick. And the Committee having also called the foresaid Henry Stewart took tryal of him as of John McNaughton and found that his reading English, and knowledge of the Principles of Religion, are much like to the foresaid John McNaughton, that he is wholly deficient as to arithmetick, and that his writing is not good, and that he sings some of the common tunes, which John McNaughton acknowledgeth he cannot do, then both the candidates de-
clair'd their willingness to sign the Confession of Faith, and their good affection to the Government both in Church and State.⁶⁴

The subjects which the above were tested on were, of course, the kind of things which were being taught at both the Society's schools and parochial schools. The presbytery was responsible for visiting the charity schools and reporting back to the SSPCK, and from some of the reports in the presbytery records it is possible to build up a surprisingly good picture of what those schools were like. At Strathbraan charity school there were, in 1730, 76 students, of whom 21 were girls. The committee

enquired into the proficiency of the scholars in reading & found that such as had been any considerable time att school read the bible distinctly & distinguish the syllables of the words & that such as are beginning are learning to do the same & the schoolmaster obligeth the scholars both boyes and girles to spell any word without book & distinguish the syllables & found that the schoolmaster kept discipline in the school & ownd that the scholars were obedient & some of the neighbours made report that the schoolmaster did attend & took care of the scholars without being too severe Then the committee...enquired into the scholars writing & found thirtien were learning writing & arithmetick & were making good progress but that att present the schoolmaster was not teaching church musick but that

he does it in the long day.⁶⁴

The committee also found "that he teaches the poor gratis and that the greatest part of the scholars are taught gratis."

More details emerge from a report on Strowan charity school that same year. The schoolmaster there kept the scholars in the school from eight in the morning till twelve & from two to five in the afternoon. Then the visitors proceeded to take trial of the scholars proficiency & they found that they have made proficiency according to the time they have been at the school, that some can read the bible others are learning the proverbs others the catechism that some can write that none of them have as yet begun to learn arithmetick. The committee also tried the scholars as to their knowledge in the principles of religion & find some can repeat the assemblies catechism throughout others a part of it & that the schoolmaster has been at pains to make them understand it.⁶⁵

The detailed reports do not continue after the early 1730s, but there is no reason to suppose that there were any significant changes in the course of the century. For the majority all that was considered necessary was to be able to read English, in order to understand the Scriptures. Writing and arithmetic were definitely subsidiary, but the brightest (or richest) pupils did have the opportunity of learning to do one or both. There was certainly no possibility of progressing much beyond that; charity schoolmasters were expressly forbidden to teach Latin. There was, in fact, one kind of education for the masses and another for the elite. This statement may contradict the traditional view of the egalitarianism of Scottish education, but in a recent survey of literacy in early modern Scotland, R.A. Houston also came to the conclusion that there were no 'equal opportunities' in education.⁶⁶

The following report describes a very different kind of school, providing a valuable contrast. The visitors to Dunkeld school prescribed a piece of an English book to the first class to be by them translated into Latin, they then proceeded to examine the lowest classes that were reading English, & found them read distinctly & divide the words into their syllabbs, & then examined the respective classes with respect to their writeing & found that such of them as had been any considerable time applying themselves to learn to write did write a very fair hand, then the Committee examined the severall classes with respect to their sufficiency in the knowledge of the Latin, both as to the translation & grammar, & were well pleased with them all according to the time they had attended school & with some almost in every class their doeing beyond expectation, & that particularly the uppermost class with respect to their knowledge in the Greek particularly in the explication & analizeing part of Socrates's Oration to Demonicus in which they shew'd an agreeable proficiency, then the Committee examined such of the scholars as were learning geography & arithmetick, & found them exact in the parts they had learn'd & the Committee observing in the said examinations the Masters method of teaching, were well pleased with it & approved thereof, & after examineing the themes prescribed to the first Class and their Latin translation thereof found it intirely grammatical att least with very few errors.⁶⁷

It would have been helpful to know the status of Dunkeld school and who the students were who attended it (presumably the sons of local gentry), but there does not appear to be any way of getting at this information.

In any case, only a small minority attended such a school, the majority going to the kind of schools described earlier, which offered only a rudimentary education but offered it to any child willing and able to attend. The achievements of the SSPCK in setting up schools in our area were impressive: Appendix 20 (Vol.II, p.74) gives as complete a list of these schools as possible, as well as schoolmasters' names and salaries, compiled from Dunkeld and

Auchterarder presbytery registers and SSPCK records.

The achievements of the SSPCK in Atholl reflect the important part played by the 1st Duke and demonstrate again the theme of benevolent paternalism. While we cannot measure their success in raising the literacy rate, it could be argued that the SSPCK may have been successful in achieving their more immediate aim, i.e. the eradication of Jacobite sentiments. As will be seen in Chapter 10, the eagerness to fight for the Jacobite cause which appears in 1689 was absent amongst the tenantry of Atholl in 1745. While education alone cannot be held responsible for this change, it cannot fail to have played some part in it.

III. Language

"For over half a century the Highland schoolmaster laboured at the Herculean task of instructing an illiterate peasantry to read the Bible and the shorter catechism in a foreign tongue. This was the primary difficulty which handicapped the Society's efforts in the first half of the century."⁶⁸ That statement by the author of The Charity School Movement sums up the situation succinctly.

Gaelic was the language of the people of all the Highland area of the Atholl lands, but it was despised by most Lowlanders as 'barbaric', and one of the original goals of the Society was to extirpate the language completely.

In an article in the Scottish Historical Review, Victor Durkacz reveals that the man who first suggested the idea of a charity school movement for the Highlands, James Kirkwood, was very keen to get a Scottish Gaelic translation made of the Bible and believed very strongly that Highland children should be taught in Gaelic. He was, however, a minority of one, for amongst the actual founding members there were no dissenting voices to the view that only English should

be taught at these schools.⁶⁹

The irony was that throughout this period there was a chronic shortage of men trained for the ministry who spoke Gaelic. The General Assembly was aware, even if the SSPCK was not, of the difficulties in preaching and ministering to a people without being able to speak their language. So, while the Society was forbidding its schoolmasters to teach Gaelic, Dunkeld presbytery were handing out bursaries to encourage boys who spoke it.⁷⁰

There were sometimes rows within Dunkeld presbytery when it came to placing ministers in Highland parishes. Perhaps the fiercest concerned Little Dunkeld in 1722 and 1723, when Alexander McLagan the younger was presented to succeed his father as minister of that parish. Neither father nor son was a Gaelic speaker, and a number of heritors and elders protested at having yet another minister who could not preach in Gaelic. McLagan did in fact study Gaelic, and those of the heritors who favoured him insisted that he would be able to discharge all of his duties in that language. He was ordained and admitted to Little Dunkeld on 18 April 1723. Just how fluent he became is not known, but there is apparently a local tradition in the parish that his attempt at preaching in Gaelic in the district of Strathbraan was such a fiasco that the people stoned him and he never held public worship there again.⁷¹

The 1st Duke of Atholl backed McLagan's presentation, so he must have considered the man's efforts at Gaelic sufficient, as he invariably showed himself aware of the needs of the people in this respect. For example, in 1713 there is an entry in the Dunkeld presbytery register to the effect that the Duke requested "that the presbytery may send a young man having the Irish language to preach att Bonrannoch." In 1714 the presbytery was informed "that his Grace the Duke of Atholl

is willing to give the presbitery access to supply the kirk of Logierate providing it be supplyd with such as have the Irish language." In 1718 when the presbytery advised the Duke that a Mr Campbell was appointed to preach at Fortingall, his Grace said "that Mr Campbell was not so fitt to be sent to Fortingall not having the Irish language."⁷²

This is not to imply that the Duke met with any opposition from the presbytery in this regard, for the latter clearly shared his concern and were hampered only by the paucity of Gaelic-speaking ministers available in the area. For instance, on one occasion they suddenly realised that the only two of their members at the time who spoke Gaelic had both been appointed to attend the General Assembly, "so that the highland countrey will be destitute of one having the Irish language to preach and baptize." In order to avoid this the presbytery removed the name of one of the two from the commission.⁷³

It is the realisation of all this that makes the SSPCK's attitude seem all the more misguided. Even knowing what their regulations were, it comes as a shock to read in the report on Strowan charity school in 1730: "Found the schoolmaster is att pains to teach the scholars to speak english & that he punishes such as he understands to speak irish but that he has not hitherto had censors for observing such as speak irish but henceforth he promises to have them."⁷⁴

In one instance there was opposition to the Society's regulations. On 20 March 1719 the committee reported to the SSPCK that James Murray, schoolmaster at Blair Atholl shews that he teaches the children to read the Irish Catechism and Irish psalms, after they can read the Scriptures in English, and that he does this for the good of their ignorant parents who understand not English, That the Children, when they come home at night, may be in case to read in the Families for the Edification thereof, and that

he finds this very satisfying to the parents, But writes that if the Society disapproves of this practice of his, he promises to forbear it...He desired some Irish psalm books and paper...The Committee ordered a Letter to be written to the said Mr James Murray, shewing that the Society are resolved to give no encouragement to the Teaching to read in the Irish Language, and therefore will furnish no Books for that purpose.

A year later, on 12 March 1720, the committee reported "that the schoolmaster makes it his bussiness to teach his schollars to read the Irish psalm book and Catechism." The Society wrote to Murray to affirm that they were determined that none of their schoolmasters would teach 'Irish' and forbade him to do so. On 2 June 1720 it was reported that the minister of Blair Atholl had written as follows as to the teaching of Irish, he attests that Mr Murray teaches none Irish, but such as can read and speak English and can write and cypher, and that his design therein was that some persons who are never like to come to the knowledge of the English might have a portion of Scripture read to them in their own Language with the Catechisms and other means of knowledge in their own families by the Societies scholars, and that by this means several parents who could not read had got the questions by heart in their houses which was a great help to the Minister in so great a charge, when it is not possible for him to get such a vast multitude overtaken in his ordinary diets of Catechiseing which must be in the winter season only, and the Minister pleads, that the Society might allow their schoolmaster to teach those who are ripe in English to read Irish for the ends forsaid, which would make Religion to flourish more than it does in that Countrey.

The committee also reported a similar letter from James Murray, and went on as follows

The Committee having considered those Letters ordered a return to be written thereto, shewing that the Societies design was not to discourage any proper means of Instruction in the principles of Christianity but to forward the same, and yet not to continue the

Irish Language but to wear it out, and learn the people the English tongue, and therefore discharging the learning any to read Irish unless they can first read and understand English.

However, this was not enough for the General Meeting.

They did not agree to their Committees opinion as to the teaching of Irish, and therefore ordered Letters to be written to the Minister & Schoolmaster, shewing them, that the case proposed by them about teaching the schollars to read Irish after they can read and speak English was laid before the Society, and that they have thought fitt to order not only Mr Murray, but all others their schoolmasters to forbear to teach reading Irish upon any pretext whatsoever, unless they get new and particular directions in that matter from a General Meeting of the Societie.

Murray had no choice but to comply, though in his letters reported 10 March 1721 and 22 March 1722 he continued to regret not being able to teach his students the Catechism and psalm book.⁷⁵ Had there been other Scriptures available in Gaelic he doubtless would have wanted to teach those as well, but it was 1767 before a Scottish Gaelic translation of the New Testament was published. (A translation of the complete Bible into Scottish Gaelic did not appear until the nineteenth century.)

At about the time the Gaelic translation of the New Testament appeared the SSPCK reversed its policy and recommended that in Gaelic-speaking areas both English and 'Erse' be taught. The reason for this was the realisation that many of the children who had been taught to read the Scriptures aloud in English hardly understood a word they were reading. However, though this may have been an important cause for altering the regulations, the Society could easily have discovered that this was going on years earlier if their members had not so persistently closed their minds on the subject.

In The Charity School Movement M.G. Jones claims that "the

change of policy in 1766 was not due to a change in attitude towards the superior qualities of the English tongue as the instrument of religion and civilisation"⁷⁶, but to a certain extent at least I would dispute that contention. The enormous popularity and influence of James Macpherson's 'translation' of the so-called Gaelic epic, Fingal, published in 1760, can hardly be exaggerated and could not have failed to have affected attitudes toward the language of the Gaels.⁷⁹ The fact that it was in the 1760s that the SSPCK's reversal of policy took place (and the Gaelic New Testament appeared) seems to me to be far from coincidental, though there is no way of proving cause and effect.

The greatest irony is that the latter half of the century saw, on the one hand, a tremendous upsurge of interest in Gaelic poetry on the part of collectors and literati, and on the other hand an increasing desire on the part of the Gaels (certainly in Perthshire) to have their children taught English so they would be able to 'get on' in life. All of this fits in with what was surmised earlier about the new values being inculcated. Aside from other effects already mentioned, the education which they received (in English) undoubtedly made it easier to migrate - either temporarily or permanently - to the Lowlands.

CHAPTER SIX

THE MILITARY

"To every brave gentleman who would learn to do service to his Majesty King George in the 42nd Regiment or the Royal Highland Regiment under the command of the honourable noble Lord John Murray and his company.

Let him come to my quarters at the standard.

Where he will get a guinea as a pledge and a crown to drink the health of the King, and free quarters will be paid from now on, where he will be decked out from top to toe in the ancient Highland garb and every kind of weapon and other items pertaining to him.

God Save the King

This, gentlemen, is the first Highland Regiment that was ever in existence and the only Highland Regiment now in the world. You all know that it was first raised to protect and to guard this kingdom alone, where they dwelt for many years happily among you. The noble deeds which they did for their king and country since they left you and the honour and fame which they won for Scotland and for themselves during two long bloody wars are proclaimed abroad throughout Europe and the whole of America so that it is hardly worth my while recounting them. At Fontenoy, Hulst, Dort L'Orient, Bergen-op-zoom, Ticonderoga, in the charge of the Gulf of St Lawrence and the taking of the whole of Canada, in bringing Guadeloupe under control, in putting Martinique under our rule, in the siege and the renowned capture of Havana, among the woodland (Indian) tribes in the wildernesses (deserts) of America, in the hard battle of Bushi-run which broke the courage of the Indians and in many other places which would take too long to relate. Their bearing was so specially brave that it brought honour upon every single man who was born in Scotland and that it was

the gracious will of the King to single them out with this noble name, the
Royal Highland Regiment.

But, gentlemen, those heroes could not last forever, many of them were overcome with noble wounds and they reaped the reward earned by their faithful service, and many others of them died gloriously protecting you and your worldly goods, and conquering a new land for you. I have been sent for that reason to raise a new set of heroes in their stead. I have not come, my men, to raise common people to replenish the Regiment, we could get plenty of those, I have come to seek men in whom there is spirit and bravery, who are willing and able to stand in the place of those who went before them and to win honour and fame for (the people of) your native land.

If there is a man among you, gentlemen, desirous of this honour, let him come to me or to my officers who will give him an absolute guarantee that every distinction will fall upon him and that he will acquire that elevation of status to be expected from the people of his country and from his own fellow soldiers.

The Regiment is just now in quarters in that well-known town of Ballyclare in Ireland, in which there is every kind of plenty and good cheer, where you will get a hearty welcome from your fellow countrymen and affection from the Irish lassies."

The above is a translation from the Gaelic of a recruiting proclamation for the Black Watch, dating from the period of the American War of Independence.¹ The original Gaelic version is Appendix 21 (Vol.II, p.79). The proclamation was obviously drawn up by someone who knew not only the Gaelic language but also the psychology of the Gael. No recruiting propaganda aimed at Lowlanders would ever have dwelt on "noble wounds" and glorious deaths, but to the Highlander brought up on heroic songs and poems this kind of appeal was very

powerful. The word duchas - translated above as "native land" - actually has no direct English equivalent as it encompasses tradition, honour, inheritance - everything of worth that has been passed down from one's ancestors. The use of such an emotive word in this context shows how skilful recruiting agents had become at manipulating Highland pride.

The origins of the Gaels' heroic poetry, which so glorified battle, are ancient, and this is not the place for an analysis of these origins, but the strength of the tradition in our area emerges in a poem composed at the beginning of our period. In Chapter 1 mention was made of the Marquis of Atholl's punitive expedition into Argyllshire in 1685, at the time of the Earl of Argyll's revolt. The poem - 'The Day of the Battle at the Head of Loch Fyne' - is reproduced as Appendix 22 (Vol.II, p.81).²

Many of the allusions in the poem are obscure and must remain so: the pages in the Chronicles devoted to this campaign³ make no mention of this particular incident. The impression one gains from reading about the campaign is that it proved almost impossible to get to grips with Argyll's forces, as the latter were so adept at slipping away. The poem in fact describes a complete non-event.

It will be noted that the man who composed the poem was a member of the ranks, not an officer. This is important because it was to men such as him that later recruiting propaganda would have been addressed, and the poem shows that the ethos was not confined to the gentry class.

The poem is an indictment of what the poet considered incompetent leadership, but perhaps the most significant verse for our purpose is the one below, which describes one of the Atholl vassals

The Laird of Inverslany
Was standing in the sand
Having discharged his gun
In the face of the cavalry.
He had an embossed shield on his elbow,
A bloody sword in his right hand,
A pair of pistols on his hips.
Going to strike a blow at Archibald.

As they never actually fought the enemy the description of the sword as 'bloody' could only have been symbolic, but it fits in well with this warrior description of a man whom the poet obviously admired. What emerges very clearly from the poem is the author's frustration in not being able to take part in a real battle.

In the period after the Montrose Wars (which engendered much Gaelic verse) Atholl Highlanders had few opportunities to fight (Glencairn's rebellion being perhaps the only one), and this helps to explain why Robertson inflated a non-event into a poem. At this time the primary function of the military in our area was one of policing the Highlands rather than of fighting battles, and it would have been difficult to write heroic verse about peacekeeping activities.

The historic succession of the Black Watch is traced by one writer back to 1667 when Charles II issued a commission under the Great Seal to John, second Earl of Atholl, to raise and keep such a number of men as he should think fit "to be a constand guard for securing the peace in the Highlands."⁴ The Independent Companies raised for this purpose became the main instrument in every attempt by the authorities to stop cattle stealing in the Highlands, while the military function of such companies in the latter part of the seventeenth century was one of maintaining the Government's authority

in the matter of clan feuds.

In 1694 two Scottish regiments were sent to assist William the Third in his efforts to oppose the victorious progress of the French in the Low Countries. In order to guard against a Jacobite invasion it was thought prudent to increase the force left at home, and four new regiments were therefore voted by Parliament, one of which was raised by John, Lord Murray.⁵ (Lord Murray was created Earl of Tullibardine in 1696, at which time the name of the regiment was changed from John, Lord Murray's Regiment of Foot to The Earl of Tullibardine's Regiment.) The regiment consisted of thirteen companies, with a strength of 700, all ranks, the largest share coming from Perthshire. It was employed chiefly in watching the east coast of Scotland because of the threat from France, and was disbanded after the Treaty of Ryswick in 1697.

A certain amount of correspondence from his officers to Lord Murray survives from this period; the main subject of most of the letters appears to be clothing for the regiment. Two letters of 1694, one from Murray of Dollery and one from Major Hay, both discuss at length the best bargains to be made with Perth merchants for regimental clothing.⁶ On 29 February 1696 Major Pollok of that Ilk wrote to Lord Murray about the remainder of the regiment's clothing "which are not all ready conforme to your Lordship's contract by at least one hundreth coats, and breeches, besyds the merchants tell me there is no contract for any pairt of the granadiers mounting nor will they make any of them till they be contracted for which I would not doe till I had your Lordships commands about it."⁷ On 5 March he was again writing about their "grate difficultie to get our cloaths from the merchants."⁸

Apparently, heavy arrears of pay were due to the regiment at

the time of disbandment, and the Earl of Tullibardine was not relieved by the Government of the contracts for clothing, for which he had become personally liable, until April 1699.⁹ On 2 January 1697 the Countess of Tullibardine had written to her husband, "There is great outcry against your regiment who they say are comiting robberyes and great abuses throu the necessity and want they are in of bread."¹⁰ As discussed in the previous chapter, this was a period of great scarcity in Scotland.

In the period before the Union there was, in addition to the regular forces, a Perthshire militia, i.e. a territorial force available when required for defensive purposes.¹¹ The 1st Duke of Atholl claimed he could raise 3,000 to 4,000 men from his estates, and a detailed Roll of Fencible men drawn up in 1705 lists 2,567. It is well known that Highland chiefs were eager to have as large a population as possible on their lands in order to be able to raise a substantial fighting force, and one researcher into the area has claimed this to be true for Atholl.¹² Certainly the idea is credible, though I have found no documentary proof of the theory in the Atholl archive.

After the Union the question of arming Fencible men became trickier because of their possible Jacobite leanings. Not surprisingly in view of the date, the Instructions issued by George I to the 1st Duke of Atholl as Lord Lieutenant of Perthshire on 25 August 1715 laid great stress on his appointing only officers who "are or have been of the Greatest and most known Zeal, befor our Accession to the Crown, for the protestant Succession as established by law." No heritors or fencible men were to be called out or armed whose loyalty was in any doubt.¹³

Fencibles joined up very willingly; recruiting for regular

regiments was rarely as easy. The letters mentioned above from Major Pollok to Lord Murray in February and March (and another one in May¹⁴) of 1696 all mentioned the subject of recruiting sufficient men to make up the full quota of the regiment. Major Pollok wrote optimistically about getting enough men to bring it up to strength, but this was two years after the regiment was formed, by which time one would not have expected recruiting to be such a major preoccupation.

The first period of very heavy recruitment in the area was during the early years of the Seven Years War, and the only way adequate numbers could be raised at this time was by enforcing Press Acts.

This chapter began by emphasising the warlike ethos of the Gaels, and the way in which they were manipulated by the skilful use of this ethos. The question which must be asked here is to what extent this actually worked. It is one thing to chant heroic verse, take part in cattle raids or clan feuds, and quite another to become part of a regular army and live under strict discipline, not to mention fighting pitched battles against men for whom you felt no particular enmity. As will be shown in Chapter 10, the men of Atholl refused to fight on either side during the Forty-Five, and the Press Acts in force during the Seven Years War suggest that these men evinced no more enthusiasm for fighting foreign foes than they had for fighting other Highlanders.

The Atholl archive contains an interesting collection of documents from this period. The earliest one is a record of a meeting of the Justices of the Peace and Commissioners of Supply of Perthshire on 29 December 1756 in Perth. The Duke of Atholl was chosen President of the meeting. One hundred and sixty men were to be raised from the shire, and the meeting decided how many men were to be raised from

each parish (the numbers appear to be proportionate to the size of the different parishes).¹⁵

There are Minutes of the Commissioners' meetings extant for various dates from January 1757 to January 1758, usually just mentioning the names of the men who had been impressed.¹⁶ On 18 November 1757, after the second Press Act, the Commissioners met again at Perth to organise the impressment. On this occasion the shire was divided into districts rather than parishes (though the relevant parishes are listed for each district), with a certain number of men to come from each district. Some of the other points covered were those quoted below.

5to That the Heritors or Landholders in their respective Parishes or Districts, or such of them as shall meet in order to raise their Quota of Men, shall cause to be impressed all able-bodied, idle, and disorderly Persons, who cannot upon Examination prove themselves to exercise, and industriously follow some lawful Trade or Employment, or to have some Substance sufficient for their Support and Maintenance.

6to That, in order to make the Country-people, and other Workmen, settle at their Work, and to prevent their deserting their Habitations, the Commissioners shall cause Intimation to be made at the Church-doors of the Number of Men to be raised from each Parish or District; and that if any Labourer or Workman, from the fear of being impressed, shall run from his Work, or desert his Habitation, or not attend the Call of the Commissioners, he shall be apprehended wherever he can be found; and, if deemed proper to be impressed, he shall be impressed accordingly, and shall be accounted Part of the Quota of such Parish, as the Persons who apprehend him shall think proper; or if any Person against whom there is a Warrant, or who is pursued by the Constables to be impressed, shall voluntarily inlist, he shall be deemed Part of the Quota of his respective Parish.

7mo That, in order that the Men apprehended be not returned upon their respective Parishes, as unfit for Service, the Heritors shall take care, that all Persons impressed be able-bodied Men, free from

Distempers, and other Infirmities, and not under seventeen, nor above forty-five Years of Age, or under the size of five Feet four Inches without Shoes, or a known Papist; which Persons are to be discharged from his Majesty's Service at the End of five Years, if the War shall then be ended, or otherwise at the End of the War, in terms of the Statute. And the Meeting recommend to the Commissioners and Heritors, in chusing, to prefer the young and healthy, and the unmarried People, and those who have no Children or aged Parents to maintain.¹⁷

Admittedly Perthshire includes both Lowland and Highland parishes, but the fears expressed by the Commissioners that men would leave their homes to avoid being impressed certainly suggests a very strong aversion to military service. As suggested earlier, to claim that because the Gaels possessed a warrior ethos they were automatically going to be willing to join the army and fight is a myth which the Atholl evidence disproves, although we would need to know much more about other Highland areas in this respect before generalising further.

Another myth is that of the Highlanders as giants. One document in the collection gives an actual list of the men impressed from one Highland area, and it will be seen that in fact the average height was only 5 feet 5 inches. As the document is in tabular form already it is reproduced in full below.¹⁸

The section on Trade or Employment is of interest because it appears to contradict the rule that the men impressed were to be those without lawful trade or employment. There are several tailors, a smith, a weaver, a carpenter and a shoemaker. Either they were unsuccessful at their trades or else those doing the recruiting were ignoring the rule in their desperation to fill the quotas. The latter seems the most likely in view of the fact that there were also married men and men shorter than the stipulated height included.

List of Men Impressed for His Majesties Service from the Parishes in the Districts of Dunkeld, Logyrait, & Cushnavell in the County of Perth by the Commissioners of Districts in terms of the Recruiting Act

Days Adjudged	Persons Names	Age	Size	Place of Abode	Parish	Particular Marks	Trade or Employment
1757							
Decmr	Patrick Stewart (adjudged at Perth)			Taynacreech	Dunkeld & Dowlay	Thin Made	
17	Duncan Stewart	25	5 7	Dallnrech	Blair	Grey Eyes mole on his left cheek	Labourer
	Robert McDonald	18	5 4½	Innerslanie	Ditto	Grey Eyes thin visage	Do.
22	John McAndrew	21	5 6½	Little Dunkeld	Little Dunkeld	Redish hair fair eyes	Taylor
	Alexr McGrigor	24	5 4	Dowlay	Dunkeld	Light Brown hair	Smith
	John Robertstone	34	5 4	Glenshee	Kirkmichael	Black Hair	Labourer
	Thomas McDonald alias McIntyre	25	5 3¾	Monachbain	Ditto	Grey Eyes	Do.
	Thomas Wighton		5 4	Ashntillyie	Ditto	Dark Brown hair	Do.
	John McGrigor	30	5 4	Tamgarrow	Little Dunkeld	Brown hair Grey Eyes Married	Do.
	Duncan Duff	27	5 4	Temper	Fortingal	Black hair	Brown Eyes
	John Campbell	44	5 4½	Cairntilly	Dull	Brown hair	Labourer
	Donald Mcfarlan	21	5 4	Ballagowlan	Moulin	Black hair	
	Donald Stewart	21	5 4½	Badvoe	Ditto	Dark hair	Taylor
25	John McDougall	24	5 6¾		Kirkmichael	Brown Eyes	Labourer
30	David Stewart	29	5 5½	Orchillmore	Mouline	Fair complexion	Do.
						Dark Brown hair	
						fair complexion	

Days Adjudged	Persons Names	Age	Size F.I.	Place of Abode	Parish	Particular Marks	Trade or Employment
1758 Janr 6	John Low (married) Alexr Bennet (Do.)	42	5 4	Ballechine	Logyralt	Black hair Grey Eyes	Do.
		42	5 3 $\frac{3}{4}$	Duntaulich	Dull	Black hair Dark Grey Eyes	Do.
Returned	John Mckalll	44	5 3 $\frac{1}{4}$	Tomchrochin	Kenmore	Dark hair	Do.
	Patrick McIntyre (married)	42	5 6 $\frac{1}{4}$	Corquhin	Ditto	Do. hair pock pitted brown complexion	Do.
	Duncan McLuan	27	5 3 $\frac{3}{4}$	Port Bain	Ditto	Dark brown hair fair complexion	Do.
Returned	Duncan McAlpine	24	5 3	Cliff town	Killin	Black hair Brown Eyes	Do.
Returned	Angus McNabb	32	5 5	Edremukie	Ditto	Dark Brown hair	Weaver
	John McArthur (volunteer)	24	5 4 $\frac{1}{2}$		Weem	Dark Brown hair fair complexion	Labourer
	John Dow	20	5 3 $\frac{1}{4}$		Little Dunkeld	Dark hair	
	Alexr McDougall	27	5 5		Kenmore	Brown complexion brown hair	Carpenter
12							
Returned	Charles Stewart	34	5 7	Cullt	Caputh	Dark brown hair	
13	John Stewart	24	5 7		Kymon		Taylor
	James Menzies	22	5 4		Fortingall		Shoemaker
23	Alexr Forbes	22	5 7	Moulin	Logyralt	Pale complexion black hair	Labourer
30	Donald McIntosh	26	5 9		Fortingall	Brown hair	Taylor
	Angus McDonald	21	5 6		Dull	Brown complexion	Labourer

The following shows to what lengths the recruiting parties would go.

Complaint Grisel Kea agt Alexr Murray of Soillary 1758

Complains unto your Honours, Grisel Kea a widow in Wester Dounie & parish of Kirkmichael, against Alexr Murray of Soillary, - That he came with a party of men, to the complainer's house, in the dead hour of the night, upon Sunday the 25th day of December last; and forcibly broke open the door, without waiting till it could be opened; and then violently apprehended the complainer's only son, & carryed or sent him prisoner to Dunkeld - That upon the complainer's remonstrating to Soillary, against his apprehending a poor widow's only son, he answered her, he was sorry for it, but he was not to blame, but the Duke of Atholl, by whose orders it was done, & he behoved to obey his Grace's orders, - That the unhappy young Lad was over-persuaded by the use that was made of his Grace's name, with the help of some spirits, to attest as a soldier, and is now deemed one of the complement from the parish of Kirkmichael - That as long as the complainer believed, her son was apprehended by my Lord Duke's orders, she was inclined to submit, however grievous the thing was to her; but now, that she understands Soillary had no orders from his Grace, nor from any Justice of the Peace, or other person having authority, she humbly begs of your Honours - That you will be pleased, to ordain Soillary to find another man for relieving her son; and, in regard she had neither Judgement nor money for carrying on a process, she likewise begs, that your Honours will appoint your Clerk to prosecute Soillary, in your name for his irregular and lawless treatment of her & her son, - In doing this, your Honours will have the Blessing & Prayers of a poor widow and her fatherless children.¹⁹

There is no indication on the document of whether the widow's son was in fact returned to her. Another petition on this subject has been transcribed as Appendix 23 (Vol.II, p.84).

The writer of a thesis on Atholl claims that with the Press Act twice being put into execution, the men of the country "were at the mercy of their own lairds and the Government, and it would

appear that few escaped."²⁰ Although no quantitative evidence is produced to support this statement, the following remarks in a letter from John Murray of Strowan to his uncle, the Duke of Atholl, dated 1 September 1759, attest to its accuracy.

As to what your Grace writes about having the nomination of officers for two companies, I fancy you will not find it easy at present to find either proper officers or to gett men.

I dare say the difrent parts of your estate within this three years has furnished between 700 and 1000 men to the Service, and there really seems but few middle aged men in the country.²¹

A document found amongst the unclassified Atholl papers bears the title 'Recruiting Instructions for the 3rd Regiment of Foot Guards 8 July 1772'. This document is transcribed as Appendix 24 (Vol.II, p.86). It forms a striking contrast to the material from the Seven Years War period. Clearly in time of peace much greater selectivity could be employed.

Three years later, in 1775, when hostilities broke out against the American colonists, Lieutenant-Colonel James Murray, second son of Lord George Murray and uncle to the 4th Duke of Atholl, made an offer to the government to raise a regiment of Highlanders to serve under him in America. The offer was declined so Colonel Murray joined the composite battalions of Guards then serving in North America.²² According to John Prebble, Col. Murray was known in Whitehall as The Forester of Atholl because of his protective pride in his regiment and his boast that he could call up as many men as he desired from his clan grounds.²³

In 1777 the Duke himself renewed the offer, and this time it was accepted. The regiment, under the command of Col. Murray and called the Atholl Highlanders, was to serve for three years or to

the end of the American War. There are no surviving records for this particular recruiting campaign, though as discussed in Chapter 3, the 1778 census was clearly a means of finding out just how much manpower was available in Atholl. There do not appear to have been any press acts in force during this war, which obviously made the task of recruitment much harder.

Prebble writes that the 4th Duke believed he could easily call upon some three thousand men. However, he also writes that the 1st Duke could summon six thousand men, whereas as noted previously, the actual figures was nearer three thousand. He quotes no evidence to support his statement about the 4th Duke. On the other hand, his assertion that the Duke had great difficulty in raising even the thousand men required is backed up by his quantitative evidence that his Grace was forced to take three hundred from the Lowlands as well as a handful of Irish and English.²⁴ A letter in the archive, dated 6 August 1778, refers to the Duke's "recruiting fatigue" being "very great both in mind and person", which supports the view that the Duke did find it hard work.²⁵

Prebble's possible explanation for this is that it could have been a legacy of the Forty-Five. As will be made clear in a later chapter, the people of Atholl undoubtedly did suffer a great deal of harsh recruiting pressure from the Jacobite Duke William. It is also undeniable that Lord George Murray was execrated by the Highlanders, and that both Col. James Murray and the 4th Duke of Atholl were descendants of Lord George. However, neither had any tinge of Jacobitism and neither had played any part in the Forty-Five (the Duke had not even been born at the time), so whether what Prebble calls "two generations of lingering hostility" was really the reason is open to doubt. His evidence is a poem written at the time of

the Mutiny, which is reproduced as Appendix 25 (Vol.II, p.89).

In the first place the poem is not in Gaelic, and it seems hardly conceivable that a common soldier in the ranks, if he were really a Highlander, would have had such a command of the English language. In the second place, the Mutiny (discussed on p.188 below) engendered a good deal of bitterness, when all kinds of nasty accusations might have been expected, but this is hardly proof that such feelings played any part in the difficulties experienced by the Duke in recruiting soldiers.

The two strongest motivating factors in a Highland recruitment campaign would presumably have been an appeal to the warrior ethos as in the proclamation for the Black Watch, and economic pressures. If the men had the good sense not to let themselves be manipulated by the former, and were not yet under the kind of economic pressures which would have forced them to leave their native land, then this is surely a simple enough explanation of the Duke's difficulty. The entry in the OSA for Blair Atholl stated that the common people still had "a deal of the martial spirit remaining" and made good soldiers when they undertook it, but that they had "learned to despise a soldier's pay and to hate a life of servitude."²⁶

Nevertheless, we must not lose sight of the fact that it was in the Highlands rather than the Lowlands that most recruiting took place. This shows up clearly in a casual remark made by Bisset in a letter to the 4th Duke on 31 October 1775. The Duke's younger brother, Lord William, was recruiting at the time, and Bisset wrote: "I have all inclination to assist him in getting men, But as my Department is chiefly in the Low Country, have not now the opportunity of being so usefull in the recruiting way as I was." He went on to suggest that the Duke wrote to Stewart of Urrard, factor for the

Highland estates.²⁷ Clearly, even if the Highlanders were not all as keen to join up as some historians would have us believe, they were still a far more promising source of manpower than Lowlanders.

In his recent book on the Highland Clearances, Eric Richards produces evidence to show that in the late eighteenth century some Highland landlords used land tenure as a means of coercing families to supply recruits, to the extent of evicting those who did not comply.²⁸ It is worth pointing out that there is no evidence to show that this means of raising men was used, or even considered, in the Atholl lands during the American War of Independence.

One thing is certain: those who joined the earliest Highland regiment, the Black Watch, had no thought of ever leaving their native land. It was this which sparked off the Mutiny of 1743.

The name 'Am Freiceadan Dubh' or 'The Black Watch' is said to have come from the dark colours of the tartan and as a means of distinguishing those men from the Regular troops, the 'Saighdearan Dearg' or 'Red Soldiers'. Until 1740 they were known as the Independent Companies, but in that year they became a regiment of the line. (The regiment was embodied as the 43rd; it was only in 1749 that it became the 42nd, the number by which it was subsequently so well known.)

In March 1743 the Regiment was sent south to England, the intention being to send it to Flanders. At that point the men were unaware that this was the intention. They had originally been told they would be reviewed by the King at Musselburgh, then at Berwick-upon-Tweed. It was only at Berwick that they were told they would be marching to London to be reviewed by the King before returning to their homes. However, the mere fact of being forced to leave the Highlands was enough to cause discontent and dissatisfaction

even at the commencement of the march. When they passed through Dunkeld, the Duchess of Atholl wrote to Lord George Murray that "this affair of the highland Regiment marching has given great uneasiness to their officers and the 5 companies that passed thro this town yesterday and Friday comes in without beat of Drum or sound of pipe those musicianers having Disserted and many private men and all of them vowing Revenge on the Atholl people."²⁹

When they reached London, the men were reviewed not by the King (who was already in Flanders), but by General Wade. This evidence of yet another deception practised on them undoubtedly played its part in making credible the rumour that was now spreading amongst the men, that they were being shipped to the West Indies, the graveyard of so many British soldiers.

It was this final straw that caused a hundred and twenty of the men to mutiny and desert. They marched northwards, reaching Northamptonshire before being captured and taken prisoner. (Nine men apparently managed to get to the safety of their own glens.) In the course of the court martial other grievances against Lord Sempill, the Colonel of the Regiment, were aired. Promises made to them about the amount of clothing and pay they were to receive had been broken, all of which had helped to erode the men's trust in their commander. The mutineers were condemned to death, but the sentence was commuted for all except three of the deserters, Samuel and Malcolm MacPherson, corporals, and Farquhar Shaw, a private, who became, in the eyes of all Highlanders, martyrs to the treachery of the Government. (The remainder were dispersed amongst different regiments, many of them being sent to Georgia and the West Indies, so that false rumour became fact.)³⁰

After the Mutiny Lord Sempill, not surprisingly, resigned. Lord

John Murray (a half brother of the Duke of Atholl) applied for the colonelcy, though it was another two years before he got it. He remained Colonel of the Black Watch until his death in 1787.

According to A Military History of Perthshire it was because of him that the Black Watch retained its Highland characteristics in dress, accoutrements and music.³¹

After this occasion soldiers of the Black Watch no longer demurred at being sent abroad, and (as the opening proclamation made clear), the Regiment served with great distinction during the War of the Austrian Succession and the Seven Years War. However, to jump to the conclusion that Highlanders in general no longer felt any objection to leaving their native land would be a naive oversimplification. On 19 February 1756 Thomas Bisset wrote from Dunkeld to Humphry Harrison in London, in the hope that a local recruitment campaign would be successful. "But the news of the Highland Regiments going abroad, which I find is again and again repeated in the Edinburgh paper, retards the recruiting vastly for that Regiment."³²

As mentioned earlier, Atholl Highlanders were recruited for three years or the duration of the American War. Until the end of 1782 the regiment served in Ireland, by which time a peace treaty with America, though not yet signed, was very much in the offing. There was, however, a war still raging in India, and the intention was to embark as many men as possible for the East before the treaty was signed, since most of the regiments raised during the American War were to be disbanded at its termination. There was no initial resistance to embarkation for India, but in January 1783, when the men heard that the peace treaty had been signed, the mood changed abruptly, leading to a violent mutiny.

This violent reaction was attributed by their officers to the civilians of Portsmouth who, they claimed, had urged the soldiers to resist. All of the ringleaders named by the officers came from the Lowlands (a fact which greatly pleased the 7th Duke of Atholl when he compiled the Chronicles). As Prebble points out, however, though the Lowlanders were more vociferous and more violent, the revolt was almost unanimous, and it is hardly conceivable that Highlanders would blindly follow the leadership of common Lowlanders. Strong drink was also blamed for the mutinous behaviour of the men.

The officers could not, or did not wish to, accept the fact that their clansmen could turn against them, or that this was virtually the only way the soldiers could make a stand. During the days which followed the initial one of violence, the mutineers maintained a strict discipline amongst themselves, which greatly impressed outside observers.

Col. James Murray was by this time a Major-General and so no longer in direct command. When he heard the news, however, he rushed from London to Portsmouth, only to be told that feelings against him were running so strong that any attempt to speak to the soldiers could put his life at risk.

Murray and his officers were eager for strong punitive action to be taken against the mutineers, but in the course of the House of Commons debate the letters of attestation of the Atholl Highlanders proved that they had indeed been enlisted for three years or the duration of the American War. A decision was therefore made that all such regiments would be disbanded. Not one of the Atholl Highlanders was punished for the mutiny.³³ Whether this would have happened if the mutiny had not occurred during a period of acute political crisis is open to doubt, There was in fact no effective ministry

at this time, and the conflicts within parliament, combined with a difficult situation in Ireland, help to explain why the Atholl Highlanders got away with it.³⁴

The strong aversion which the men expressed toward Major-General Murray must have been particularly shattering for him since - as was mentioned earlier - he took such pride in his regiment and the soldiers' loyalty to him. Two letters written on 19 January 1781 (when he was still a colonel) show that he did have a genuine understanding of what differentiated a Highland regiment from other regiments. An officer of his had sold his position to an Irishman and Murray was determined to have the latter removed. To the Irish Secretary, the Right Hon. William Eden, he wrote Highlanders, even promiscuously collected, are incapable, on account of their habits and language, of being incorporated with other corps; but raised as my Regiment was by their own Superior, under a kind of confidence of being commanded by him, his family or friends, and a belief that they are under his patronage, their provincial attachments and prejudices are stronger, and require to be managed with greater delicacy, and even gratified as far as is consistent with the good and general rules of the Service.³⁵

How satisfactory or unsatisfactory the majority of men found life in the army after having been recruited into it must remain purely speculative. Only one pair of documents on this subject - a letter from a soldier asking his parents to try and get him released and the father's petition to the Duke of Atholl - has turned up in the Atholl archive, and as there is no way of knowing how representative this man was it cannot be claimed as evidence. (The man's level of literacy was atypical and he was not a Highlander.) It is, however, of interest to the social historian and is therefore reproduced as Appendix 26 (Vol.II, p.92). Unfortunately

there is no reply appended to the petition and we have no way of knowing if the Duke took any action.

Some of the men who served abroad ended up settling in those countries. While there were no specifically Atholl regiments serving abroad in our period, many Highland soldiers settled on the American continent at the end of the Seven Years War. On the outbreak of the American War of Independence one of the first local corps embodied was the Royal Highland Emigrant Regiment, composed of such soldiers.³⁶

One subject which has not yet been mentioned is that of quartering. Wherever the army was stationed the local people would have to quarter it, and inevitably this caused ill feeling at times. A document entitled 'Acts of the Heritors and Commissioners mett at Perth 28 October 1690' began, "In regaird the shire of Perth hath suffered extriemly this yeare and half bypast by the irregular quartering and furnishing of the forces...".³⁷

On 12 January 1719 the Regality Court of Dunkeld, under the Duke of Atholl, tackled this problem. That it was a problem is left in no doubt, as the Minutes record that "some souldiers (especially in a time when a considerable Number have come to the place at once) have happened upon bad quarters, Which hath occasioned some disturbance among the souldiers and inhabitants." The solution was to divide the town into four areas and appoint four quarter-masters, each of them to take a proportionate number of soldiers and billet them according to their own knowledge of the capabilities of local residents.³⁸ Further Acts appointing quarter-masters are recorded in the Regality Court Minutes during the 1740s.³⁹

One final point concerns something which has been deliberately left out of this chapter. When regiments were raised far more was

involved than just patriotism. The part which politics played in appointing clergy was noted in Chapter 4; military appointments offered even greater scope for similar practices. The following extract from a letter written by Lord George Murray to his brother, the 2nd Duke, at the time when the Black Watch was being raised, epitomises this kind of thinking.

I reckon but three considerable Families in the Highlands, Argyle's, Gordon's and your own. The two former, upon different accounts, have little to say at present. If then you thought it worth your while, by doing some favours to the Cheefs themselves, or to some of their near relations, you could not miss to atatch them very strongly to your Interest, which would be doing, in my oppinion, Great Service to Government, Glengary's Familie has of a long time been atatched to yours, MacLeoude, and now McIntosh, are nearly allyed to you, and I could ingage to fall upon a way to bring others to be as much atatched to you, In short, if the war should turn ginerall, perhaps there might be occasion of more as one Highland Regiment, and either in that way, or some other, you might doe favours to severalls of the Highland Families, which would add that weight your Familie already has in that country.⁴⁰

This subject could certainly be expanded with material gleaned from the archive, as there are a number of letters begging the Duke of Atholl for a position in a particular regiment, and one could doubtless find out which of the applicants were successful and which were not. However, the officer class belonged to such a small stratum of society that this subject would seem to belong to the wider world of political history rather than to the social history of the Atholl lands, and has therefore been ignored here.

We started the chapter with the theme of the Gaels' warrior ethos, and it seems suitable to end it in the same way. The following stray quatrain (undated) appears in the McLagan Collection.⁴¹

Ta sibh ann a Uaisle Adhal	All hail to you Nobles of Atholl
Laoich chalma a chur catha	Brave heroes to fight the battle!
Nach gabhadh roimh chuirinnin adha	Who would not take fright in the face of warriors
Nar ruisg Dibh-fheirg ar cloidheamh	When anger causes our swords to be unsheathed.
Cait a ghluas a Bhuighinn Laidir	Where did the Strong Company flinch,
Glaist' sa cheil le slabhra laidir	Locked together by such a strong chain?
Daragh nach reubabh gaoth laidir	An oak tree that a powerful wind could not tear apart
Nar ghlaiste threun-ghulga crabhcach.	When the strong branches of trees would be moved.

The poem was extolling not merely the glory of battle but also the solidarity of the gentry/officer class. It is difficult to avoid the conclusion that this whole ethos, which certainly benefited ambitious young Highland gentlemen, was used quite cynically and ruthlessly to draw the ordinary Highlander into the ranks of the army. The extent to which this actually worked in the Highlands as a whole is not certain. Eric Cregeen asserts that the tradition of clanship had a marked effect in the West Highlands, where men would willingly enlist under officers of their own clan, although not otherwise.⁴² Eric Richards does not deny the importance of kinship ties and loyalty in the clan areas, but he quotes from an OSA entry (for an Argyllshire parish in fact) about the difficulties experienced in raising men for the American War and the necessity of bribing them generously.⁴³

As will become clear in Chapter 10, traditional loyalties in Atholl were already eroded by 1745, so that even at that date it proved impossible to raise willing recruits. This serves to emphasise the impossibility of making sweeping remarks about 'the Highlands' as though of a single entity. Perthshire Gaels wrote heroic poetry, as we have seen, but the society evolved in quite a different way from other Highland areas, and this undoubtedly had an

effect on military recruitment. While the heroic ethos undoubtedly sweetened the pill, it seems more than likely that when Atholl Highlanders did join up it was due more to a lack of other employment possibilities than to a desire for noble wounds or glorious deaths.

CHAPTER SEVEN

CRIME AND THE COURTS

Broadly speaking, crimes fall into two categories, only one of which will be covered in this chapter. Criminal activities such as wood cutting and poaching - i.e. crimes against the property of the elite which may not have been regarded as actually criminal by the populace - will be treated quite separately in the next chapter. Here we are concerned with crimes such as robbery and physical violence, which primarily affected the humbler members of society, but which at the same time threatened the stability of that society and were therefore also the concern of the landowners.

As the subject is so diffuse, the chapter will be divided into five sections, although there will be considerable overlap between them. Section I will deal with crime prevention, Section II with the local courts in our area, Section III with the nature of the crimes committed, Section IV with the punishment of crime, and finally Section V will look at an interesting subject which has emerged from the material, that of assythment.

I.

The earliest document in the archive relating to crime prevention in our period is dated 27 August 1688. It advised all heritors, wadsetters, clan chiefs and chieftains of the shires of Perth, Stirling, Dunbarton, Argyll and Tarbert that a Justiciary Court would be held at Crieff on 25 September, when they would be expected to give in new bonds for securing the peace with lists of all the persons residing in their lands for whom they would be answerable.¹ This practice of making clan chiefs and landowners responsible for their tenantry dated back some two centuries.² Rosalind Mitchison

writes that the government dropped the practice after the Revolution³, but a post-Revolution document, 'Bond to the Commissioners of Justice 1697' - transcribed as Appendix 27 (Vol.II, p.95) - shows that it was still being used in our area at that time. It does not appear to have been particularly effective, and hopes rested more on the Independent Companies (discussed in the previous chapter) or fencibles, i.e. on some kind of police force.

On 10 November 1690 a document entitled 'Orders for Balquhiddar' ordained "that ther be a man out of every merk land weell armed, ready to answer their respectable Captains when called by them, with fourtie eight hours provision." Any soldier who refused to answer his captain when called would be fined forty shillings Scots. The captains were to meet together once a fortnight.⁴

There is no knowing how long this lasted, or how well it worked, but only a few years later, on 8 July 1696, Colin Campbell of Loch-lane wrote to Lord Murray

My Lord - I was at Balquhiddar last weeke, and keepest a court there to see if there were any debeats amongst the tennants, and in order to lay down some methods to preserve the countrie from theiveing, for there hath been some alreadie stolen from them, and are affraid there will be more, and seeing that there are no watshes aloued, the nixt course that was thought proper to be done was, that all the Tacksmen, night about, goe out and take also many of their sub-tennants with them as would be necessar, and gaird the passes and search the hills round about them, and also that the haill Tacksmen and subtennants should meet once a weeke and search all the hills round about the wholl countrie to see if there be any louse or broken men in them, and in caise they find any to cause apprehend them.⁵

Being situated in the heart of MacGregor country, Balquhiddar was the worst area for crime within the Atholl lands, and indeed one

of the most notorious areas for crime in the whole of Scotland, which helps to explain why the subject of crime prevention figured so prominently there.

Documents and letters after this date continued to put forward ideas about preventive measures, though there appears to have been a slight lull in the immediate post-Union period. After the 1715 Rebellion the question of 'pacifying' the Highlands once again came to the fore. Independent Companies were still being urged as the best solution⁶, particularly in view of the Disarming Act. The Duke of Atholl wrote to his son Lord James on 2 May 1721 that some method would have to be found "to suppress the abominable traid of thieving for now that there is no money left in these countreys, it is hard that their only stock remaining being cattle and sheep, should be wrested also out of their hands by Rogues who want not arms, at the same time when the honest people of the country are disarmed and are neither in a condition to defend themselves, nor have the protection of the Government." He went on to write, "It is very plain that thieving has been encouraged in the Highlands these several years past, with a designe to sett up Independent Companies to those who had them formerly."⁷

I do not know to what extent the Duke's accusation was justified, but it does graphically illustrate the complexities and political ramifications attendant on 'pacifying the Highlands'. As Rosalind Mitchison noted, what this area needed was to be controlled by law backed by force, and the influential men there to be cajoled or coerced by political pressures; however, the model of government at that time was one of almost negligible central executive power.⁸ The Duke of Atholl, with his heritable jurisdictions, had far greater authority than the Government over his lands, but

those lands were so far-reaching that it clearly was not possible for him to protect his tenantry from thieves.

The Independent Companies do appear to have had at least some effect, for on 11 November 1721 the Duke wrote to a departing officer, Lieutenant John McPherson, commending him for his efforts.⁹ However, on 9 January 1723 the Duke wrote to his vassals, "I cannot but express to you the great concern that I have to find that this country has been of late so much injured by theiving, and especially that I now understand that even some living within it have come to the height of wickedness as to be accessory to the resetting [receiving] of stoln goods."¹⁰ The Duke's very real concern was made manifest by his writing to various gentlemen of the shire that same month in the hope of arranging a meeting in order to "concert the most proper and effectual method of applying to have a stop putt to this unaccountable traid of theiving."¹¹

After the 1st Duke's death there is no further correspondence in the archive on the subject of crime prevention until 1742. This may have been partly the result of the presence of the Independent Companies, but the fact that the 2nd Duke's primary interests lay in London politics must also have had something to do with it. As noted in earlier chapters, the 2nd Duke did not tend to involve himself in local affairs unless they impinged on his own power and prestige, and it is entirely in keeping with this that he should have abrogated responsibility for crime prevention, though not for prosecution.

The references in 1742 are all contained in the letters written by Bisset immediately after the death of Alexander Murray. The harvest was poor that year, a fact mentioned by Bisset when he wrote on 4 January 1742 that "Thieving hath by the late dearth of grain

and the highlanders own evill inclinations [!] become so frequent that there is no living with them." The purpose of bringing up the subject was to solicit a place for a local heritor, Macdonell of Sandwick (styled in letters 'Shiandeck' or 'Shandick') in Lord Sempill's Regiment (i.e. the Black Watch).¹² From Bisset's letter it appears that the Duke's tenants paid a crown out of each merkland to the watch ("which is a verry great cess upon them"), which 'Shandick' would free them of if he were in a Highland regiment.

On 17 May Bisset mentioned getting together with some of the vassals to arrange a watch though there was no satisfactory outcome at that time. On 14 June 1742 he wrote, "Shiandeck hath behaved exceedingly well in our watch. Since he sett out the same about three weeks agoe, there hath not since that time a six pence worth stole out of any part of Atholl."¹³ However, he went on to write that another vassal, Blairfetty, was upsetting everything by insisting on a previous arrangement whereby tenants paid him an extortionate sum for setting up his own watch. All this goes to illustrate, once again, why without the strong hand of central government efficient policing was such a difficult thing to achieve.

Aside from laak of efficient policing, the other main obstacle to effective crime prevention was the cost and difficulty of prosecuting criminals. On 18 January 1694 James Stewart of Ardvorlich wrote to Lord Murray

I never remember in a peacable tyme to see such complaints of stealing of horses, and uther beasts, as ther has bein this tyme bygone, and such swarms of idle rogues goeing, without any body to notice them, and to giue the poor justice, or redress, for his loss, except when accidentalie he falls upon his beast in some of ther hands that with much adoe, he gettis restored, and in that same caice, ordinarlie, the task, all money, and what other expensses he's att to gett

notice of it, surpasses the valow of the thing, and allthough the theif be takine in the fang [with the stolen goods], the poor man is forced to lett him pass for want of justice. For your lordship knowes that poor people has not wherupon to follow such persutes before the Justices att Edinburgh, that requyreing more money than many of them are worthe. I could give severall instances, even since my last to your lordship, wher the theiff has ben takine with the fang, and for want of money to persew him att Edinburgh, has been lett goe againe, upon his giveing some satisfaction for the guidstoline. The rogue thus lett pas, possiblie before he sleep, will not miss to steal as much from the nixt neighbour, as are nimblie practized of late. This keeps the countrie in a continuall truble, which is become a perfect nurserie of theives, for they are now sure that all their hazard is restitutione, altho' the matter be clearlie proven against them, in ane actione of spluzie.¹⁴

A similar complaint can be found near the end of our period. This occurs in the 'Report of the Committee appointed by the Justices of Peace for the Shire of Perth...for forming a Plan for Detecting and Prosecuting Petty Thefts and other Crimes', dated 6 June 1775. The Report claimed that many crimes "do frequently Escape punishment from the unwillingness of...private sufferers to incurr the Trouble and Expence of Prosecuting the same, And...such impunity is often a Temptation to Idle Disposed Persons to Proceed to Greater and more Audacious Crimes."¹⁵

The solution which the JPs came up with was the equivalent of a modern insurance scheme. Subscribers to the scheme would pay a minimum of sixpence and maximum of five shillings sterling annually and if they were assaulted or robbed would be entitled to have the criminals prosecuted and their goods recovered at the expense of the fund. I do not know if the scheme was ever put into effect, but it is an indication of new ways of thinking and acting.

II.

In a recent book on crime, Stephen J. Davies discussed the functions of the various local courts in Scotland before 1747.¹⁶ His overall conclusion was that on the whole the system worked very well, with each court performing a well defined role and supporting the others, though by 1747 much of the system was already moribund.

As we have previously noted, Atholl formed a regality. Before the abolition of heritable jurisdictions in 1747 the Duke of Atholl was Lord of the Regality, with his head court held regularly at Logierait. Except for one isolated case which was preserved in the Mackenzie of Delvine papers and which is discussed on p.207 below, the records for this court have not survived. However, the Duke of Atholl was also Lord of the Regality Court of Dunkeld, and those records are preserved at Register House. Also, within the Atholl lands were various baronies, some of whose court records have survived.

Perthshire also had its sheriff court, and amongst the heritable jurisdictions of the Duke of Atholl was also the office of sheriff, though in accordance with the usual practice he would appoint a sheriff-depute to transact the ordinary business of the court. Sheriff court records exist for Perthshire, but they are unclassified and too voluminous to be made use of here. A document in the archive entitled 'Answers to Memorandum & Queries for the Duke of Atholl 1 September 1707' contains the following: "Where both parties and witnesses are without the Regality the sheriff cannot give Letters of supplement But since they [the guilty parties] are within the sheriffdome and his Grace is also sheriff his depute may try and punish them."¹⁷ This gives a good idea of the powers wielded by a figure like the Duke of Atholl before the abolition of heritable jurisdictions.

The earliest records for our period in the archive are of the baron court of the Lordship of Balquhiddar, held by Lord Murray. The records have survived for 15 September 1688, 24 March 1690, and 15 August 1695.¹⁸ The survival of these particular documents cannot be other than pure historical accident, as there is nothing to distinguish them from the records of any similar courts held at any other time (i.e. nothing of particular consequence occurs on any of those dates). A look through printed records of other baron courts, even much earlier in date (e.g. The Court Book of the Barony of Carnwath¹⁹), will reveal that Balquhiddar meetings conformed to meetings of other local courts.

The 1688 meeting appears to have been concerned only with taking preventive measures against crime. This subject also came up in the 1690 session but, as we have already noted, Balquhiddar was a notoriously crime-ridden area. The meeting did discuss other things as well, including the appointment of men to do specific repairs.

The 1695 Report of Proceedings was particularly concerned with timber cutting (see next chapter), but other things were covered as well. Any person who found beasts missing and reckoned they had been stolen was to advise his nearest neighbours who were ordered to assist him in the pursuit. Tenants leaving their houses were not to take with them any fixed timber work without the consent of the birlawman. No one was to put any beasts on their neighbours' grazings without the owner's consent, with a penalty of three pound Scots payable before the owner of the grass would be obliged to return the beasts. The birlawman was to look over the houses of all departing tenants to make certain "that they were sufficient wind tight and water tight".

Birlawmen or birlaymen were appointed from within the commun-

ity.²⁰ They continued to function in our area throughout the eighteenth century, as the following entry from the Barony Court Book of Lude indicates.

The following persones haveing made faith de fideli viz John Kennedy in Craggan Alexr McGlashan there Angus More in Wester Craggan Robert Robertstone in Wester Monzie and Alexr Frazer in Runroy The Baillie does constitute and appoynt them to be Birlymen of the Barrony of Lude declareing any three of them to be a quorum with full power to them appretiat corns biggings dykes and the like keep and hold Birly courts and to doe every other thing that any other sworn Birly men in the like cases are in use of doeing or can doe and for their pains and trouble each of them are payd ten 'shillings scots for each days attendance by their employer and which expense they by their birly decret are to decern the defenders to repay to the pursuers.²¹

Fragmentary records for Lude Baron Court have survived in the Atholl archive, and the SRO has a typewritten transcription of the Barony Court Book of Lude 1621-1806.²² Most of the fragments which survived in the Atholl archive were concerned with the settlement of debts and other possessory actions. For example, on 14 March 1734, John Robertson of Lude, the Baron, complained about three men, Duncan Robertson in Kindrochat, Duncan Seaton in Croftnacushag, and Thomas Boyd at Bridge End of Tilt, all of whom were owing him one or more years rent. The three men compeared and were found to be owing the money as claimed, so the ground officer was ordered to poind for the money.²³

Usually the action was not between the Lord and his tenants, but between the tenants themselves. On 20 February 1735 John Mclachlen in Kinamoan complained upon Robert Gow in Tombindrochat "who gave him a cow in payment of a horse he had given him and promised if the cow was not with calf last season he would give a new calf and cow in her place."²⁴ More often than not when it was a case of monetary

debt the defender would admit his liability in court and matters would be settled in a straightforward manner.²⁵

A bizarre case took place on 27 July 1737. The action was brought by Duncan Robertson in Wester Monzie, his wife Beatrix, and his brother John, against two servant women, Janet Ferguson and Margaret Frazer. According to the complainers the latter had "maliciously pissed" into a dish, added goat hairs and "other nest-ines" and mixed all that with a stoup of milk delivered to the complainers, with the intention of poisoning them. Not surprisingly, Beatrix vomited and was very sick. The case was not difficult to prove since Janet Ferguson, who appears to have been the guiltier of the two, told other people what she was up to, so various witnesses all confirmed her guilt. She was fined ten pounds and banished from the barony; a similar sentence was pronounced against Margaret Frazer, but she was offered the option of finding bail for her future good behaviour.²⁶

The Barony Court Book covers a wide spectrum. For example, on 1 November 1723 Charles Robertson and Patrick McGlashan in Easter and Wester Monzie complained that after having been given a verbal commission by most of their neighbours they had bought a young bull for twenty merks forty pennies, but that now when the time had come to pay for the bull the neighbours were refusing to contribute. The Baillie heard both sides and found that most of the tenants did indeed give the complainers a commission to buy the bull and that all of the tenants in the two touns had had the benefit of the bull for their cows for the season, as they had no other bull. Therefore they were all to pay a proportionate amount of the price of the bull, as well as an additional four merks for wintering the animal.²⁷

In a thought-provoking article on the seigneur and the rural

community in eighteenth-century France, Professor Olwen Hufton perceptively notes that while this sort of basse justice could be shrugged off as minor in criminal terms, to the peasant family it was the kind of justice that mattered most.²⁸ Lude baron court clearly did perform a very real and useful role in our area, and it continued to function even beyond the end of our period, long after the abolition of heritable jurisdictions.

The regality courts which disappeared in 1747 were, in theory, of a different order of importance. In his Sketches of the Highlanders, David Stewart of Garth wrote

The family of Atholl possessed many superiorities in Perthshire; and when they held their courts of regality at Logierait, their followers, to the number of nearly a hundred gentlemen, many of them of great landed property, assembled to assist in council, or as jurymen on such trials as it was necessary to conduct on this principle; and, as these gentlemen were accompanied by many of their own followers and dependents, this great chief appeared like a sovereign, with his parliament and army. Indeed, the whole was no bad emblem of a king and parliament, only substituting a chief and his clan for a king with his peers and commoners.²⁹

It all sounds very impressive, yet when we turn to the records of Dunkeld Regality Court, of which the Duke of Atholl was also Lord, we find few cases of a criminal nature. Instead, most of the business was concerned with commercial, moral and practical issues. On 22 May 1701 it was represented by the people of the town that fleshers were forestalling the market by going out to the country and bringing in all kinds of "young meatt" to the "greatt hurt and prejudice of the inhabitants", and the Court ordained that anyone guilty of such practices would be fined five pounds Scots. On 15 May 1710 the Duke of Atholl enacted that all persons found drunk would have to pay a fine

of six shillings or be put in the stocks.³⁰ In later years the Duke ordered the inhabitants to build a church yard; considered a petition regarding fleshers who brought their flesh to market without tallow and ordered them to bring the tallow too; enacted that houses covered with broom and straw be slated; enacted that a stone dyke be built around the burial ground to keep out swine; etc.etc.³¹ The 1st Duke's own personal involvement is notable, and it is in keeping with his involvement with the kirk, education and other local affairs and confirms his sense of paternalist responsibility. There is no record of the 2nd Duke ever appearing at Dunkeld Regality Court.

As far as crime is concerned, one of the Court's functions was to try to prevent violence ever taking place. A very common occurrence was for someone to act as cautioner that a particular person would not harm another. On 12 July 1718 the Duke himself became cautioner for William Frost in Park of Laighwood that Frost, his wife, bairns and servants "shall be harmless and skeathless to James Miller in Cluney and his wife bairns servants goods and gear and that under the penalty of two hundred merks."³² Although it seems strange that so many people were willing to stick their necks out and guarantee someone else's good behaviour, the practice was well established in the Scottish legal system, the term for the pledge being 'lawburrows'.³³

There are isolated instances of actual crimes, though never major ones. On 3 June 1712 Elspeth Irving was banished from the regality "never to return under the pains of being stigmatized and burnt in the face and that because she is nottourly known and proven a Vagabond and [p]iker." In 1714 John McIldonich was found guilty of "prikery" and banished.³⁴ On 1 December 1725 Angus Cameron was found guilty of "killing of red fish in forbidden time" and fined

ten pound Scots. On 2 November 1742 John Mcfarland was found guilty of "gross immoralities particularly of repeated whoredoms Breaking of houses in this Town under Silence of the Night in Quest of women, open Swearing and Cursing, habituate Drinking and several other Crimes." He was banished from the town and regality, "Never to be seen as a Residenter therein; under the pains of being whyped by the hands of a Common Hangman." On 16 July 1744 two men were found guilty of attacking someone (the name of the person attacked is left blank, which is curious) on the highway, "and Bruiseing and Cutting him to the Effusion of his Blood." They too were banished.

In all of the above cases there appears to have been no doubt of the guilt of the persons concerned. On 27 August 1717 Ewan Cameron from Lochaber claimed his horse had been stolen by John Lamb in Blackhills, while Lamb claimed he had bought the horse from Ewan McDonald in Badenoch. The case was postponed until the 1st of November so that Lamb could produce McDonald and Cameron could produce his own witnesses, but on the 1st of November apparently none of the above put in an appearance, so the case was closed.³⁵

The surviving case from the Atholl Regality Court also dealt with stolen livestock, but the Extract Decreet of 20 March 1732 covers eleven large handwritten pages, followed by further comments and an appeal³⁶, so it can be looked at in some detail. The pursuer was one Donald Cameron who claimed that he had had a cow (or "cou") pasturing in the hill of Corrienasevie belonging to his master, John Campbell of Glenlyon, and that this cow had been stolen by the defender, Ewan Roy Stewart. There was no dispute about the fact that the cow was found in Stewart's possession but a certain amount of disagreement about whom the cow actually belonged to, since a Mr McDonald of Glenteltine also claimed possession.³⁷

Most of the court's time was taken up with witnesses who claimed that they recognised the cow as the one belonging to Cameron. As additional proof the latter produced witnesses in support of his claim that the cow had never had a calf, as his had not. At the end of all the testimony Alexander Murray as Baillie pronounced it sufficiently proven that the cow belonged to Cameron and ordered Stewart to pay cost and damages.

Reading this Extract the reader is puzzled by various things. In the first place, Cameron described the cow as having one ear cropped while the witnesses all said the cow they knew did not have a cropped ear, yet this was never taken up by the court. In the second place, of the two witnesses called to examine the cow with a view to determining if she had ever calved, one refused to testify and the other (an Atholl vassal) gave no explanation of just how he was able to conclude such a thing. And finally, neither Mr McDonald nor any witnesses for him were ever called, which in a case of disputed ownership seemed odd, to say the least.

The documents which follow shed further light on all this. On 8th and 10th April Donald Cameron, John Campbell of Glenlyon, Alexander Murray as Baillie of the Regality of Atholl and Thomas Bisset, Clerk to the Regality Court were all summoned to appear before the Lords of Council and Session. In a document entitled 'Remarks on the process betwixt Donald Cameron and Ewan Roy Stewart' all of the points noted above were taken up and others besides. It appears that matters had been arranged so as to make it impossible for McDonald to be present which, as the anonymous writer of the Remarks put it, "makes plain the partiality of the Baillie in this affair". There really seems little doubt that the trial had been rigged and, as we shall see in Section IV below, this was by no means the only

miscarriage of justice to take place in Atholl Regality Court.

Amongst the reasons given for nullifying the sentence one remark stands as a rather damning indictment of Alexander Murray and of the system as a whole: "The Baillie understands not one word of the Language of the people of the Country." Earlier we noted that local baron courts served a very real function in the community. However, one could argue that when the regality court became a means of manipulating justice rather than dispensing it, the rot had set in, and it was no loss to the community when such courts were swept away.

III.

If we were reliant on court records we would not know a great deal about crime in our area; however, the subject is often dealt with in the Atholl correspondence, and it is to this source that we now turn. The earliest example dates from 1694 and is entitled 'Declaration be the People in Glenalmond anent Kilmannan's Shooting his oun man Malcolm McCurich.' This concerns a man's killing his servant; there does not appear to have been any motive other than bad temper and drunkenness.³⁸

A more organised type of crime appears in a letter of 11 January 1706 when the Duke of Atholl wrote to the Lord Advocate: There has been frequent robbing and breaking up of houses in the Lowland parts of this shyre of late, And as I am informed in the shyres adjacent as Fife and Stirling shyres. The Actors, I understood, were disbanded Souldiers or Deserters and Tinkers and their wives, about twenty of which have joyned themselves together and made a trade of begging all days by twos and threes and met together at nights and fell upon gentlemen's houses and robbed them.³⁹

In theory, the Disarming Act after the 1715 Rebellion should have curbed violent crime, but in practice only those loyal to the

Hanoverian government were likely to have surrendered their arms. An indictment of 1719, reproduced as Appendix 28 (Vol.II, p.97) is of interest for several reasons. It gives a substantial amount of detail about the behaviour of the thieves; it appears accurately to reflect the rage felt by the elite at the constant flouting of the Disarming Act; and the concern expressed for one of the poor victims strikes a very genuine note, serving as a useful reminder that amongst the less appealing motives for punishing crime, the paternalist one was also present.

In February 1720 a sergeant and party of the Royal Scots Fusiliers, escorting a prisoner belonging to clan MacGregor to Edinburgh, had stopped the night at Kirkton of Balquhiddar where they were shot at through the windows of the house where they were quartered. The intention was clearly to effect the escape of the prisoner, and though the attempt was unsuccessful, some of the soldiers were seriously wounded. The Duke of Atholl immediately stepped in. He discovered that the local people were afraid to reveal the names of the attackers, "Lest they might also murder them in the night time, But...that if they were cited in a legal manner, and put to their oath, they were willing to declare whatever they know as to the loose men & Rogues that haunts the country, or were concerned in that affair." By citing various tenants before the Sheriff Court it did indeed prove possible to extract the names. Clearly there was a gang that terrorised the countryside and, as had been expected, several of them turned out to be MacGregors. From evidence given it emerged that certain local residents "under the pretext & colour of selling & vending Aquavite and other liquors, do constantly harbour and Resett, Intertain, cheris & abett such Broken and Louse Persons who have no fixt or certain place of Abode."

The Duke's first action was to make an Act in the Sheriff Court forbidding anyone to harbour any of those men and to order all residents to do everything possible to apprehend them. He also forbade any of the whisky sellers under the pain of a hundred merk fine to "vend or retail Aquavite, or other spirits, to any Louse or Broken men", or even to allow them into their houses without informing the authorities. There is no evidence to show if the men were caught, but in any case their activities must at least have been severely curtailed.⁴⁰ The case does seem to exhibit many classic features of the traditional view of the Highlands: a gang of landless men, including MacGregors, operating by a mixture of terrorism and collusion, resorting to violence in an attempt to free one of their number. It should be noted that aside from that attempt, no other specific crime was actually laid to their charge.

On 1 April 1720 MacPherson of Killiehuntly wrote to advise the Duke of Atholl that his party had managed to seize a notorious thief in Rannoch. The party had found that the thief (unnamed) had a great quantity of goat's flesh but no skins, and being informed that a shopkeeper, Thomas Boyd, was a go-between, they went after him and found some of the missing goat skins. Boyd refused to admit where he had got the skins, though Killiehuntly was convinced he would eventually be forced to do so in order to avoid being charged for the theft himself. Goat skins are not something which one normally associates with Highland thieving, but from the tone of the letter it cannot have been all that uncommon. Once again it is clear that there was an actual network operating in Rannoch, so that the thieves knew where they could dispose of their booty.⁴¹

As noted in Chapter 4, sexual offences were dealt with by the kirk session, and there was the occasional case of rape or attempted

rape. A letter from Baillie William Spence from Dunkeld to the Duke of Atholl dated 18 September 1721 reveals a much more unusual offence. A tobacconist, William Young, was being held on a report that he had "layen with, and abused severall young girls." A number of those girls, with ages ranging from about seven to thirteen, testified that Young had lain with them or abused them. Apparently "he made also an attempt upon a poor Infant of one Sims, not above four years old, and so abused the creature that for some time she suffered a grait deal of pain." What is not explained is just how Young managed to persuade or force so many young girls, in some cases the same one "frequently". Needless to say, Baillie Spence expressed great horror at these findings, and the offence is a rare one indeed to find at this early date.⁴²

Close connections with the forces of law and order were no guarantee of probity. We have mentioned communications from MacPherson of Killiehuntly to the Duke of Atholl, since the former in fact held a commission from the government as part of the effort to 'secure the peace of the Highlands'. Yet his own men (and a later letter claims that three of them were actually his nephews) were involved in the following attempt on the life of Gordon of Glenbucket during March 1724

There was a vile & Barbours action committed here last Friday on Glenbucket about one a clock in the afternoon by seven of Killihuntly's Guides & two other of the McPhersons. Three of them went into the House through the Parlor, & one of them went into the new room where Glenbucket was, pretending he came about business, upon which Glenbucket rais'd himself from his chair to take him by the hand. The same person stab'd him in six places with his Durk, three in his back, two before, and one in his hand. Two of them stood at the Door with there Durks Drawn, while the fourth was at the outer Door with his Broad sword Drawn, who cut the Laird's man's arm almost of [f] in

two places as he was coming in to help his master. The rest was some distance from the house. His son Glenbucket went last Tuesday to the Duke of Gordon's with Lochaber rents, but they expect him home with the Duke this night, & 'tis talke there will be much disturbance between the Gordons and McPhersons.⁴³

The Duke of Gordon wrote to the Duke of Atholl on 23 March to make certain that the latter would do everything possible to catch the men, even if Killiehuntly should plead to the contrary. From a second letter dated 12 April it appears that the Duke of Atholl professed himself ready to assist the Duke of Gordon in any way in apprehending the would-be assassins. Again, this whole affair seems very firmly set in the old Highland tradition.

There was a certain amount of violence involved in an incident which took place in May of that year, but the conclusion from the report seems to be that it was a lot of fuss about very little. It is therefore reproduced as Appendix 29 (Vol.II, p.100), not for its significance but simply for its human interest.

In the later 1720s things seems to have settled down somewhat, perhaps as a result of Wade's Disarming Act⁴⁴, though the Act is not mentioned in any surviving correspondence. However, if the Act was the cause of less crime, then its effects did not last long in our area, for on 13 April 1731 Commissary Bisset wrote, "Tho' all the countrys about have for some years past been peaceable and free of thifts, yet the countrys of Atholl and Strathardle have suffered more by thieving these last two years than when theft prevaield more in the Highlands."⁴⁵

A serious incident took place in December 1735. The account of it is too long for inclusion in the text, but it is of interest and so an extract is reproduced as Appendix 30 (Vol.II, p.102). (The

remainder of the account is discussed on p.228 below.) Once again we have many classic elements of Highland crime: "notorious thieves" belonging to the MacGregor clan, whisky, and a stabbing with a dirk in a moment of heated anger (or maybe not - there is a certain amount of mystery attached to the actual killing). The correspondence on this subject was not concerned with the guilt or innocence of Niel (sic) Steuart but with the question of jurisdiction since Steuart was an Atholl tenant but his crime occurred in Breadalbane country. It is quite amusing to see the conflict between the wish to assert the authority of the Regality of Atholl and the realisation of all the bad feeling which would be stirred up by that assertion, not to mention the expense involved in a trial.⁴⁶

On 13 March 1736 Stewart of Invernahyle¹ wrote to Alexander Murray

Upon the 4th Instant their happened a most barbarous action in this country in the hands of Rob Roy's youngest son. He came with a gunn and pistle to the Toun of Drumlich where John McLaren, Baron Stoibchon and Wester Innernenty liv'd, and the said Baron with two of his neighbours being att the pleugh, this youngest son of Rob Roy's, called Robert, came to the pleugh, and without any provocation, as the Baron was holding the pleugh, shott him behind his back, of which wound he dyed that night.

The writer went on to say that on the 9th the murderer's brothers with their adherents "hough'd and kill'd upwards of thirty stotes belonging to Donald McLaren, Drover, in Innernenty, and threaten frequently to shoot himself and some others of his Clann."

Naturally every effort was made to capture Rob Roy's three sons and their followers. On 23 March Alexander Murray wrote to Archibald Stewart, telling him that there was word from Sir William Murray of Ochertyre that "Rob Oig's" two brothers and two other accomplices

had been caught and sent to Perth. On 25 March he advised John Murray that the only motive for the killing was that the murdered man had been granted a tack of the lands which the deceased Rob Roy had previously held.⁴⁷ This really does seem like particularly nasty, gratuitous violence.

On 3 May 1742 Bisset wrote to the Duke

the whole shire are infested with Rannoch men who have broke all intirely louse and are seen every day in little companies in the hills. The other day some of them entered a tennent's house of Ballegowans, bound all the family and carried off the best effects upon the honest man's own horses. Upon Fintry's writing to me I made enquiries and have discovered who the robbers were. But there will be no possibility to get them apprehended seeing that every man of Lord Semples regiment decline any such office.⁴⁸

It will have been noted that nearly every serious crime discussed in this section came from Rannoch. This is important to keep in mind, otherwise one might get the misleading impression that all of Atholl was a hotbed of lawlessness, whereas in fact it was pretty well confined to Rannoch, a part of Scotland which even today is not particularly accessible. In the eighteenth century Highland criminals knew they could retreat there without fear of capture.

After the Forty-Five, however, the Disarming Act was more rigorously enforced, and after 1747 the frequent references to violent crimes committed by Rannoch men virtually disappear from the Atholl correspondence. In fact except for a brief mention by Bisset in a letter of 1748 of a thief who had been caught and confessed his guilt⁴⁹, there is no mention of crime in the correspondence for nearly twenty years. There is one curious printed Missive, however, which shows that the Rannoch thieves did not immediately vanish from the scene.

The Missive was from Thomas Bisset to William Steuart of Garth and Charles Steuart of Bohallie. In it Bisset acknowledged having spread various prejudicial stories about these two gentlemen which he now realised were untrue and which he therefore revoked; he also promised to do everything in his power to vindicate their reputations from these calumnies. The gist of the stories was that "both of you kept Correspondence with the Rannoch Thieves; and, when Cattle were carried away by the Rannoch Thieves, that there was no Possibility of recovering them without your Concurrence, and using your Influence with them."⁵⁰

The most significant thing about this missive is its date, which is 20 June 1752. This is the only reference to Rannoch thieves in the Atholl archive after 1747. Letters referring to cattle thieving later in our period are not about Rannoch thieves, so it seems likely that in the changing situation after 1747 the gangs did gradually disappear, though we cannot date this with any certainty.

The next description of criminal activity is almost ludicrous in contrast to what has gone before. On 31 March 1765 Bisset wrote to the Duke

I am carrying on a prosecution before the Justices of the Peace at Perth against a fellow that delivered bad meall into your Grace's Gernell, the oats that it was made of, it seems were full of the weed commonly call'd Dytes or Danell, which could not be discovered till the meall was used; it affected the workmen by a violent shakeing of their Bodys and a Staggering as if they were mortally drunk; From the proof adduced it is evident that the fellow previously knew of the weed and its effects, so that I expect ample satisfaction, which will strike a terror upon others and deterr them from committing the like in time comeing.⁵¹

As mentioned above, however, cattle thieving had not completely disappeared. On 13 September 1772 Robert Stewart of Ballechin wrote

to the Duke

As your Grace was pleased to favor me with your countenance and assistance in bringing to Justice McDonald alias McRob of Findeynate, of whom some time ago I gave yr Grace a just Character, I think it my duty to inform yr Grace that on Thursday night last, after sitting from ten o'clock forenoon the preceeding day, I got precognitions finished agt him and Buchannan, both prisoners in Perth, by which there appears the clearest proof of their stealing, driving, and selling the five cows I told yr Grace of. There likewise appears as clear a proof of McDonald having stole a horse from one of Urrard's tenants last spring since his return from Prison, when he was banished the country for stealing Fraser's cow, one of your Grace's tennents. There is likewise a clear proof of McDonald's having paid and compounded with one Donald Carr for behoof of his son, then a tennent of your Grace's, for a horse he stole from him, besides many other acts of theft sworn to.⁵²

There is a discussion of another cattle theft in a letter written by Stewart of Urrard to the Duke on 1 December 1772. The thief was apparently a tenant of Urrard's who had told the latter that he had bought the cows. Urrard had had no reason to doubt him as he knew the man well and knew that the family had always been of good character. Urrard was naturally shocked to discover that the man was actually a thief and had run away to avoid capture.⁵³

There seems to have been a definite upsurge in crime at that time, and in fact on 3 January 1773 Bisset wrote to the Duke that robberies had become increasingly frequent, both north and south of the Highland line.⁵⁴ We already noted in a previous chapter that this was a period of dearth, and that grain riots took place at that time.

These grain riots fall into a different category from any of the criminal activities discussed above, and as purely urban phenomena they did not directly affect those who lived on the Atholl

estates. Nevertheless, there are references in the Atholl archive not reproduced elsewhere, so at least some mention must be made.

In an article in the SHR, S.G.E Lythe writes very comprehensively about the Tayside meal mobs.⁵⁵ He explains the economic background and the fact that the rioters were concerned with grain supply and prices. And, as he puts it, "What...affronted the sense of social justice on Tayside was the knowledge that prices were rising locally, and that simultaneously it was profitable for merchants to ship grain away from the local ports. Without any sophisticated economic analysis men recognised a possible connection between the two phenomena, and by and large they pursued the appropriate aim of stopping shipments and releasing stocks onto local markets." The rioting began on 21 December 1772 at Newburgh and Elcho, spread to Perth where it became more serious, and from about 5 January 1773 spread as far east as Dundee.

On 3 January 1773, in a letter advising the Duke of the difficulties he was having in obtaining sufficient meal, Bisset wrote, "The Mobb at Perth have by violent hands put a stop to the Exportation of grain from that port for England." On 10 January he wrote, "The Mobbing in the Town of Perth begins to subside, the Exportation of Victuall being stopped and meall brought to market to supply the necessities of the poor. The magistrates have got a troop of Dragoons to keep the peace. But the Rioters have begun to stop the Exportation of grain from Dundee in the same manner, and to take forestallers and regretters to task in the neighbourhood."⁵⁶

Fears of further rioting persisted, and on 19 January 1773 the sheriff-depute convened a meeting of the Justices of Peace and the Perthshire heritors, "to consider of proper measures to secure the Tranquility of the County at this time." The Resolutions were

printed and distributed to all of the noblemen and gentry of the county, and a copy is in the Atholl archive.⁵⁷ Not surprisingly, it contains nothing very startling, merely a determination to assert to the full all of the available forces of law and order if further rioting should break out. One of those present, the Earl of Kinnoull, wrote to the Duke of Atholl in connection with this document, and his letter contains a very full account of all that had taken place. His story does not differ in any important way from Lythe's (which was culled from the Scots Magazine and reports of the trials), but as the account offers such a wealth of detail it has been reproduced as Appendix 31 (Vol.II, p.105).

Mention was made previously of the 'Report of the Committee appointed by the Justices of Peace for the Shire of Perth...for forming a Plan for Detecting and Prosecuting Petty Thefts and other Crimes', presented at the quarter session of 6 June 1775, but originally commissioned on 29 September 1772.⁵⁸ This confirms the upsurge of crime at this time, but also the changed pattern of crime. When the JPs referred to specific criminals to be informed against it was to stealers of "Fish, Wood, Fruit, Grass, Pease, Potatoes, Cabbage, Kail, or Turnep from Pounds, Gardens, or Fields." It was vagrant beggars who were blamed for these crimes, a very different group from the armed robbers of the first half of the century.

In March 1773 both Bisset and Urrard wrote to the Duke about a murder which had taken place. Alex McNaughton, a tenant of the Duke's in Rotmell, had been caught by a young boy, his neighbour, stealing corn out of the boy's widowed mother's barn. In revenge for this McNaughton murdered the child. Initially this was only surmise as there did not appear to have been any witnesses, but then it transpired that two beggar boys had seen the whole thing. Although they

were too young to testify legally, their account was so clear and precise that Urrard was convinced it would carry great weight with a jury.⁵⁹ This is the only mention of a murder in the later period, and even allowing for possible gaps in the correspondence one can hardly avoid the conclusion that there was far less violence in the post-1747 period.

The last reference to a crime in our period occurs on 15 August 1783 in a letter from John Rutherford to Thomas Bisset, discussing the theft of several queys (heifers).⁶⁰ (The discussion harks back to the problem, mentioned earlier, of identifying particular livestock.) It appears that some witnesses claimed to have seen the stolen queys attended by one Thomas Taylor, but Rutherford concluded that unless the animals were actually found it would not be possible to pin the guilt on Taylor. What is notable is that while Rutherford was clearly convinced of Taylor's guilt, at no stage did he characterise him by any of the terms (e.g. infamous rogue, loose man, notorious thief etc.) so prevalent in the pre-1747 period. We are clearly in a different era.

IV.

So far we have discussed crime prevention and crime itself but have not yet dealt with the punishment of crime, and that is therefore the subject of this section. We have already noted, when looking at Dunkeld Regality Court records, that banishment was one of the most usual forms of punishment. This is confirmed by Robert Clark in his View of the Office of Sheriff in Scotland, and he also confirms that the usual punishment for returning or failing to comply with the sentence was whipping. Gaols were used to confine those who had been ordered to pay a fine until that fine was paid; imprisonment for a

longer period was not sanctioned by law.⁶¹

One's doubts about the efficacy of banishment are borne out by a letter of 2 May 1723 from the Lord Justice Clerk, Cramond, to the Duke of Atholl, concerning two convicted criminals.

I am humbly of opinion they should be adjudged thereupon to make Restitution either of the Beasts stolen or the value, and large Expences to the partys injured, and to lye in prison till they give obedience to the sentence, Either by payment or sufficient caution. I should readily agree to what your Grace proposes about Banishing such Criminals, but that there would be so many Instances of such wicked Creatures being Banished by the Justice Court, there Returning and we hear more villanous and troublesom than formerly, so as that prooves no punishment.⁶²

A form of punishment which turns up in the early period, though only once in the Atholl records, is perpetual servitude.

At Perth the 5th day of Decr 1701, the commissioners of Justiciary of the South District for securing the peace of the Highlands, considering that Donald Robertson, Alexander Stewart, John Robertson, and Donald MacDonald, prisoners within the Tolbooth, and indicted and tried at this country, and by virtue of the inquest returned guilty of death; and the commissioners, having changed the punishment of death to perpetual servitude, and that the said panels are at the court's disposal: Therefore, the said commissioners have given and gifted, and herby give and gift, the said Donald McDonald, one of the said prisoners, as a perpetual servant to the Right Hon: John, Earl of Tullibardine; recommending his Lordship to provide a collar of Brass, Iron or Copper, which by his sentence or doom (whereof an extract is delivered to the Majestrates of the said Burgh of Perth) is to be upon his neck, with this inscription - "Donald McDonald, found guilty of death for theft at Perth, Decr.6, 1701, and gifted as a perpetual servant to John, Earl of Tullibardine." Recommending to his Lordship to transport him from the said prison next week.⁶³

It would be interesting to know how common such a punishment was.

During the late seventeenth century it appears that, as lord of a regality, the 1st Marquis had his own hangman. Shortly before our period, on 25 November 1681, the Marquis replied to a request from the Provost of Perth for the loan of the Marquis's hangman at Dunkeld, saying that he could not do without one but would allow the man to go to Perth on condition that he be returned whenever someone was to be executed in the Marquis's lands.⁶⁴ In a letter dated 23 October 1697, Murray of Dollery wrote to the Earl of Tullibardine, "My Lord Marquis caused hang two notorious thieves at Blaire latly"⁶⁵, so it seems likely he still had his own hangman at that time. However, on 19 October 1719 Alexander Murray wrote to the Provost of Perth, on behalf of the Duke of Atholl, requesting his Lordship "to allow the hangman of your town to goe to Logyrate and execute the two thieves condemned and lying prisoners there."⁶⁶

In his Sketches of the Highlanders David Stewart of Garth related the following story:

Some time before the year 1745, the Lord President Forbes, travelling from Edinburgh to his seat at Culloden, dined on his way at the Castle of Blair Athole, with the Duke of Atholl. In the course of the evening a petition was delivered to his Grace, which having read, he turned round to the President, and said 'My Lord, here is a petition from a poor man, whom Commissary Bisset, my baron bailie, has condemned to be hanged; and as he is a clever fellow, and is strongly recommended to mercy, I am much inclined to pardon him.' 'But your Grace knows,' said the President, 'that, after condemnation, no man can pardon but his Majesty.' 'As to that,' replied the Duke, 'since I have the power of punishing, it is but right that I should have the power to pardon;' and calling upon a servant who was in waiting, 'Go', said he, 'send an express to Logierait, and order Donald Stewart, presently under sentence, to be instantly set at liberty.'⁶⁷

My initial reaction to the above was that it was apocryphal or

highly exaggerated, or alternatively that it took place very early in the century, but contemporary evidence caused me to think again. On 13 April 1731 Commissary Bisset sent a memorandum to the Duke of Atholl regarding two thieves who had been caught, asking if an example should be made. Bisset wanted to know

1st whither or not His Grace would have any of thir Malefactors prosecute to death, and if he Incline to the affirmative,
2ndly whither or not both Robertstone & Stewart should be put to death, or only one of them, and if only one,
3rdly whither Robertstone, Barrone Reid's friend, who was the principal actor, or Stewart, the Receptor, should be put to death.⁶⁸

It would be difficult to imagine anything more ruthlessly arbitrary, particularly as the decision was in fact made to hang Robertson. This is not, however, the end of the story. The state papers for that year reveal that the case came to the attention of the Duke of Argyll. On 25 July 1731 the Lord Justice Clerk advised the Duke of Argyll that Duncan Robertson had been reprieved for two months.⁶⁹

The correspondence on the subject continued, and on 28 August 1731 the Earl of Hay wrote with regard to Duncan Robertson

I am the more confirmed in the opinion I gave in my former letter upon this subject, that this Person is A proper object of his Majesties Mercy: I will not repeat any of the particulars I mentioned before, only, I can not help saying (in A case where the life of A man is concerned) That the Baillie of this Regality has taken upon himself to exercise higher powers than I should have ventured upon, had the Accused person been tryed before me at Edinburgh, & though I am very unwilling to reflect on A person to whose Character I am perfectly A stranger, Yet thus much it may not perhaps be indecent for me to add, That the Judg who is to enjoy the personal Estate of the man condemned, ought to be very tender of stretching the Law to his own profit at the expence of A mans life.⁷⁰

The last letter available in the series was from the Lord Justice Clerk, dated 16 September 1731, advising the Duke of Argyll that he had informed the Judge of the Regality Court of Atholl "that it was the Kings pleasure the Execution of the sentence past on Duncan Robertson for stealing of Cows, Be further Respited for a month from the time to which he was Last Reprieved."⁷¹

The case can be seen as further evidence that the Regality Court of Atholl was not, at this date, dispensing impartial justice. More significantly, perhaps, it demonstrates that while in theory the authority of the Duke of Atholl as Lord of the Regality was absolute, in practice there were limits to what even a passive central government would accept by the mid-eighteenth century.

Four years later the Baillie of the Regality experienced further difficulties in condemning a man to death, this time because of the jury's recalcitrance. On 23 December 1735 Alexander Murray wrote to the Duke from Dunkeld.

John "Ouer's" tryall came on on Friday last. He gave in a petition for banishment when the court was convened, to which I had no regard, and said lett the Law take its course; Yett after the assyse did find the Indytment proven and gave in their verdict accordingly, and that I was going to pronounce sentence, the Chancelour in name of the Jury craved that he should only be banisht, and that they thought his crim proven did not deserve death. I told them that tho' they were judges of the prove, I was judge of the punishment, and that since they had found the Indytment proven, it seemed by their applying for banishment that they wanted to thro' the whole stress on me in case I condemn'd him to dye; however, that I might not be thought rash in a matter of life and death, upon such application I adjourned the Court till next day at nine a clock, and upon reflection that I was a single person, and how I had been used, after calling the prisoner to the bar I adjourned the Court to the second of Janry, and delayed pronounceing my sentance till that day, and have sent a copy of the

whole tryal to Mr Archd Stewart for advice. I hope your Grace will not disapprove of what I have done. I think the assyse used me ill. I had no manner of difficulty in condemning the pannal, but their indeavouring to load me with it intirly was intolerable; however all is still open, and if I am advised to sentence him, I shall yet find no difficulty in it.⁷²

In further letters dated 1st, 17th, 25th and 27th January, Alexander Murray continued to discuss the matter of John "Ouer" (i.e. odhar, a Gaelic epithet meaning "sallow"; the man's actual surname was Toshach). In the last of these he wrote that bail had been offered for John Ouer's banishing himself out of the kingdom, and that the man was old, bald, and could not speak a word of English.⁷³

Although in the above case the condemned man was banished instead of hanged, two thieves caught at this time were hanged, and Appendix 32 (Vol.II, p.111) is a transcription of a document entitled 'Accompt of Expences laid out in getting Information trying guarding and having the sentence of Hanging execute upon Macklavandick and Macklachlan Thieves 1736'. The total was £46-6-1 $\frac{1}{2}$ sterling, a considerable sum of money.⁷⁴

In her book on Scottish county government in the eighteenth century, Ann Whetsone writes that after 1701 regality courts no longer exercised the right of 'pit and gallows', i.e. capital punishment.⁷⁵ As we have seen, Atholl regality court continued to exercise that right long after the date quoted. However, in view of the time, effort and money involved in dealing with serious crime, it seems fair to ask whether the Duke of Atholl lost very much in giving up his heritable jurisdictions, particularly in view of the very substantial amount which he received from the government in compensation.⁷⁶ It could be argued that by 1747 the Duke's power

and authority had little to do with the fact of his being Lord of the Regality. His position as one of the great landowning peers of Scotland ensured that his control over his area of the country did not diminish with the loss of his jurisdictions. Ann Whetsone points out that great noblemen were very influential indeed in choosing sheriffs depute in the second half of the eighteenth century.⁷⁷

Not only that, but a precognition which has survived in the Robertson of Lude papers shows that the Justice of the Peace before whom a stealer of lint was arraigned was Stewart of Urrard, i.e. one of the Duke of Atholl's factors.⁷⁸ Under the circumstances it would be difficult to claim that the Duke of Atholl's influence was seriously lessened when he lost his heritable jurisdictions.

V.

On 19 November 1719, at Lude Baron Court, Margaret Stewart complained of Charles McLaren, who had been her employer

That where the sd Charles McLaren did, in the month of August last, when the Complainer being his servetrix was tramping in a tub without any provocation given or offered by the Complainer, thrust her with both hands out of the tub, whereby she fell among the standers [a pillar, post or support] of the burn which bruised and hurt her verry much; As also the sd Defender did upon the tenth day of that instant without any provocation given or offered thrust the Complainer off a seat where she was sitting, with brute force that both her mouth and nose alighting upon a table & partition bled verry much to the great effusion of her blood.

Theirfor humbly craves the sd defender may not only be unlaw'd in the sune of for beating and bruising the Complainer in the sd month of August last, and bleeding her upon the 10th inst To the fiscall of Court, and in money forsd to the Complainer for her assythement, but also to be punished corporally to the terror of others from committing the like in time coming &c.

McLaren compeared and confessed having thrown the pursuer off

the chair though he did not know if she had bled or not. Witnesses who had seen the incident were called to testify as to whether the latter had bled or not though none of them proved very helpful.

The Baillie found that

the pursuer was thrown by the defender of [f] her seat and tho' its not proven that she was bled by the fall yet the having shown a blood wit. at the Bar And confidently averring it was occasioned by the fall unlaws the Defender in the sune of ten pounds Scots money and ordains the same to be paid within term of Law and assolzies him from the rest of the Lybell.⁷⁹

A similar case involving both 'bloodwite' - a fine paid for shedding blood - and 'assythment' - can be found in the seventeenth-century Argyll Justiciary Records.⁸⁰ The term 'assythment' referred to a monetary compensation for injury or death. The word is first found in a document of 1420, though in terms which show that it was already in existence and well known by then. Legal and social historians dealing with the subject tend to emphasise its use in cases of serious crime, but as shown above it was clearly also used for very minor injuries.⁸¹

The origins of this system have been seen by one writer as the wish of early medieval kings to abolish the bloodfeud and the idea of retaliation by the kin of the injured party, as this led to further bloodshed and consequent loss of manpower. Instead they substituted a payment which would pacify the rancour of the injured or slain man's kindred.⁸² Others would argue that the Crown had little to do with it. An important aspect of this system which has been emphasised by a recent paper is that up to the late sixteenth century it applied equally to the Lowlands and to the Highlands: i.e. the approach to crime and justice was fundamentally the same in both societies.⁸³

By the latter part of the seventeenth century the two societies had greatly diverged, and in the Lowlands the whole concept of blood-feuds became anachronistic and was seen as a part of a less civilised past.⁸⁴ A few isolated cases of assythment cropped up in the eighteenth century and can be found in Morison's Dictionary of Decisions, and in 1970 a final attempt was made to use the action of assythment,⁸⁵ but basically in the Lowlands the action had outlived its usefulness. But what about the Highlands?

As noted on p.213 above, Appendix 30 is an extract from information concerning a killing in Bunrannoch in December 1735. After the extract detailing the crime the following passages occur

There is an Abominable Custome that prevails in the Highlands Viz. When any one of a Clan is Killed tho' he were the worst of Malefactors and Aggressors at the time Yet the whole Clan will resent it and are never satisfied untill they can Murder some of the other Clan And they hold it as sufficient reason for many years to Rob and Steall all they can from the Kindred of the Killer Ane Instance whereof is that of Drumochuins Brother Robert Who in the Year 1714 being a souldier of the Independant Companies and being ordered to apprehend a Thief of the Name of Cameron the Thief Drew upon him when Robert was oblided to Kill him or be Killed himself Yet the whole Clan Cameron at least that tribe of them of whom the Thief was Descended did resent the Matter so far as to have continued ever since to rob and steall from the Inhabitants of Glengarrie & Glenarachy where Robert Robertsons Kindred do reside. The only Method usually taken to prevent such a Mischief as this Is the pacifying of the Clan by giving such a piece of money as may be agreed upon to the Relick and Children of the person Killed Whereupon some of the principall persons of his Kindred and Clan grant security to keep the others persons Kindred Harmless in their persones and goods. This is certainly a practice like the paying of Black Meall and not to be Encouraged Yet untill the Government take notice of it and find a Remeady private persons are of necessity oblided to take the most prudent course for their own preservation.

Niel Stuarts Kindred being sensible that alltho Niel should be Legally acquitted neither he nor they can be safe from the Clan Grigour the Dead mans Kindred they being a Numerous and Wicked Clan who will stuk at Nothing. They Therefore Incline to Contribute for a piece of money to the Relick and Children of Duncan whose Kindred seem willing to accept of it, promise to be moderate in their Demands, give way to Niels being acquit and to find security that neither he nor his Kindred shall be harmed in their persons or goods for the future But before they viz. Niels Kindred enter into their Measures they Humbly Intreat Her Grace, the Dutches of Atholl may give them Advice.⁸⁶

Clearly, even as late as 1735 the bloodfeud was alive and well in Highland Scotland, as was the action of assythment as a means of preventing further violence and bloodshed. As we have already noted, none of this was of purely Highland origin, yet the anonymous writer was unaware that the action of assythment had been a crucial part of the legal system of the Lowlands only a century or so earlier.

There is one final reference to this subject in the Atholl archive, in a letter by John Mackenzie of Delvine to the Duke of Atholl, dated 24 January 1774. The letter was about an accidental killing. The Duke must have known the details as the letter did not explain what had occurred but merely expressed pity for the inadvertent perpetrator of the deed and discussed what action was being taken. The final sentence was: "Perhaps it were not Improper that a guinea or two were also given to the Defuncts Brother to stem Highland Rancour or Clamour - as Blood for Blood is there the prevalent idea."⁸⁷

Although the word assythment is not used here, obviously a lawyer like Mackenzie of Delvine would have known about this action, though his words imply that he considered such an action appropriate only for the Highlands, where the idea of the bloodfeud still continued. That such a view could still be put forward as late as 1774 does

seem surprising, but Mackenzie of Delvine was too perceptive a man for his opinions to be taken lightly.

This does serve to emphasise a point which has recurred in both this and the previous chapter: although our early chapters showed the Highland and Lowland parts of the Duke of Atholl's lands being treated exactly the same in estate records, there nevertheless existed fundamental differences between the two societies, and these differences did not simply vanish after the Forty-Five.

CHAPTER EIGHT

THE FOREST OF ATHOLL

The Forest of Atholl has been described by one writer as "the treeless barren waste of mountain country stretching from the hills of Glenshee in the east, to the Garry in the west, and northwards from the Blair in Atholl to the boundaries of Inverness and Aberdeen - some 140,000 acres."¹ This conforms to the traditional Scottish usage of the word "forest" as a wild and rugged area. In his book Hunting and Hunting Preserves in Medieval Scotland, John M. Gilbert discusses the confusion resulting from differing origins of the word, so that it can mean both a hunting reserve or a woodland, both usages being found in Scotland from quite an early date.²

Part I of this chapter will deal with the Forest of Atholl as described above. In Part II we will turn to "forestry" in its modern sense, for timber played an important part in the economic and social life of the area, and this chapter seems the most appropriate place to discuss that subject as well.

I.

Although the important era of deer stalking did not begin until the nineteenth century - after our period - the "treeless barren waste of mountain country" delineated above was, nevertheless, an important source of profit in the eighteenth. In the first place the shealings of Atholl were in the forest, and as people were willing to pay for their use, they were mostly set by tack and were thus a source of revenue in the rental on top of rents paid for arable land. Secondly, rights of pasturing animals in the forest (outwith specific shealings) could be granted to neighbouring landowners and vassals, and this too provided revenue as well as a source of power. And thirdly,

venison and wildfowl were part of the ducal diet and were provided by the forest.

Shealings were, of course, the areas of high ground where the women and children would look after the livestock during the summer months. The system gave the animals fresh pasture for grazing in during the season of rearing new-born calves and lambs. Transhumance (to use the geographers' term) gave the tenants' own land some relief.³

Rather surprisingly, perhaps, Lude Barony Court records show that tenants did not always go willingly to their summer shealings when they were supposed to. On 4 March 1710 the following entry appeared

Whilk day it is statute that none shall stay at home from their shealing after the first of June with their cows or sheep under the penalty of fourty shillings scots of unlaw

A further statute was recorded on 1 November 1723

For the benefite of the tennants in generall The Bailie statutes and ordains that all tennants and cotters within the Barrony send their beasts of all kindes except such as they keep on teathers or within their own proper possession inclosed to their respective sheallings on or about the first day of June yearly And that none be either behind their nightbours in going or before them in coming from the sheallings under the penalty of a good wedder payable by the offender for every week he transgresses this law.⁴

As there are no further references to this subject found in the Lude Barony Court Book, the penalty presumably had the desired effect.

A document of 1712 gives an account of the Duke of Atholl's forests, their boundaries and the shealings contained in each. It is too long for inclusion in the text but is reproduced as Appendix 33, with a map attached.⁵ The following list of the shealings set for one particular year is of interest because it gives some idea of rentals payable for them and at the same time shows the different forms of

holding: by tack to a tenant, by tack to a vassal (who would then let it to his own tenants), by tack to a group of tenants, and as part of a salary for being forester.⁶

Note of the Shealings in the Forrests of Atholl sett by the Duke of Atholl July 6th 1706

		£	s	d (Sc.)
Dallenachie	Imp: William Stewart in Croftcrombie has a three years Tack of it after Whitsunday 1705 and payes It. a sufficient wedder or	24	0	0
The Grassings of Glenbruar	Sett to James Robertsons Forrester & James Stewart in Clunes who pay for the same for the year It. two wedders or	73	6	8
Layvadghlascorie	Sett to young Drumachine for payt of in the mid Forest two wedders or	4	0	0
Dallinlongast and Dalinspindal	Sett to old Achliex for the sum of	133	6	8
Laighchus alias Ryenacoalach	Innerslany has it as Forester & payes nothing			
Stronpatrick	James Robertsons in Calvein has it as Forrester			
Kuchanaloup the north side of Glenbruar	Killihuntley has it as Forrester & payes nothing			
Tulichbeock in east Forrest	possesst by Bellachan and payes yearly It. two wedders or	20	0	0
Rynastalker in west Forrest	possesst by Foss who payes yearly	20	0	0
Aldvaik in the west Forrest	possesst by Blairpheatie who payes yearly It. two wedders or	20	0	0
Half of Camchorrie in the east Forrest	The Tennents of Strathgroy who payes yearly	8	0	0
Rinachapell	possesst by the Tennents of the east mayns who pay yearly ane wedder or	4	0	0

One of the most difficult problems in regulating the different uses of the forest was to find a suitable balance between them.

For instance, shealings could have a deleterious effect on the deer in particular areas. Below are two examples, both from 1704 and both involving shealings listed above.

It is informed that Innerslanys Forrester betwixt Tilt and Bruar keeps

his sheall at Rienacoillich in Freechromback out of his own province, And that the forsaid sheall is the most prejudicial to all the Forrest of any sheall that is in it, it being the only place where the hind were wont to calve, and that the Informer has seen in the forsaid place the time of calving the number of 1000 hinds before the building of any sheall there, But now there will not 50 be seen.⁷

Killihuntley Shealls in the Sheallings of Caochannaluib and Aldahuy which are about a mile distant Which two places being sheallings are very prejudicial to the Deer they being the very nursery of them, and which the Harts ordinarily frequent till the time of their copuling with the hinds.⁸

It will be noted that these shealings were set in 1706, and according to the information in Appendix 33 they were still being set in 1712. The inference must surely be that in the eighteenth century shealings were considered more important than deer. It would be difficult to specify a date when priorities changed, except that it must have been late in the century. When the 4th Duke of Atholl remarked on the pre-improvement practices which had prevailed when he first became Duke in 1774, he mentioned the following

Particular spots...were marked out on which Sheals were built, and around these somewhat of an exclusive grasing maintained by Tenantry of Districts in the summer months. Even what was denominated Forest was studded with such Sheals, and the grasing of the deer and numbers quite reduced - scarcely more than 100 Hinds left of Stock - Harts rarely in the Forest except in the Summer and rutting season, and a few in Benyglow.⁹

I mentioned earlier that aside from specific shealings, rights were also given to neighbouring vassals and other landowners to pasture their livestock in the forest. Below is a typical early agreement of this nature.

I Gilbert Stewart of Fincastle does acknowledge and Declair that I have tolerance & allowance from his Grace the Duke of Atholl to grass and

pasture my Cattle in His Graces Forrests of Atholl for this year and that I have no manner of Right to pasture my Cattle in his Graces Forrests without his Graces allowance In witness whereof I have subscribed these p[rese]nts at Dunkeld June the twenty fifth 1717.

Gibt.Stewart¹⁰

There are no such documents to be found for any period later than the 1720s, but from the letter below it would appear that the practice continued, though some of the procedures may have altered. The letter was from Anthony Murray, the Duke's agent in Edinburgh, to the 2nd Duke at Dunkeld, dated 9 March 1732.

My Lord Duke Since I wrote to you by Inverness post on Friday I read a letter from the Earle of Dundonald proposeing to take your Forrest where he had his cattle grass'd about two years ago which I believe was your east forrest his proposeal's are to take it for three, five, or seven years but his heirs not to be bound in case of his death and to pay forty pound sterl yearly of rent he say's he cannot be sure if he can provide a stocking for it this year and therefore cannot promise upon takeing it this season however that he say's depends much upon his getting a timeous answer from you. I have wrote him that I should acquaint your Grace and let him know your answer as soon as it came to hand I have likewayes proposed to his lordship to take rather your W. forrest which I think is as convenient for him and will Grass about 500 catle, if I remember right what Blairpheatie said to me about it, and I suppose you will set him that forrest for 500M [£27-15-6½ sterling] but I have named to his lordship £400 [£33-6-8 sterling] as the yearly rent of it. Please let me have your Grace's answer without delay as to both forrests that I may write the Earle and have his answer before I go from this for Dunkeld which will be the middle of next week...the Earle further demands that your Grace keep him skaithless of all stealths & dammages as to the cattle he sents to your forrest.¹¹

The difficulty was that while the Duke and gentry of the neighbourhood were drawing up legal documents, the tenantry felt they had the right to use the forests as they wished. This is brought out

in remarks found in Atholl correspondence. On 16 July 1748 Robert Graham of Fintry wrote to the Duke's factor, Thomas Bisset: "I finde all the countrys round has got the redicolous notion that his Grace inclines to give them great liberty for pasturage and traveling and looking after their Beasts on the forest and I am perswaded that it is both very fals and improper I recommend it to you and the other Factors to notefie that his Graces forests is to be kept as they ought."¹²

Twenty-seven years later the tenantry clearly had still not got the message. On 10 September 1775 Stewart of Urrard wrote to the 4th Duke

I have not had any complaints this year as yet of the Tennants trespassing on the forest but the time is not yet come it is the end of this month & October they are worst we have taken every step we can to prevent them by haveing it proclaimed at the Church Door & getting the poindfold repaired with possitive orders to the Forresters to poind every beast that they can find within the limits of the forrest & if the people does not relive them to send them down to the parks of Blair where they will be charged sixpence every night besides the fine for the tresspass which I hope will frighten them and make them keep off their Beasts.¹³

Aside from trespasses committed by Atholl tenantry, disputes with neighbouring landowners were another recurrent theme. On 23 June 1722 Macpherson of Killiehuntly wrote to the Duke of Atholl that Gordon of Glenbucket had protested to the Duke of Gordon that Killiehuntly's sons had trespassed on Gordon lands. Killiehuntly had gone to the Duke of Gordon to explain that his sons had been on land where he (Killiehuntly) had the privilege of pasturage, and that Gordon of Glenbucket was a troublemaker anxious to forward his own interests.¹⁴

On 15 January 1724 Farquharson of Invercauld wrote to the Duke

of Atholl with regard to the Forest of Mar. Apparently the Duke's foresters had been seizing wild horses which had strayed into the Atholl forests and demanding that the tenants who owned them paid fines before they could have their animals returned to them. The letter went on to say

It was never the custome, either in yr Grace's own tyme, My Lord, Marquesses, or any of yr predecessors, that ther was either Bill Bond or Money taken for Horses or Cattell belonging to the countrey of Mar (except low countrey graseing cattell) by reason of the perpetuall friendship & correspondence betwixt them, and further that it was next to impossible in so lardge bounds but some of the Horses of Atholl will be in the Forrest of Mar, and those of Mar in the Forrest of Atholl every other day, so that if the Forresters on both syds beginn to grow nyce in ther frequent dryveings & makeing reprysalls, it will breed a perpetuall animositie betwixt the countreys, and may have bad consequences, yr Lordship may judge how possible it is to keep the said Marches when yr Grace's own sheep, who have ane constant hird, might have been frequentlie seased this last summer in the Forrest of Mar.

The final paragraph stressed the services which the people of Mar had done for the family of Atholl and the need to live in amity with neighbouring gentry.¹⁵

Three years later there was a slight dispute in which the Duke's factor acted as mediator. The Duchess of Atholl wrote from Dunkeld to her husband on 24 July 1727

there has happen's a little fray in Atholl between my lord Mar's factor & Wilson & his pardoner it seems Wilson's oxen in the heat of the weather run into my lord Mar's bounds & his factor seized them & would not let Wilson have them upon no terms so Wilson made Complaent to Sandy Murray who has taken care to redress their grievances.¹⁶

In June 1732 it was Alexander Murray, as Baillie of the Regality

of Atholl, who was complaining about the harsh treatment which the people of Atholl were receiving from the Duke of Gordon's foresters. In reply James Grant sent him an extract from the Court Books of the Lordship of Badenoch which stated the penalties to be paid for each animal which had strayed into the forest. This was three pound Scots for each horse, ox, or cow the first time, one pound ten shillings for each quey "or other little beast", in all cases to be doubled the second time, with confiscation the penalty for a third offence.¹⁷

The worst dispute, however, both before, during and after our period, was with Robertson of Lude. Judging by a nineteenth-century copy of a document dated 18 September 1697, the dispute was a long-standing one. The document in question is a deposition by eight foresters of Atholl in which they described how they had driven livestock belonging to Lude's tenants out of the Forest of Atholl as far back as 1661 and 1670.¹⁸ In 1716 a serious attempt was made to resolve the continuing conflict, and a contract was drawn up which gave Lude the possession of seven shealings in the Forest on payment of a yearly rental of fourteen wedders.

Peace was maintained for many years after that, but between 1756 and 1762 the dispute flared up again.¹⁹ In 1761 the parties agreed to appoint John Mackenzie of Delvine to be arbiter, and on 18 June of that year his Decreet-Arbital was pronounced. The reader is impressed by the impartiality and thoroughness of the document. Basically, the contract of 1716 was upheld, but the conditions were spelled out much more precisely. Robertson of Lude had the right of pasturing his livestock on the seven shealings, which were precisely delineated, but only during the shealing months of 1 May to 1 September. He had no right to keep dogs or to hunt on the land. As there had been disagreement regarding the quality of the wedders these were

converted to a cash payment. Claims by the Duke of Atholl that Lude had been encroaching on his Grace's lands were found to be false.²⁰

This should have been the end of the matter, but in fact it dragged on a while longer. On 29 March 1762 Lude wrote to Mackenzie of Delvine with various complaints. He claimed that no sooner did he remove his own cattle from the shealings at the appointed time than the Duke's tenants put their own cattle there, "which renders them of very little Use to me during the time to which I am restricted to sheall." Then he went on to complain about the Duke's foresters not allowing him to keep swine in the shealings "because they are not particularly condescended on in your Decreet tho' they certainly are comprehended under the general name of Bestial". And finally he complained about not being able to keep sheep dogs there.²¹

Mackenzie of Delvine's reply does not appear to have survived, but it cannot have satisfied Lude, for letters written in the summer of 1762 make it clear that the latter had brought his pigs into the forest notwithstanding the ban. Mackenzie of Delvine advised John Murray of Strowan: "There's a fresh war broke out in the Forest of Atholl which a little decency on Lude's part might have prevented. All his swine are present prisoners for infesting the Forrest."²² After this one hears no more of the matter in our period, though in 1802 the new Robertson of Lude - by all accounts (or rather by all Atholl accounts) a singularly unpleasant man - started the whole dispute up again and far more virulently; that is, however, outwith our period.

Having dealt with the Forest's function as pasture it is time to turn to its more celebrated function as hunting ground. John M. Gilbert discusses the different forms which deer-hunting can take and concludes that in medieval Scotland the drive was more important than

the chase. The reason which he gives for this is the influence of Gaelic customs in hunting methods.²³

In his book Monarchs of the Glen, Duff Hart-Davis describes the Tinchel (Gaelic, Timchioll, 'circuit'), the ancient way of hunting deer in the Highlands. A large number of men would be needed to form a ring, the object being to manoeuvre the herd of deer toward a particular glen or pass where the noble party would be lying in wait with dogs. Finally, when the deer had been ambushed, there would be a brief and bloody massacre with the men using any weapon they could get their hands on - from bows and arrows to swords, dirks, and axes - to kill their quarry. One of the most magnificent hunts ever recorded was that given by the Earl of Atholl in honour of James V in 1528. Another great Tinchel took place on Atholl ground in 1563, when the royal guest was Queen Mary.²⁴

There are records of deer hunts held in the Forest of Atholl from 1710 to 1713. The summonses tended to follow a similar pattern, and the one below was issued on 18 August 1713 for Glenalmond, Balquhidder, Fortingal, Strathtummel and Bunrannoch, the parishes of Blair Atholl, Moulin, Logierait, and Kirkmichael, plus the baronies of Kilmorich, Guay and Laighwood.

These are ordering you to advertise all our Vassals, Wadsetters, and a fencible man out of every merk Land belonging to us, either in property or superiority, within the Parish of _____, to be at Blair Atholl on Tuesday the 25th instant in the evening, with their arms and best apparrell as is usuall, and eight dayes provision, in order to attend us at a deer hunting in our Forrests of Atholl. You are to advertise them to bring as many dogs as they can provide.²⁵

In 1711 no deer were killed the first day, 25 were killed on the second, and 32 on the third. As Hart-Davis writes, the climax of each drive must have been extremely barbaric; at one Tinchel John Robertson

of Easter Tyre and John Stewart of Blair Atholl each cut a stag clean in half with a single blow of a broadsword.²⁶

The Tinchel of 1713 is stated in the Chronicles to have been the last of the old Highland deer hunts to be held in Atholl. Although plenty of deer were being killed after that date, and there were vague references to hunting in the forest, there is certainly no record in the archive of another gathering of this nature. It would seem reasonable to infer that the 1715 rising was largely responsible for bringing the practice to an end, since it began under the pretext of a Tinchel. The government would have been very wary of such gatherings from then on. However, it is also fair to say that times were changing: it is difficult to imagine the 2nd Duke of Atholl taking time off from beautifying his policies to be in at the kill.

Of course in the eighteenth century deer stalking by individuals was not yet considered sport for the gentry (though Hart-Davis notes that in 1732 Lord George Murray was one of the first young noblemen to discover how pleasurable and exciting stalking could be²⁷).

Therefore it was the foresters who were the key figures both in guarding the forests and in providing venison. The Commissions and Instructions below, given by the Duke of Atholl to his foresters and stalkers on 6 July 1706 shows something of the extent of their duties and responsibilities.

- (1) That they neither kill Deer nor Roe to themselves, nor to any other person whatsoever in time coming without a special warrand from the said Duke for that effect.
- (2) That they shall neither see nor hear tell of any person or persons to kill Deer or Roe or wild fowl within any part of the Forrests in time coming without revealing the same to the said Duke without feud or favour.
- (3) That they shall not suffer any stranger or countreyman to shoot guns or haughbuks within any part of the Forrests without apprehending

of them and taking their Guns from them and revealing the same to the said Duke.

- (4) That they take particular care that no swine be pastured in the Forrest without apprehending of them or killing them on the spott.
- (5) That they strictly keep the marches and meths [meiths=boundaries] of the said Forrest against all persons without feud or favour, and suffer none to pasture nor incroach upon the samen any manner of way without a particular Tolerance from His Grace to that effect, And as oft as any incroaches upon the same, by bigging of shealls, that as oft they throw down the same.
- (6) That they suffer no lowland oxen to pasture or feed within any part of the said Forrest without poynding & apprehending of them and being comptable [accountable] to His Grace for them without a particular warrand from His Grace for that effect.
- (7) That they take particular care and notice of the haill wild horses and mares within the Forrest, And that they suffer not nor permitt any strangers horses or mares to pasture therein according to their knowledge without giving notice thereof to the said Duke, to the effect His Grace may take course therewith
- (8) That they frequently frequent & travell through the bounds of the Forrests at all time of the year according to their ability and shall not absent themselves from the said office, except upon lawfull occasions, as they shall be answerable.
- (9) That they shall discharge all the other duties belonging to the office of Forrestrie faithfully without feud or favour of any person as they shall be answerable.²⁸

It will be noted that the above instructions were all concerned with guarding the forest. In the copy of the Commission to Donald Kear, servant to James Robertsons in Calvine, to be stalker (in the same document as the Instructions above), this is spelt out further. Kear was "to take the arms from such persons as travell through the said Forrest either killing Deer, Roe, or wild fowl, And to apprehend the persons themselves and bring them prisoners to us." In a Commission granted by the Duke of Atholl much later in the century (13 April 1764) the forester, Donald Stewart, was "to seize the dogs guns and netts

of such as shall attempt to hunt or shoot in the said Forrest without my permission."²⁹

The foresters did not, of course, spend all of their time guarding the forest; they also killed deer. As Hart-Davis has put it: "Two hundred and fifty years ago he [the forester] was paid a regular salary to work at what others now give small fortunes to enjoy - a long season of deer-stalking throughout every summer and autumn."³⁰ Not all of the commissions specified the number of deer to be killed, but in the early ones which did the number was usually twenty. A document titled 'Note of Deer Killed by His Graces Forresters from June to November 1723' lists the dates and the numbers killed by each forester. These range from one to 14, with a total for the year of 55 in all.³¹

In a petition of 12 October 1739, Patrick Murray complained that he had killed thirteen deer for the Duke in 1738 without receiving anything for them. On 28 November John Stewart, officer, attested to the petitioner's having killed the thirteen deer, and on 8 February 1740 he received six pounds Scots as payment in full.³²

The only document which lists game other than just deer is one entitled 'Account of Game received from different people May 1753 to Nov 1755'. It is set out in tabular form giving the date, name of the forester or gamekeeper bringing the game in, and the number and varieties of game. For 1753 the totals were as follows: 1 curlew, 4 moorhens, 652 moorfowl and grouse, 30 ptarmigan, 60 plovers, 231 partridges, 38 wild ducks, 14 snipes, 30 pigeons, 123 woodcocks, 43 hares, 228 rabbits, 10 white rabbits, 4 teal, 19 deer, and 2 fallow deer.³³

One other document gives individual numbers (as well as totals) of deer, an 'Abstract of Red Deer Killed by the Duke of Atholls Forresters in the years following' - the years being 1760-1767.³⁴

Once again the numbers killed by individual foresters ranged from one to 14, though the latter figure was only reached once, the more usual range being between about four and nine. The overall totals were as follows: 1760: 30, 1761: 5, 1762: 27, 1763: 31, 1764: 28, 1765: 31, 1766: 28, 1767: 13. It will be noted that none of these totals approached the 1723 level.

As to what the foresters received, social status appears to have helped to determine that, though this is never spelled out in quite that way. For example, in the copy of the early commissions, quoted above, Immerslany was to be allowed two deer yearly plus any lame deer he happened to find; as mentioned at the beginning of this chapter he was also allowed liberty of pasturage in certain shealings. Donald Kear, on the other hand, who was to assist James Robertsons in Calvine, received twenty shilling Scots for each hart and one merk Scots for each hind killed by him. As noted above, the petitioner Patrick Murray received six pound Scots. The Commission of 1764 gave Donald Stewart a fee of £4 Sterling. Thomas Graham of Balgowan, however, when applying to be gamekeeper in Glenalmond on 28 June 1777, mentioned that it would be a great convenience to be supplied now and then with game, because his own lay at such a distance and was so badly affected by poachers that he got no benefit from it.³⁵ There is not enough evidence to prove the point, but it seems a member of the gentry would receive game as part of his fee as forester or gamekeeper, while anyone not of gentle blood would receive only a cash payment.

This may help to explain why foresters sometimes turned poacher, though perhaps the higher profit margin alone is enough to explain that. The 1704 document about abuses committed in his Grace's forests stated that Lauchlan McPhearson, a forester, together with an accomplice, James Bane Robertson, "did make an constant trade

of killing His Graces Deer summer last...and did dispose of several of the said Deer to low-countray Lairds and gentlemen."³⁶

In the Atholl archive specific mentions of poachers are more likely to refer to wildfowl than to deer. In July 1727, when the Duke was in the south, the Duchess of Atholl was looking after the estate at Dunkeld. She discovered a group of visitors, led by a local man, taking "so many moorfowl that they send them in trunks to their freinds." She strongly reprovved the local man, impounded the visitors' dogs and guns, and gave notice in Dunkeld Church and Logierait that such behaviour would not be tolerated.³⁷

The difficulty, as Hart-Davis brings out, is that landowners became more and more uncertain of their legal standing as the century progressed. He discusses the case, in 1711, of a proprietor who tried to prosecute someone who had killed deer on his land. The case failed because the court held that the forest laws did not make wild animals the property of a landowner; creatures that were free to roam from one property to another and could not be identified individually were ferae naturae, and therefore belonged to nobody, so that the killing of deer on unenclosed ground could never be counted a theft.³⁸

It is worth stopping for a moment to ask how this situation compared with that in England. Perhaps the most notable fact is that the notorious Black Act of 1723, which prescribed the death penalty for anyone disguised and armed who hunted or stole deer, or who poached hares or fish, applied only to England.³⁹ In Whigs and Hunters E.P. Thompson analyses in great depth attitudes toward the forest in early eighteenth-century England. It would be a very informative exercise to attempt a comparative study for Scotland, but unfortunately the Atholl archive does not possess the necessary evidence to make such an attempt feasible.

Before 1747 great Scottish landowners could naturally have recourse to their own courts. It seems unlikely that the following clause - as revealed by Thomas Bisset in a letter to the Duke of Atholl dated 14 December 1741 - would have been upheld in the civil courts.

All tacks granted to any Tennents liveing near the Forest by Fintrys orders had the following Irritancy added to them viz And it is hereby declared That if the said Tacksman by himself servants children or others of his family kill, scair, or chaise any of his Graces deer or be found stragling or travelling in the Forest except in company of the Forester or if he shall conive at be privy or to know of any guilty of such practices and not reveall the same to his Grace or Trusties In that case this present tack ipso facto to become voyd and null without any sentence or declarator further than Fintrys declaring that he is satisfyd and convinced of the truth therof.⁴⁰

The uncertainty of landowners regarding their legal position after the abolition of heritable jurisdictions is reflected in documents in the Atholl archive. In a Memorial of 20 July 1755, the Duke stated that his extensive forests had suffered greatly from illegal deer hunters, and that the offenders had at last been discovered and a precognition taken. His Grace laid the precognition before the legal profession, asking if he could take criminal action and if so what the best procedure would be to follow.⁴¹ The reply is transcribed in full below, because it demonstrates so clearly the legal difficulties involved in prosecuting poachers.

Answers given to Memorial by Lord Advocate and Solicitors
26 July 1755

We have considered the Memorial with the precognition therein referred to and likewise the various Statutes relative to Forrests Killing Deer &c and in the first place it is evident from the precognition that proof will be brought against some of the Persons therein named of their haveing committed the offence once and again.

But in the next place we must observe that our old Laws and Statutes are very undistinct with regard to the killing of Deer particularly in Forrests belonging to subjects and some of the decisions as well as the opinions of some Lawyers have insinuated that the penaltys of the Statutes can only be inflicted where the Forrests are Inclosed

We do indeed apprehend that this opinion is pushed too far because it appears to us that the right of Forrests when granted to the Subject which is undoubtedly lawfull gives him a right to preserve his property and that property is no more than a right or privilidge of keeping Deer within the bounds of that Forrest and consequently whoever invades the property by distroying the Deer and thereby hurting the Forrest is guilty of an offence punishable at common Law But then in these days especialy when the rights of Forrests have been pretty much neglected we do humbly apprehend that without circumstances of violence the offence may rather appear too triffling for a trial before the Court of Justiciary that the bringing it there would raise a clamour which might be easily improved to mislead a Jury

And as it is at the same time necessary for his Grace the Memorialist to put a stop to these practices we incline humbly to advise his Grace to prosecute one or two of the most guilty of the offenders before the Sherriff and this we think may be done without a Jury as a trespass against common Law tho in the Summons or lybel it may be laid in general contrary to the Acts of Parliament as well as against common Law made for the preservation of forrests and according as the offence comes out upon evidence the fine may be greater or smaller at the discretion of the Judge who may likewise award costs of suit

As the example is the great matter the fine should not go too far lest this afford a handle for varying the Decree of the Inferior Judge

As the offence is one of these that can easily and hiddenly be committed there may be a conclusion for decerning the Defenders if of any condition to find caution, not to commit the like in time comeing as has been done in the case of offences against cruives but even this we advise to be for a limited time

If his Grace shall still think it proper to bring an action before the circuit Courts or Court of Justiciary the concurrence of His

Majestys Advocate is necessary

(signed by Ro Dundas & Andrew Pringle)⁴²

It is a matter of regret that the replies to a later Memorial do not appear to have survived. This one is dated 16 April 1766 and is headed 'Memorial and Queries How far the Heretor of Lands is Entitled to debar every person to hunt on his Ground without his Consent'.

The first paragraph went as follows

A gentleman possest of an Estate of very considerable extent, in the Entry to the Highlands and upon which there are plenty of game as well Heath Fowl, as Muir Fowl, Partridge &c Is very much distressed at all seasons by Poachers and others And these gentlemen not only Hunt over his grounds with Dogs Netts and guns Kill and Destroy his Game without his Leave or Consent, But pretend they have the Right so to Do, as possest of Land Estates, or on some other such pretences

The Memorialist (presumably the 3rd Duke of Atholl, but this is nowhere actually stated) had clearly done his homework, for he went on to list all of the forest laws supposedly in force, beginning with The 51st Act Par: 6th of Queen Mary 1555, and going through Acts made in the reigns of King James VI, King James VII and Queen Anne. He then went on to list seven different queries beginning with the following

Is not every proprietor and Heretor of ground in Scotland entitled to preserve the game on his own property lands and to stop and bar every person whatever from hunting on his ground with setting Dogs Nets or Guns and from killing any Heath Fowl Muir Fowl Hares Partridges &c thereupon with setting Dogs Nets or Guns. And is he not warranted so to do by Queen Mary's Act 1555 ratified by the Act 1685 and by the 13th Act 1707.

The other six queries were very much variations on the same theme.⁴³

As noted above, the replies have not survived, but it is doubtful if they would have given much satisfaction to the Memorialist. The 'Instructions to the Duke of Atholl's Gamekeepers 1767' were very

different from those issued earlier in the century and were clearly aimed both at protecting gamekeepers from abuse and making certain that the legalities were being observed. The last sentence is particularly revealing in showing how ineffectual the gamekeeper's powers really were.

They are carefully to watch His Grace's grounds in their Severall Districts, and when they observe any person come to hunt thereon with Dogs guns or netts, they are to order Matters so that a clear proof may be brought by the Testimony of two concurring Witnesses (another person with the gamekeeper will do) who can swear to the Identity of the person, that they saw him shoot and saw his dog sett in the field, no matter whether he miss or kill

And for the greater certainty the gamekeepers or servants who watch the ground after hearing or seeing one shott are in a Discreet way to talk to the person or persons thus shooting or hunting and let him or them know whose ground they are hunting on, that they are by their Master ordered to watch and ask their Names in a civill way that they may report to their Master for their own Exoneration least they lose their Bread

They are particularly to notice whether the person or persons thus hunting on His Graces grounds have a fowling nett or netts or a gun or guns and setting Dog one or more - and in case they refuse to give up their names the gamekeepers are to follow them and find out who they are the best way they can.⁴⁴

The impression of lessening authority is borne out by an incident which occurred in 1770. The Atholl forester confronted four army officers whom he found shooting on the Duke's best moors, "they asked him if he had a warrant from the Duke for preserving his hills. He told them he had. They then desired him to stop the warrant in his backside, and were very abusive to him."⁴⁵ It would appear that by this date intruders - particularly if they were gentry - knew they could get away with such behaviour.

There appears to have been a slight lull at the commencement of

the American War, for on 4 February 1776 Stewart of Urrard wrote to the 4th Duke: "the recruiting this winter has putt an Intyre stop to all potchers."⁴⁶ However, this situation did not last long, for on 1 August 1779 the Earl of Fife wrote to the Duke on the subject of poachers. With this letter he enclosed a copy of a printed 'advertisement' drawn up the previous year by the Duke of Gordon and himself. The impressive-looking document began

WHEREAS His Grace the Duke of Gordon, The Right Honourable Earl of Fife, Having resolved to preserve the Game on their respective Estates, and particularly the Deer and Roes in their respective Forestries...do make this Intimation, that they will prosecute every unqualified Person who shall be found hunting in their Forests, killing or destroying the Deer and Roe.

A reward of twenty guineas was offered to anyone informing on poachers, and the document went on to list some of the forest laws, starting this time with two from the reign of James V. More revealing than the actual document, though, is the Earl of Fife's note for the Duke of Atholl, at the bottom of the printed page: "altho many of the Forrest & Game Laws are in disuitude, Yet we thought it best to Publish them, just to terrify a little."⁴⁷ As poachers were as likely as anyone to know the state of the forest laws, it seems rather a futile gesture.

What makes the subject of the Forest of Atholl so interesting is the way in which it diverges from so many of the other subjects discussed so far. The overall impression one gains of most spheres of activity is that the Duke's powers did not diminish in the slightest over the course of the century; if anything they increased. This was clearly not the case in the Forest of Atholl. And the mass of material collected by Hart-Davis about poaching in the Forest of Atholl during

the first half of the nineteenth century⁴⁸, suggests that this state of affairs continued well beyond our period.

II.

At the beginning of our period little commercial use was made of the natural woodlands of the Atholl lands, though naturally timber was used as a building material.⁴⁹ In Scotland all the woodland of an estate, including any planted by tenants, was the property of the landowner, so the use of this woodland by tenants and their dependants was a privilege rather than a right. John Comyn's charter of 1289 included the following clause: "Save that our tenants [homines] of Invertilt may be able to take branches [virgas] to make ploughs, carts, harrows and fences, for their convenience, under the supervision of the bailie of abbot and convent [of Coupar Angus] who shall be there at the time."⁵⁰

The anonymous presenter of the Proposals of 1708 (mentioned in previous chapters) suggested that the woods of Atholl could be very profitable "if their were regular and thrifty methods taken in selling the timber and bark." He then went on to list some of the "mismanadgements". To rehearse all of them, he wrote, "would be contrary to the intended brevity", but in fact he listed no less than eight different abuses.⁵¹

Number 4 of these abuses was the following: "children poor people & cottars are ordinarily allowed to carry burdens of withered sticks out of the wood; they seldom miss to bring hooks & axes to cutt green timber that it may wither against the nixt tyme they come." What is interesting about this statement is not only the craftiness displayed by the wood collectors, but also the fact that this customary right was being extended only to children, paupers and cottars, not to the tenantry in general.

Amongst the other "mismanagements" were the following: "woods are now cutt so very young and consequently the timber so small that it can give but little pryce"; and, "horses cows sheep and goats are allowed to pasture in young woods"; he suggested that proprietors should be obliged to enclose their woods.

That Atholl proprietors were aware of the need to plant trees, and to prevent them being trampled on, is shown by entries in the Barony Court Book of Lude.⁵² On 20 March 1705 the Baillie ordained that six trees were to be planted by the tenants annually, one for each merkland, with a fine of £2 Sc. for each merkland that did not comply. On 5 December 1718 it was enacted that six trees should be planted on each merkland annually, and the tenants were to "fence them well". The fine had gone up from £2 Sc. to £10 Sc.

In a thesis on woodlands, J.M. Lindsay found that court records showed "a conservative society in which even relatively small changes could be effected only by repeated warnings and strict controls",⁵³ a statement which is certainly borne out by Lude barony court records. The next entry on this subject occurred on 20 March 1766, by which time it appears that the proprietor had given up expecting tenants to plant trees and had done so himself. The entry is quoted in full below.

WHEREAS about this time last year James Robertson Esqr of Lude Heretable proprietor of the Lands & Barony of Lude, judging it for the Interest of himself and Tenants, did plant in all the Keal Yeads within the Barony some ash, fir and other plants Conform to the extent of the yeard with strict orders to the possessors of these yeards to preserve the said trees carefully from sheep cows and other accidents which they could remedy yet he is informed that a great many of these trees are destroyed gone back and decayed thro' the negligence of the possessors of the yeards wherein they were planted IT IS THEREFORE enacted that each possessor of a yeard wherein these trees were planted shall be liable to pay to the proprietor two shillings

Scots money for each tree that are destroyed or goes back & decays through the fault & negligence of the possessor in time coming - the same to be referred to their own oaths of verity⁵⁴

As mentioned earlier, it does not appear as though much commercial use was made of Atholl woodland during the first half of the century. However, the commission reproduced below shows that by the 1720s there was at least some kind of system in operation.

Instructions for Comssr Bisset anent cutting a part of the Wood of Logyrait 4 June 1724

These are giving commission to Comssr Bisset to cause cutt the wester part of our Wood of Logyrait as follows viz. Reserving all the oldest reserves being in number about eight or nine score And Also leaving every third tree of the next oldest reserves except in both sides of the road which is to be left intire about fifteen Elms on each side; As also Reserving all the young Reserves left at the last cutting which are reckoned to be reckoned betwixt tuo & three thousand: And we also Impower him to cause cutt the brush of the east part of the wood above the Road that was left uncutt by James Johnstoun four years agoe leaving always the straightest two in every brush.⁵⁵

References to the cutting and/or selling of wood appear only sporadically in the Atholl correspondence. The following extract from a letter written by Bisset to the Duke of Atholl on 19 January 1747 is of interest as an early reference to commercial use being made of Atholl woods.

As the Woods of Invar &c were cutt last year its proper that such other woods as are ripe shoud be disposed of; the Woods of Dowlay and Ledpetty are in verry good case for being cutt and severall merchants are enquiring about them, Now is the proper time for exposeing them to Sale, if your Grace inclines that they shoud be cutt this year, as I understand there will be competition I believe they will go off verry well by way of publick roup [auction].⁵⁶

The 2nd Duke of Atholl was credited with having planted the first larch trees in Scotland, supposedly in 1737; however there are

many contradictory reports about these supposed 'parent trees'.

Professor M.L. Anderson takes up many pages of his History of Scottish Forestry in trying to sort out the true story, without success.⁵⁷

Thomas Hunter, author of a nineteenth-century book called Woods, Forests and Estates of Perthshire wrote as follows about the progression in the planting of trees by the Dukes of Atholl.⁵⁸ Between 1740 and 1750 the 2nd Duke of Atholl planted 350 larches at Dunkeld and 873 at Blair; being situated in his Grace's own grounds they were evidently intended as a trial of this continental species rather than for forest timber. In 1759 he planted 700 larches intermixed with other forest trees on rocky ground; Hunter considered this to be the first attempt at mountain-planting in Scotland. Before his death in 1764 the 2nd Duke had tried the quality of the larch as timber and was convinced of its superiority over other firs.

During the ten year period of the 3rd Duke, considerably more planting took place, and Hunter credited the latter with being the first to conceive the idea of planting larch by itself as a forest tree. Between 1774 and 1785 the 4th Duke continued the planting projects initiated by his father, and from 1785 onwards he extended them to much higher mountain slopes. By the early nineteenth century the activities of the 4th Duke of Atholl in this sphere were so extensive that he became known as the 'Planting Duke'.

One could learn a good deal about the economic aspects of timber from material in the archive. However, all of this was purely a ducal concern and did not affect the economic life of the mass of people who lived on the estates at all. For that reason it does not really belong in this thesis and I have not attempted to follow it up.⁵⁹

The constant problem facing landowners throughout our period was

illicit woodcutting. The 'Report of the Proceedings of the Court of the Lordship of Balquhiddel held at Tomdrochat 15 August 1695' shows a real clampdown on tenants cutting wood. There are fifteen individual names listed (all male), plus several more sweeping indictments like:

The whole tenants of Monagall mor confesses the cutting of birch in the glen

The whole tenants of Monagall beg confesses the cutting of birch in the glen

It was clearly the aim of this particular court to indict absolutely everyone involved in illegal woodcutting in Balquhiddel. The sentences imposed on those listed are not mentioned, but the record concluded with the following:

Item it is inacted that noe person offer to cut any of the woods within the countrie without the speciall license and libertie of those that are appointed to oversie and keep the woods and that under the penaltie of twentie pounds Scots toties quoties⁶⁰

Just how little effect such enactments had may be evidenced by the fact that less than a year later - on 8 July 1696 - Colin Campbell of Lochlane was writing to Lord Murray from Balquhiddel

I went through all the woods of the countrie that belongs to your Lordship to see how they wer keped, and I found some of them much abused, particularly the wood Moncill beg, and I went into some of the houses and found severall oak trees lately cutt wherewith I was very ill pleased and imediately I fyned the two men that I found most culpable each of them in ane cow and accordingly ordered the officers to take up the two cows and carie them to Tullibardine for your Lordship's use. If some of them be not made an example of it will not be possible to make them keep off your Lands.⁶¹

Between 5 March 1702 and 8 March 1770 the subject of illegal woodcutting came up almost annually in the Lude Barony Court book.⁶²

In the document reproduced below - the only one of its kind which I have found in the archive - a man was appointed to the specific task of guarding woodlands from unauthorised woodcutters. (N.B. It will be noted that the word forester is used though the document refers only to woodland.)

By John Duke of Atholl &c Lord of the Regality of Atholl
These are nominating and appointing Duncan McGillandrie in Gairth to be forrester of the whole woods oak, ash and Birch growing within the bounds of the said Gairth in hill and straith and whole birchwoods in the hills belonging to the easter twelve merkland of Fortingale, All which he is to preserve from being cutt destroyed or peeled by any person or persons whatsomever without our son James's or his Factors orders in writing With power to him to take the axes from any he shall find cutting or peeling the said woods without warrand as above and send the persons themselves prisoners to us or any of our Baillies of our Regality of Atholl, He is to give up the name of all such as he shall hear tell of to have cutt or peeled the same to our said son's Factors that they may be prosecute as ~~to~~-ends, Which offices he is to perform faithfully as he will be answerable And for his encouragement we allow him ten pound Scots of yearly salary commencing from whitsunday last bypast which is to continue during pleasure given at our courthouse of Logierate the fifth day of June 1716.

ATHOLL⁶³

The subject occurs only sporadically in the Atholl correspondence, but at widely dispersed dates, which bears out the evidence of Lude Barony Court that the practice never really disappeared.

On 28 July 1727, when the Duchess of Atholl was in charge at Dunkeld, she wrote to advise the Duke that she had fined the people whose children had stolen his wood and imprisoned them for 24 hours in the hope of putting "a stop to such doings".⁶⁴

On 29 January 1747 Bisset advised the Duke that he had been holding courts in the baronies below the pass, "enquiring about the

distroying of your Graces Woods and other abuses comitted by the Tennents for two years past [i.e. during the Forty-Five], all I do at present is to convict them referring the punishment untill your Grace come to the Country."⁶⁵

On 11 December 1775 Stewart of Urrard wrote to the Duke: "We have had a Baron Bailie Court at Blair & had the most of Your Grace's Tennents above the pass before the Bailie. The Glen Tilt people were the most guilty in cutting wood without leave & every one that could not exculpate himself by his oath was fined."⁶⁶

The most important document by far concerning the subject of wood in our period is the 'Decreet His Grace John Duke of Atholl against The Tenants of Drumachine & Drumchastle 1783'.⁶⁷ This was a case brought before the Sheriff Court of Perthshire in 1780; it dragged on for some three years before final sentence was pronounced, and in the course of time both legal rights and customary rights were given an airing. The document is very lengthy and unwieldy, since virtually every time the Court was reconvened to hear new evidence much of the previous evidence would be repeated in full.

The Decreet begins with the final judgment, extracts of which are reproduced below.

At PERTH the eighteenth day of April in the year one thousand and seven hundred and eighty three In presence of William Mercer of Piteuchar Sheriff Substitute of the Shire of Perth sitting in Judgment in a Sheriff Court of the said shire lawfully fenced and affirmed ANENT the Summons and Action raised intented and pursued before the Sheriff Depute of the said shire and his Substitute AT THE INSTANCE of His Grace John Duke of Atholl Pursuer against John Forbes in Teyinreich in Drumachine, Donald McDougal in Drumachine, William Cumming Senior, and William Cumming Junior there, Donald McIntosh there, Donald Fraser in Markdow of Drumachine, and William

Fraser there Defenders. WHICH SUMMONS MAKETH MENTION That albeit by the thirty ninth Act of the first parliament of King James the seventh it is statute and ordained that thereafter no person should cut, break or putt up any tree or peell the bark of any tree, under the pain of ten pound Scots for each tree within ten years old, and twenty pound Scots for each tree that is above the said age and if the persons convicted be not able to pay the said sums they are to work a day for each half merk contained in the said fine to the heretor whose timber should be so cut. THAT NOTWITHSTANDING of the said Act of Parliament and the other laws made for preservation of woods and planting the said John Forbes, Donald McDougal, William Cumming Senior, and William Cumming Junior, Donald Fraser, and William Fraser have been each of them guilty actors art and part in cutting breaking or destroying of the said Pursuer's growing woods in the wood of Kynachan yearly for these three years bygone to the number of twenty trees each year cut or destroyed by each of them, and the said Donald McIntosh has been guilty of cutting twenty trees in the said Pursuer's wood in Bohallie yearly for each of these three years bygone or of recepting and carrying away the said timber or trees out of the said woods to their respective possessions AND THAT THEREFORE each of the said defenders ought and should be decerned and ordained to make payment and satisfaction to the said Pursuer of the sum of two hundred pounds Scots money as the penalties of the law incurred by them and in name of damages and expences of plea after the form and tenor of the laws and daily practice of Scotland used and observed in the like cases in all points as is alleged.

.....

THE ABOVE WRITTEN SUMMONS and execution thereof with the rights reasons and allegations of parties compearing as said is being read heard seen and considered by the said Sheriff Substitute And he being therewith and with the productions made by the Pursuer, and by Robert Stewart of Gairth, and John Stewart of Crossmount who were summoned as havers as aftermentioned, And the whole other steps of procedure and in said action, well and ripely advised FOUND and hereby FIND That the Defenders as tenants of Drumachine and Drumchastle have no right or title to cut any timber in the wood libelled, and have had no such right or title since the crown

redeemed the wadset right of these lands from the family of Atholl, But in respect they never were, before the commencement of the process, legally interpellated, ASSOILZIED and ABSOLVED and hereby ASSOILZIES and ABSOLVES them from the penalties and damages claimed, but INHIBITED and DISCHARGED and hereby INHIBITS and DISCHARGES them from cutting any more of the Pursuer's wood libelled in time coming and DECERNED and hereby DECERNS accordingly.

The document then jumps back in time to the first Summons, on 29 March 1780, The defences at that time were as follows.

The statute libelled on respects only planted trees as appears from the preamble and enacting words thereof. The wood libelled on is only a natural grown wood and consequently does not fall under the statute libelled on Therefore the action ought to be dismissed as incompetent upon that statute and they assoilzied with full costs of suit But secondly and separately supposing but far from granting the action had been properly laid the defenders have done no more than what they and their predecessors tenants in the said possessions have been in use and practice of for these twenty years past at least for these seven years past, namely to cut wood for certain purposes in the wood of Kynachan and that they have not exceeded the usual powers exercised by them and their predecessors. They are advised that by a charter granted by the family of Atholl to Lochgarry of the lands of Drumachine the tenants thereof have right to cut wood for certain purposes therein mentioned in the woods libelled.

In reply to this the Pursuer claimed that the libel referred not only to the Act of Parliament of King James VII but to all the acts and laws made for the preservation of woods. In reply to the second defence the Pursuer denied the existence of such a charter. Much of the same ground is covered in ensuing pages, but eventually the facts about the lands in question are spelled out in more detail. They had been in the possession of the family of Atholl from 1744 until 1772 when they had been redeemed by officers of the Crown as being forfeit to the Crown by the attaindure of Mr Macdonald of

Lochgarrie who had wadsett the same, and during this period while the family of Atholl continued to uplift the rents from the tenants of Drumachine the family indulged them with taking wood when necessary for their houses and ploughs at the sight of the Dukes Forester or officer in that part amongst with the Dukes other tenants in that neighbourhood but after the said redemption these tenants were told that they had no right to said indulgence tho afterwards when the Dukes Forester challenged them for cutting and carrying away any of the Dukes wood they answered that the wood did not belong to the Duke but to Mr Stewart of Kynachan and when Kynachan or his people happened to see these tenants of Drumachine carrying off wood from the woods of Kynachan they challenged them for so doing, the Drumachine tenants answered that it was not Mr Stewarts wood but the wood which belonged to the Duke of Atholl, and by this means evaded a prosecution from the Duke or Mr Stewart.

All of this material is subsequently covered again in great detail. As for the missing charter which supposedly gave the tenants their rights (and which would appear to have been similar to the Comyn charter mentioned on p.251 above), after a long search the defence concluded that it must have been lost when the house of Lochgarry was burnt several years earlier. On 8 March 1782 sentence was passed (the same sentence as that quoted above), but the defenders gave in a Reclaiming Petition (i.e. they appealed), and once again all of the previous defences were repeated. This time, however, more stress was laid on customary rights.

It is a matter of very great importance to the proprietor of these lands as well as to the tenants to retain the right they have so long enjoyed as there is no wood on the land proper or sufficient to uphold and support the biggings and other articles. But at any rate as the case stands the defenders apprehend with all deference that they are entitled to a possessory judgment. This wood-leave which is of the nature of a servitude and indeed a species of it, is as well known in the Highlands as the servitude of Moss-leave and feall and divot.

After the Duke's Answers to the Reclaiming Petition (which did not bring out any new points), the defence went on

At the same time these defenders contend that as they and their predecessors tenants and occupiers of the lands libelled have been in constant and uninterrupted use and possession of cutting and applying for their own use and exercising the priveledge and servitude not only over the whole wood without the head dykes of Tullochrosk But also over the Pursuers said wood without distinction of marches, for these fourty years past at least, they cannot in hoc foro be deprived of their right. The Sheriff knows that the exercising of a servitude of this kind requires no infetment for its completion, the bare exercising of that right for seven years is sufficient in law to entitle them to a possessory judgment.

Notwithstanding this defence the original sentence was upheld, so that though the tenants did not have to pay any fines they could no longer make use of the timber from these lands. It is clear that in contrast to the rather confused situation regarding the deer forest, as revealed in Part I of this chapter, the law was firmly on the side of the landowner when it came to the question of unauthorised woodcutting.

CHAPTER NINE

MINING AND INDUSTRY

The Duke of Atholl's coal mining operations at Blairingone were undeniably peripheral to the economic and social life of the Atholl estates. There are, however, two good reasons for devoting Part I of this chapter to that subject.

In the first place, the mines were of intense interest to the successive Dukes, and therefore there is a good deal of correspondence and other original source material available on the subject. Unfortunately the aspect of coal mining which most interests the social historian - the condition of the unfree labour force - was of no interest to anyone whose correspondence survives in the Atholl archive, and I have not found many references to it. There is, however, a certain amount of information about labour relations, plus a fair amount of technical information on the actual working of the mine. To exclude this original and hitherto untapped source material from a social history of the Atholl estates would not seem justifiable.

There is a second reason for the decision to deal with this topic. In the greater part of this thesis we have been operating in a historical vacuum: presenting a picture which has virtually no basis for comparison. The subject of eighteenth-century coal mining has, however, been dealt with very comprehensively by Baron F. Duckham in A History of the Scottish Coal Industry 1700-1815, making it possible to place the Atholl material into a definite context.

There is also a very good secondary source book for the second part of this chapter, Alastair Durie's The Scottish Linen Industry

in the Eighteenth Century. And this industry was anything but peripheral to the economy of the Atholl lands; it was absolutely central. Unfortunately because it was essentially a peasant industry successive Dukes of Atholl did not take that much interest in the subject, and material in the archive is correspondingly scarce. Nevertheless it is worth piecing together every scrap of evidence that exists on such an important topic.

I.

Duckham points out that in the eighteenth century many mines were run by country gentlemen as part of the natural exploitation of their estates.¹ Blairingone fits firmly into this context.

According to the Chronicles the lands in Fossoway, which would have included Blairingone, were acquired by John 2nd (Murray) Earl of Atholl in 1574, from Patrick Ogilvie of Murie.² The only other part of the estates where any serious mining took place was at Glenlyon. This was, however, lead mining, which would take us into a completely different field; as references are in any case very scanty it is proposed to ignore Glenlyon and confine ourselves to Blairingone.

There exists in the archive an isolated letter of 1692 discussing the possibility of finding coal at Blairingone.³ However, the coal was not actually discovered until nineteen years later. In 1741 James Murray, tacksman and grieve of Blairingone, wrote a report about the coal at Blairingone from the time it was first found.⁴ The report began

The coal of Blairingon was found by His Grace John Duke of Athol's Directions to David Craich then his Graces Factor at Tullibardin in the year 1711, after several years search and sinking for the same in sundrie places in the Lands of Blairingon & Solsgirth, and at length

found the same about 20 or 22 Fathoms south from the Couper land Dyke, on the south side of the tennents house of Blairingon (Thomas Mudie then Tennent) And the first shaft or sink set down thereto was 6 Fathoms deep from grass to pavement, and the coall was found to be 5 foot and some inches of thickness.

Duckham writes that this method of finding coal by making sample sinkings (or shafts), although costly and unscientific, was the commonest one in the early eighteenth century.⁵ Later on boring became more usual, but it does not appear in this document. Murray then went on to describe what ensued.⁶

When the coall was this way found, and seeing the same to be a strong bodied coall and the appearance of a large field of it (dipping to the S: & cropping to the N:) lying in the plain betwixt Castlebeg on the East side, Dollarbeg Easter on the west side, Sols-gairth's lands on the south, and cropping out on the hill of Blairingon on the North side; And seeing the said coall could not be wrought without a Levell to it (or some Machine to take the Water from it) the same having a great growth of water in it, perceaving the Declivitie of the ground lying betwixt the said sink and the Water of Doven on the north side of it, it was thought proper to bring forward from the said north side a stone mine, true Levell, southward to the said sink to last for many years.

Duckham discusses the problem of drainage⁷, and once again the method described above was the most common one in eighteenth-century mines. It is interesting that Murray mentioned the possibility of an alternative - "some Machine to take the Water from it" - which at that date would most likely have been some kind of water wheel, or possibly a windmill. He clearly considered such a thing too costly for serious consideration.

Water was not the only problem in a coal mine; ventilation was another major priority, and as Murray's description demonstrates, it was one which Blairingone mine also had to deal with.

So a Levell (which I call the Main Levell) was fallen to in all heast in the little Den N:W: from the said tennents house N.West from the said sinke [shaft], whereof Scotsmen wrought 36 Fathoms of it very irregullar, and English men wrought 14 Fathoms of it, as Irregullar as the other (And both of them lost much of true levell as shall be spoken of afterwards) making in all about 50 Fathoms, and could work no more for want of air, Because they flagged with small flaggs the mouth of their mine and laid a great heap of Rubbish thereon closs to the Entry of it which hindered the pure air to enter in to it...The next thing was done, setting down a sink at the 50 Fathoms and for air, and sinked about 5 Fathoms, and it being sett down on a sand bed, it gave way before they came to the Rock and lost all the timber of it, and severalls of the tools they were working with in it, and never recovered them. This accident happening did not discourage them all together, They try'd a 2d sink to set down, to give air, which did not do, yea they try'd a 3d, and all gave way. The vestage of which sinks are to be seen to this day.

They they thought proper to bring up a Levell cal'd a side Levell to serve the said sink Numbr:1, allenarly; and began the same in the little Den above Boghall, which was all wrought in Earth and spouted with Dales and needed many sinks till at length about 40 or 50 Fathom west from the sink Numbr 1 They came to a Rock 5 foot high above the Levell, and to be soon at the said sink they plac'd there levell above the said Rock whereby they lost 5 foot of Levell which is about 50 Foot of the coal wall (the coall diping a foot of 10 Foot). Nota. About this place they got not the Level rightly spouted, which in a short time occasion'd the water to be restagned in the west, which shall be spoken of by & by.

Duckham deals with ventilation also. He mentions four basic systems, and not surprisingly the provision of air sinks as described by Murray above proves to have been the crudest, least costly, and most typical method in small enterprises.⁸

Murray then went on to describe each of the other sinks, and this is reproduced as Appendix 34 (Vol.II, p.121). (Material not directly relevant to the technical side of things is not included

in the Appendix but reserved for later discussion in the text.)

When we reach 1740 there are other sources to complement Murray's account, for in that year Lord George Murray became involved in the coal workings and wrote lengthy letters to his brother the Duke on the subject. Early in 1740 James Murray received permission to open a new level and described doing so. Although the impression which the reader forms of Murray from his report is one of efficiency, Lord George did not share this view; in a letter dated 9 November 1740 describing what was happening with the new level, he reported to his brother that it had been "very ill managd."⁹

After the death of the Duke's factor, Alexander Murray, at the end of 1741, when Commissary Bisset made his thorough inspection of the Atholl estates, the coal mine at Blairingone also received its share of attention. On 14 March 1742 he wrote to the Duke

There was nothing done at the levells here from the time we left this place in November till Wednesday last. Men both miners and boarers entered to work. The boarers finished their part yesterday having board as deep as necessary. Fryday afternoon they found out and board through a coal betwixt four and five foot thick which will much lessen the charge and labour of the Levell.¹⁰

The word 'miner' denoted one who created mines; those who actually worked the coal were known as coal hewers or colliers. The fact that borers had been called in indicates that by this date techniques in the mine had become slightly more sophisticated, with bore holes being made.

The following month (11 April 1742) Lord George wrote in greater detail about the work being done.

There was a sink to be sett down to meet with the new level; after three or four fathom of it was wrought, it was judgd advisable to

bore to meet with the level, which would not only give vent to the water in the sink, but would also made sure work as to the meeting of the sink with the Level. This was accordingly done some days ago, & at a very inconsiderable expence, & I can now acquaint you that in the boring they have mett with another Coal below what is now working, & by all that can be judgd it is a foot or two thicker than the former Coal, so that there will be litle or no further expence, for this new sink not only will serve for the Level but for the working of the new Coal so soon as it will be needfull, or at any time; And the new level can be wrought at full lesure so that instead of laying out £200 sterling on this new level before it could answer the purpose as James Murray calculat, it has already answerd in a great masure the end that was designd.¹¹

The archive contains no correspondence on the subject of coal between 1742 and 1756. Between 1756 and 1764 the tacksman, John Edward of Solsgirth, like James Murray before him, was accused of mismanagement (more about that below), and in the course of defending himself he described the current workings of the mine.

On 26 May 1757 Solsgirth wrote to Humphry Harrison with regard to an inspection which the Duke had arranged, saying that there was no way of judging from such an inspection whether it would be worthwhile continuing to work the coal "since there is more than fifty fathoms of breast of coall to work if the levell were brought up. For which purpose (as it is impossible to work coall without a levell) I have put down the blind sink from the pavement of the coall to the stone minn have put a stair in it and have four minners working at the minn this is absolutely necessary and is not done with a view that the coall should be blowen up but rather to continue and be made a going coall."¹²

More technical detail appears in a 'Memorial for John Edward of Solesgirth to be laid before the Duke of Atholl 23 September 1760.'

As the stone myne of the coall of Blairingone is now fully wrought up to the coall there is nyne fathoms and a half of coall yet to work up to the old or present Levell roum; this must be done and the Levell roum hereafter left quit clear and open to prevent the losing of coall wall.

There is an absolute necessity for a new sink and as this sink would fall to be sett down in the middle of the garden which would render it entirely useless it is therefore proper that a coall myne be wrought from the present Levell roum to the east side of the high way where the sink must be sett down which will be a considerable expence. There must likeways be a chain of coall wall left below the dwelling house to prevent its receiving dammage in case of a sitt.¹³

Of all the technical descriptions which appear in the Atholl archive, the one which best illustrates Duckham's description of the way in which an eighteenth-century Scottish coal mine operated is one written in 1776. As Duckham describes it, once the shaft had been sunk, colliers would work up the rise of the seam so that water would drain back towards the shaft for pumping out. Square pillars of coal would be left to support the superincumbent strata. The gap created by extracting the coal was known as the 'room', while the portion of the mineral left in position to hold up the roof was the 'stoop'. The dimensions of the stoop would have to be very carefully calculated so as to provide the least possible support compatible with the avoidance of subsidence or damage, since everything left on the pillars would be wasted coal.¹⁴ The dimensions of the rooms and stoops at Blairingone are stated in the following extract from a 'Report of the Coall of Blairingone', written by John Taylor and addressed to Thomas Bisset, 14 November 1776.

The rooms are commonly 12 feet wide the stoops for supporting the roof are twelve feet long and between seven and eight feet thick, the wideness of what we call the throughers whereby is meant the

coall taken out Between the Moss(?) is ten feet thick and the levell room is wrought only ten feet wide for want of a througher and two feet of wall which other rooms have the coall never has 1/8d for each fathom the cuts of it. The present pit is put down on a crop of the coall presently working where the coall is commonly not so thick as it is nearer the dyke for which reason the Less stoops will do for it is no advantage to any party to leave more coall for stoops than what is requisite for supporting the roof.¹⁵

From the technical descriptions of various parts of the century, it does not appear that any of the more innovative techniques which were gradually being applied to Scottish coal fields were ever used at Blairingone. This does not, however, come as any great surprise, considering the size and scale of the enterprise.¹⁶

As mentioned earlier, there is not a great deal of information available about the actual workers in the mines. For a start we do not even know where they came from. As the coal was discovered only in 1711 there would not have been any longstanding coalmining community. Colliers were traditionally a group apart so it is unlikely the workers could have been recruited from the local people. Unfortunately I have found nothing in the archive which would indicate how the Duke of Atholl went about recruiting a work force for his coal mine.

Duckham discusses the process whereby colliers gradually became bound to the mines in which they laboured.¹⁷ Blairingone was no exception to this rule (indeed, Duckham considers the fact that so many Scottish mines were estate mines to be one of the main reasons why the situation developed as it did). On 12 September 1721 Sir John Henderson, having looked over the running of the mine at the request of the Duke of Atholl, wrote to his Grace: "it is not practicable to give your own colliers children any thing, they being

bound as well as your colliers."¹⁸ This provides confirmation that not only the colliers themselves but also their offspring were considered bound to the colliery. Duckham mentions, however, that in the course of the century the automatic serfdom of children appears to have become more repugnant to the law. In the tack between the Duke of Atholl and James Allice & Sons of February 1763 the children of colliers were not considered automatically bound: they were to be encouraged to "enter themselves to the works in the manner practised in Scotland."¹⁹

Duckham mentions the deplorable state of colliery housing, and this too is borne out by evidence in the archive, though it was not necessarily the Duke's fault. In James Murray's 1741 report he pointed out that the small houses which had originally been built for a man and his wife were now housing "some 6,7,8, or 9 persons in a Family" and were thus woefully inadequate. That same year the Duke's factor, Alexander Murray, was aware of the housing problem, but he simply ordered that the present houses be repaired. As the labour force was to be expanded he also ordered that new houses be built, "so soon as the season will permitt", but added the proviso, "with as little expences as possible."²¹

As for wages and workloads, an unclassified document of 1740 spells this out with admirable clarity. This is reproduced as Appendix 35 (Vol.II, p.125). (N.B. Query 1 does not relate to this subject and has been reproduced under Note 8.) According to Duckham the ten to twelve hour working day mentioned in the document was - in theory at least - the norm in most Scottish mines. A wage comparison is difficult because, as Duckham points out, it was not just a question of the wages of one individual; in many cases it would be the whole family who were earning money from the mine. There were also

subsidised housing (however poor) to be taken into account. Duckham writes that colliers on the whole earned very high wages indeed.²² The maximum wage suggested in the document was £4 Scots a week for a collier and his two bearers (who would normally belong to his family). Converted into sterling that works out as an annual salary of £17-6-8. Valerie Morgan's graph of agricultural wage rates c1740 in this area shows the average to be about £2 per annum.²³ Agricultural labourers were the lowest paid sector at that time, and one must also keep in mind that in addition to cash they would also get accommodation and payments in kind. Nevertheless, there is no doubt that Duckham's assertion about colliers' wages is borne out by this evidence.

The supervisor of the labour force in a Scottish mine was known as a grieve. In larger collieries there would be a 'manager' or 'overseer' over the grieve, but at Blairingone the terms are used interchangeably for the same man. Duckham also distinguishes between the grieve and the tacksman or lessee - in fact he places them in two separate chapters - but at Blairingone they too are one and the same. This says much about the relative size and sophistication of the mine.

In his report James Murray listed the successive tacksmen-grieves. The first was David Craich, the Duke's factor at Tullibardine and the man who had found the coal in 1711. In 1719 a John Christie was tacksman but apparently practised some kind of chicanery (Murray is vague on this point) and Murray was called from Tullibardine on 10 August 1719 to be grieve.

On 12 September 1721, in the letter quoted above in relation to children of colliers (see Note 18), Sir John Henderson wrote that James Murray seemed "to be verry careful and verry capable also of

your bussiness and truly your Grace has need of ane honest man in his station for I may say he has your purse in his hands." On Martinmas 1722 Murray was succeeded by a James Nicolson from Saline, but on 30 March 1724 Nicolson resigned and James Murray once again became grieve, with greater authority over the works and colliers than previously.

At the end of 1741 the Duke of Atholl purchased the sixth part of Blairingone which had remained in the hands of a feuar. He had already decided to take the tack of the coal away from James Murray though retaining him as overseer, his reason being that "the Coall of Blairengone has yielded far less than I had reason to expect, And that the Charges of Levells and synks exceed often the yearly value of the Coall."²⁴ He appointed John Murray at the Customs House in Alloa to inspect the coal works, and it was in the course of the latter's inspection that certain facts emerged about James Murray's practices. The assumption must be, I think, that he had in fact been abusing his position for some time, but as long as no one had been paying much attention to the coalworks he had been able to avoid detection.

On 17 March 1742 Lord George Murray wrote to his brother the Duke

The reason of my giveing you this trouble is to let you know that I believe it will be absolutly nessessarry to remove James Murray alias MacGregor from Blairengone at Whitsunday for he certainly obstructs the work, John Murray told me several particulars, which I had the more reason to credite as I had found him in severall things tampring with the Coliers, when I had occasion to be there indeavouring to get the main levle caried forward at a reasonable reat; he was the occasion of their refuseing to work it at the reat they had agreed. He told me when he went down to the Coall hugh with me he had not been there for a twelvemonth before, & knew nothing of the working but as the forman pointed it out to him. And he has leatly indeavourd

to perswad the country people that they will not be able to cary the Coall to Aloa at sixpence the load, but that it was worth eight pence. I need mention no other particulars, but that as you have seen for this many years past how litle account the Coall has come to, under his management it is now full time to make a fair tryall in another way. John Murray tells me he has one in view who for about eight pounds, & the house & yeard, will over see the work & seall &c & that he will be answarable both for his Capasity & Honesty.²⁵

The Duke's reply to this letter was dated 25 March 1742 and gave full authority to Lord George to give notice of dismissal to James Murray and appoint a new overseer. On 11 April 1742 Lord George advised the Duke that he had given Murray his notice of dismissal; the latter's wife had asked if they might stay until Martinmas instead of having to depart at Whitsunday, but Lord George had advised her that a new man would be moving in at Whit.²⁶

The new man (never named) did move in at Whit as planned. He was said to be honest, a good accountant, understood "leveling", and would be happy with half of James Murray's allowance because having been bred a gardener the garden at Blairingone would be a great advantage to him!²⁷ Clearly there was no thought of recruiting someone with real professional expertise in mining.

I have not discovered any evidence to show how long this man remained grieve. When the subject of Blairingone next surfaces in the correspondence the overseer and tacksman of the coalworks was a neighbouring landowner, John Edward of Solsgirth, and the reason why it did come up at that time was once again because of accusations of mismanagement.

This began in the spring of 1757. Solsgirth received a request from Captain Barclay of Tillicoultry for a few of the Blairingone colliers who could be spared to help work the latter's mine. On

12 April Solsgirth wrote to Humphry Harrison, saying that as there was "very little coall here to work till some more of the mine be driven up", he was inclined to let the Captain have some of the colliers if the Duke agreed.²⁸ Harrison replied:

Sir I have shown your Letter to my Lord Duke, who says, that since his coall at Blairingone is reduced to so bad a condition by your Negligence and Mismanagement, he sees no reason why your Tack should subsist any longer, more especially as you have allways been very deficient in paying your rent, and at present are two years rent in arrears; Therefore His Grace is resolved furthwith to look out for another Tennent who may possibly bring back the coall into a better condition and pay the rents more punctually than you have.²⁹

Solsgirth replied to this letter with great indignation. Charges of neglect or mismanagement, he insisted, "must proceed from sinister information for I assure you the coall and levell was never better taken care of." He admitted that the coal was of poor quality at that time but was certain it would be much improved "when it comes to be wrought further east." His being in arrears, he averred, was due to his heavy expenses.³⁰

Further correspondence did not satisfy the Duke, though in fact it was nearly six years before a new tack was issued for the coal. James Aliche was actually a portioner of Blairingone, and it was Mackenzie of Delvine who suggested that Aliche and his family would be "natural Tacksmen". The new tack, between the Duke of Atholl and James Aliche and Sons, was dated 10th and 22nd February 1763.³¹

The changeover did not, however, go smoothly, for Solsgirth was awkward (or, as Mackenzie of Delvine put it, "Solesgirth seems disposed to play the fool") and refused to move. He was insisting on his claim for a £50 sterling allowance for his expenses in opening the new level, and for "liberty to sell the coalls on the hill

which is the custom of the coalliers and could be of no prejudice to Alice as he would have had the same priviledge at the determination of his tack." It was not until 15 September that Solsgirth was finally ejected "after a very long struggle. And even then he continued the sale of the coal under pretence that he had a Right to the coal rais'd before the 12th of August." Alice did not attain full possession until 12 October.³²

Solsgirth then proceeded to take the matter to court. On 24 February 1765 Bisset wrote to the Duke of Atholl: "I find there will still be a draw back of the rent of Blairingone, because the process between Solesgirth and Alice the new tenent of the coal which has been defending before the Shiriff ever since the month of August 1763 is never yet determined, which is a most shamefull affair."³³

Duckham mentions several times the poor quality of management which prevailed at many of the Scottish coal mines in the eighteenth century, and the evidence above certainly indicates the extent to which his remarks apply to Blairingone. Given the fact that no effort was ever made to appoint a grieve with any professional expertise, it is perhaps not surprising that a certain amount of incompetence should have resulted.

Considering all the difficulties encountered in operating the coal works, the question is whether it was worth it all. Complete account books do survive in the archive for the period 1719-1730. The one for the year 1719-20, for example, consists of 25 pages and includes figures for the amount of coal hewn and sold in weight, the quantity and value as extracted by each man, followed by accounts for building a brew house, cellar and stable at Blairingone, for working expenses, for wages, for compensation for loss and damage paid to tenants, for coals carried away by vassals and tenants for

the Duke of Atholl's use, etc.³⁴ As there are no account books surviving for later in the century, there is no basis for comparison, and therefore it has not been considered worth extracting figures from these early books.

In any case, there is no doubt but that the successive Dukes did consider it worthwhile. In the summer of 1768, for the sum of £1520, the 3rd Duke purchased the adjoining property of Wester Dollarbeg as a means of extending the coal works. It is clear from Bisset's letter when the property was first advertised in 1766 that the 2nd Duke had also intended offering for the lands in question if ever they became available.³⁵

The owner of Easter Dollarbeg, an East India nabob who had also bid for Wester Dollarbeg, made an absurd offer to the Duke: he would exchange (exchange) the coal of Easter Dollarbeg for the land of Wester Dollarbeg. Mackenzie of Delvine called this "Humbugg" and wrote to the Duke that the man was "angry with himself for not out-bidding at the roup and imagines a Scots attorney as easily outwitted as an Indian out of a Gemm."³⁶

On 29 July 1783 George Farquhar, the 4th Duke's Edinburgh agent, wrote to his Grace about Easter Dollarbeg. The proprietors at that time - Messrs John and Alexander Tweedie - were complaining that encroachments were being made on their coal from the workings in Blairingone "and if no purchase is made talk of an action for damages." Farquhar described the subsequent haggling. The gentlemen acting for the Messrs. Tweedie insisted that the Duke was under an "absolute necessity" of having their lands and they thought that £1300 was a fair price. Farquhar told them that "£1300 was out of sight too high for such a rental as £42", and offered £1100. They asked Farquhar to inspect the coal and lands and before they departed

named £1250 as the price they would advise their employers to accept, "and we parted in high good humour with good skinfulls of punch." The sum which the Duke actually paid for Easter Dollarbeg in 1783 was £1175.³⁷

If successive Dukes were thus buying up adjoining lands in order to expand the coal works then they must surely have considered them to have positive potential. However, in the OSA the minister of Fossoway wrote about the Duke's coal in Blairingone: "None of the coal is shipped; because it is at a distance from the sea, and besides, the quantity thrown out, is not sufficient to answer, throughout the year, the present demand."³⁸ Which does not exactly make it sound a booming concern even in the 1790s.

The inescapable conclusion seems to be that while Blairingone may not have actually made a loss, its profitability had little to do with the Dukes' fascination for it. Like improving the home farm or beautifying the castle, operating a coal mine simply happened to be the sort of thing an eighteenth-century landowner did - though it seems likely that many made a much better job of it than the Dukes of Atholl.

II.

As discussed in Chapter 2, the linen industry was of crucial importance to the tenantry of the Atholl lands. There is no evidence, however, that any kind of system whereby an entrepreneur 'put out' work to the country people existed in Atholl. The frequent references (quoted in Chapter 2) to the tenants having to take their yarn to Moulin market before the rents could be paid indicates that it was up to the individual tenants to dispose of their own work at whatever price they could get in order to pay their money rents.

The earliest reference to linen in the Atholl lands in our period

occurs in the anonymous proposals of 1708, discussed in various contexts in earlier chapters.³⁹ The writer was clearly aware of the importance of linen (also of wool) as he devoted a good deal of space to the subject. He began with lint seed, believing that as much as possible should be sowed at home to avoid having to import it from abroad. He was aware of the inferiority of the local textiles and suggested that instruction be given in the proper way to prepare lint for spinning. He also suggested that spinning wheels be introduced (which gives some indication of the relative backwardness of the region at this time). Weavers, he thought, should be brought up from the south to instruct the local people.

The central idea of the proposals was that Logierait, the seat of the Regality of Atholl, should have a monopoly of crafts and industry, and in this context he recommended that all cloth should be woven there. He also discussed abuses in the bleaching process, bringing out what Durie mentions several times in his book: the ineffectual attempts to stop people from bleaching with lime, which was the simplest and cheapest method at this time but harmful to the cloth.

The subject of linen came up in Dunkeld Regality Court on 10 March 1712.⁴⁰ An Act had been passed by the 1st Duke of Atholl as sheriff principal of the shire "for the right makeing measuring and bletching of Linnen Cloath." On this occasion "John Ambross wryter" was called before the court "for working Cloath of insufficient wearn and for not working the same evenly and makeing the same of a due and sufficient thickness from the one End to the other." The man was fined twelve pound Scots. This is an interesting example of a local attempt to regulate the linen industry in the years prior to the setting up of the Board of Trustees and shows once again the 1st

Duke of Atholl involved in the minutiae of local affairs.⁴¹

In December 1719 Moray of Abercairny wrote to the Duke in his capacity as sheriff regarding a petition to parliament "in relation to our Linnen manufacture which seems now to be threatened." This must presumably refer to the petition of the London Weavers to parliament in that year to prohibit the use and wear of all printed linen. The Scots managed to carry their case.⁴²

On 6 March 1722 Laurence Craigie wrote to the Duke on behalf of the Perth JPs on the subject of the length of linen cloth as follows

My Lord The Justices of the Peace who mett here this day at their Quarter Session, putt it upon me to acquaint your Grace, that amongst other things under consideration was the Lengths at which the Linnen Cloath of this country uses to be cutt and sold, which for the most part is of ten elns, and tho' that length is allowed by Act of parliament, and the country people do generally observe it, yet every merchant and trader in that commodity assure us that now when there is a prospect of Improvement by stamping it is an Error to cutt the Linnen in ten eln peices, and keeps the rate thereof low, whereas were it cutt at twelve elns length which is sufficient for gown and petticoat to a woman the rate thereof might rise considerably.

The Justices found themselves straitned to make any orders against ten eln peices lest they should be thought adventuring too far upon the Act which allows them And have only appointed an advertisement to be made at the parish Churches Informing the Country people that if they will choise to cutt their cloath in twelve elns and as much above as they please rather than in ten it may sell at a much better price. If this bee agreeable to you and that you please to recommend it such way as you think best, it is not doubted that your Graces Interest will soon make it practicable, and the country people will soon find their account in it.⁴³

The above illustrates some of the difficulties experienced in the years before a national body - the Board of Trustees - was set up to promote and standardise the industry. It also illustrates once

again just how much activity there was at shire level and the extent to which a great landowner was liable to become involved. After the setting up of the Board of Trustees in 1727 there was no longer the same need for such involvement, which in view of the 2nd Duke of Atholl's record in other spheres of local activity was probably just as well.

On 1 March 1731 the following scrap from a letter by one Richard Graham in Edinburgh suggests that the Duke did take at least some cursory interest in the industry which was the mainstay of his tenantry: "I have the honour to receive your Grace's letter, concerning the Linnen cloth-mercat to be held at Dunkeld; and so soon as I return to Glasgow (which will be in a day or two) Ile talk with our people about it; and design to be as usefull as I can in engadging them to be at it."⁴⁴ I have not found any further correspondence with this Richard Graham, so the reference remains allusive.

The Perthshire JP records suggest that the Board of Trustees may not have been well enough endowed to be as useful as had been hoped. On 25 October 1737 a petition was presented to the Quarter Session by several Perth linen merchants

Setting furth that Thomas Oliphant stamp master in Perth was at great pains & charges in traveling to the highland mercates and Discovering frauds and bad practises that were used in the yarn trades, And had seized a good dale of ill sorted yarn which was burnt, and the said Thomas Oliphant might be very usefull in Discouraging the abuses committed in the Spinning Sorting and Reeling of yarn if there was a suitable premium settled on him for his pains and defraying travel & Charges And Craveing that the Quarter Sessions would use their good offices with the Trustees for improveing of Manufacturies to reimburse the expenses given out by Mr Oliphant and settle a Salary on him for this year and in time comeing.

The reply conveyed to the Quarter Session on 21 March 1738 was that

the Trustees "could not just now settle any premium upon him for want of funds for that purpose."⁴⁵

The subject of fraud also came up in Lude Baron Court. On 24 February 1741

The Bailly having taken to consideration the great loss sustained by the country in giving wrong count of woolen and linnen yairn and by keeping shorter reels than Ten quarters Therefore it is hereby enacted that any who shall be found guilty within the Barrony of Lude of keeping shorter reels than Ten quarters or expose to seall any kind of yearn wrong told and the same to be either discovered by their oaths or by witnesses The Bailly fines them in Ten pound scots toties quoties by and attour burning and destroying the yairn so found⁴⁶

The year 1747 saw the setting up of the British Linen Company. The Duke of Atholl was one of the 126 original subscribers.⁴⁷ Amongst the 'Memorandums Taken at Clearing Mr Archibald Steuart's Accompts and Factory Accompts Octr 2 1751' was the following

That a Note be taken out of Mr Steuarts Accompts what money has been paid in the British Linnen Company as also to take a Note of what dividends has been paid by that Company to see how far the Intrest of the Sums advanced by his Grace are payed up answerable to the Subscription Money called for.⁴⁸

In 1753 when the Company set up a reserve fund to guard against any great or unforeseen losses, it appears that the Duke became worried and thought of selling his stock, for the Manager wrote to Archibald Steuart (his Edinburgh agent) on 6 February 1753: "Some persons unacquainted with the State or Conduct of the Co.'s Affairs has misrepresented them to the Duke, and in particular may have construed a measure of Prudence lately taken into a measure of necessity."⁴⁹ The inference from all this must surely be that the 2nd Duke's motives in investing in the British Linen Company were strictly

mercenary, in marked contrast to the attempts of his successors to actively further the industry.

On 4 September 1753 a letter from the Board of Trustees was read out to the JP's Quarter Session regarding Parliament's granting of a sum of money for encouraging and improving the linen manufacture in the Highlands. The relevant noblemen and gentlemen were to be apprised of this. On 15 October it was reported that replies had been received from the Duke of Atholl and others which would be transmitted to the Board of Trustees.⁵⁰ With no record of the content of these replies there is no way of knowing whether the Duke had anything constructive to say or whether he merely expressed polite platitudes.

The positive action taken by the 3rd Duke emerges from letters written by Henry Home, Lord Kames. On 8 March 1774 the latter wrote to the Duke from Edinburgh

To distinguish me among the Trustees is not a little flattering from your Grace. Your request is reasonable; and it is my opinion that no measure can be taken by the Trustees more proper for supporting the languishing manufacture of Linen than to distribute gratis quantities of good Lintseed. It requires indeed that the distribution be in good hands: I subscribe to the Duchess of Atholl as excellent; and I am confident our Board will rejoice in having her Grace for an associate in promoting the interest of our native country. There is a meeting tomorrow, and I make no doubt of success.⁵¹

On 9 March 1774 the Minutes of the Board of Trustees recorded that "Upon a motion from Lord Kames Resolved to allow Ten Hogsheads of Lintseed to be distributed under the Direction of the Duke of Atholl amongst the poor people on his Estate in hopes that his Grace will contribute also some Hogsheads himself."⁵² Lord Kames wrote to advise the Duke of the decision.

My Lord By orders from my brethren the Trustees, I acquaint your

Grace that the Ten hogsheads are given, and that Mr Mackenzie of Delvin has undertaken to transmit them to Perth. And I think I can take it upon me to assure your Grace that you may have as much next year, or more if you find it will promote the manufacture.

It is the practice of the Trustees to give flax-seed to Gentlemen on condition of their contributing more or less; which is required as evidence of their zeal to promote the Manufacture. But the Trustees are far from thinking such a condition necessary or proper in the present case; as they entertain no doubt of your Grace's public spirit.⁵³

This keenness to promote the growing of flax in Scotland may in the end have proved wrongheaded, but in view of the amount of money leaving the country for the purchase of that commodity it is easy to see why so much stress should have been laid on increasing the amount grown at home. Thomas Pennant, commenting that the manufactures of Moulin and Logierait consisted of great quantities of flax being spun into yarn, specifically mentioned that a great deal of flax was being imported from Holland and the Baltic, "besides what is raised in the country."⁵⁴

However, the main point here is that the 3rd Duke was reverting to the paternalist behaviour of the 1st Duke in becoming involved in the promotion of this peasant industry. His involvement was carried forward by the 4th Duke, who was appointed a member of the Board of Trustees in 1781.⁵⁵

On 15 February 1783 George Farquhar, the Duke's Edinburgh agent, wrote to him

My application for a donation of Lintseed has been successful the same quantity being allowed as last year but the Secretary urges me to purchase a few barrels for the sake of appearances as others laid under the necessity of purchasing an equal quantity to that given may complain of partiality - He says it may be sold again at no loss as the price is low - I believe it will be right to compound the

matter & buy two or three barrels tho I do not relish the idea of selling it - The tenants would think that a Job if they paid for any after getting it formerly for nothing - in this however I shall be directed by your Grace entirely.⁵⁶

Amongst the articles proposed for an additional duty in the government's Budget of 1784 were printed and stained linens and calicoes. The Chancellor of the Exchequer proposed a duty of approximately ten per cent at the rate of from 3d. to 1 shilling per yard.⁵⁷

The 4th Duke of Atholl reacted very strongly to this report. In a letter dated 16 July 1784 he wrote to Major General James Murray

I was at Perth two days ago and held a good deal of conversation with the most Intelligent People belonging to the Linnen Branch what Effect the proposed new Duty would have on that Manufacture. It was their unanimous opinion that it required all the skill and Industry the manufacturers of Linen in this country possessed to be able to vie with the People of Ireland who had the superior advantage of paying no Duty where they have a Burthen of 3d per yard & 15 per Cent, But should this intended Tax be laid on as half the yarn at least made in this country is worked into stained linen and brought to market as Tilesons(?) such quantities of linen would be thrown in from Ireland at a cheaper Rate than it would then be possible to work them in this country; that extensive Branch of the Linnen Manufacture must be assimilated and the manufacturers either follow the Trade or Emigrate to America. The consequence is truly serious ---?--- half the staple of this country should at once be annihilated. a very large sum must be raised on the Subject; allowed; But if a Tax is laid on the Manufacture which that Manufacture cannot Bear; that Tax must both be unproductive and the manufacture be so checked as never to recover. Its positive Consequence; the Numbers of People leaving the North Highlands this Season for America is very great the Highlands of Perthshire have alone been flourishing these two last years partly by the attention of the gentlemen in procureing proper seed corn, and partly from the money the linnen Trade has brought and yet Government are going to take off the only means which will enable these People either to pay their Rent or live in this Country.⁵⁸

According to the press reports, London merchants whose opinions were canvassed regarding the various taxes proposed also thought that the one on printed and stained linens was not a good idea.⁵⁹ However, from our point of view the significant fact to note is just how seriously the 4th Duke took the linen industry.

Durie emphasises in his book the extent to which the linen industry was a Lowland phenomenon, and he discusses the failures which attended attempts to establish it in the Highlands. However, the industry was the staple for cash rents in much of the Highland area of Atholl.⁶⁰ The point -obvious perhaps but nevertheless worth stressing - is that there was nothing in the character of the Gael to militate against success. It was purely a question of transport and geography, and with Atholl so near to the Lowlands this was clearly not a problem in that area.

The 3rd Duke was the first to become involved in the growth of rural industry on his lands.⁶¹ The Luncarty Bleachfield was by this time the largest bleachfield in Scotland.⁶² At the beginning of 1767 the Duke entered into an agreement with William and David Sandeman and John Henderson, merchants in Perth, and Hector Turnbull, bleacher at Luncarty, co-partners of the Luncarty Company, to carry a supply of water from the Tay by a canal. This was to begin 400 or 500 yards above Thistle Bridge, to be carried through the rock by mining, and along the river-bank to the march, and thence to Luncarty Bleachfield.⁶³

Letters from William Sandeman to the Duke, and from Thomas Bisset on the same subject, dating from the end of 1766, show that there was some disagreement at this time. The Duke expected Sandeman to indemnify the tenants in the area for the whole period of his tack which the latter thought impracticable and unnecessary.⁶⁴ Agreement was reached on this matter and the tack was signed 31 January and

18 February 1767.

The tack was to run for the same amount of time as the currency of the company's lease of the bleachfield, 43 years. If the scheme proved impracticable the lease could be terminated upon proper notice in writing provided the tacksmen then filled up the canal below Thistle Bridge. They were to take care not to flood the tenants' grass and crops while making or repairing the canal and were to provide them and their stock with a bridge to cross it.⁶⁵

That same year agreement was reached with another group of Perth merchants, known collectively as the Huntingtower Company, and a tack was signed on 2 December for an area in the Middle Haugh of Huntingtower. The tacksmen were to erect a paper mill on the site, to be completed within five years.⁶⁶ On 13 July 1769 Mackenzie of Delvine wrote to the Duke: "I am entirely your Convert in the propriety of advancing this further sum of £140 to the paper mill project since the Tacksmen are Solvent & Industrious - 8 per cent is a reasonable return and will be a permanent rent."⁶⁷ On 5 November 1770 Bisset wrote to the Duke: "Thursday I went to Huntingtower and walked over the ground and plantations, I was surprised to see the length that the company had brought a new Building near the paper mill. It is a house of 68 feet long by 20, The ground story designed for the workmen of the paper manufactory, and the upper story (which has large windows) is designed for a Drying house, it will be ready for scleating [slating] next week."⁶⁸

On 10 February 1771 Bisset sent the Duke a scroll (draft) of a contract and prolongation of the lease of the paper mill, and on 12 and 20 March of that year the contract was signed.⁶⁹ The tacksmen had, under the terms of the tack, erected a paper mill as proposed and at Martinmas the Duke had advanced them £600 sterling for expenses,

so they now acknowledged receipt and promised to pay his Grace £48 sterling yearly rent for the paper mill for the remainder of the tack and extension, plus augmentations as agreed. The tack was extended for a further 21 years from the date of expiry. The OSA entry for Tibbermuir mentions that at that time (the 1790s) the paper mill was producing from 5000 to 6000 reams a year and employing 25 to 30 people.⁷⁰

Another enterprise was also begun in this area during our period. On 25 July 1775 Bisset wrote to the 4th Duke of Atholl: "A New Improvement of a Bleachfield is actually begun upon the upper part of your Haugh of Huntingtour by a company of Perth merchants, who I expect will carry it on with spirit." The OSA mentions that this bleachfield became "a very large and important concern."⁷¹

During the 1780s the cotton industry also began to flourish. Most of this development took place in the west of Scotland, but an important development took place in Perthshire. On 20 February 1785 the 4th Duke wrote to Major General James Murray

I have an Idea of establishing the cotton manufacture in this part of the world; I have received proposals for erecting mills in which the famous Mr Arkwright is to be materially concerned: I thought it such an object that Fintry took the trouble of going the length of Derbyshire to be satisfied of the utility and to induce Arkwright to be concerned in this country; Arkwright in consequence means to be here sometime in March till then I shall enter into no agreement tho some of the men of most capital and spirits in Perth want to begin instantly a great supply of water is necessary and in where in the kingdom is there such a command as at Stanly for by perforating the Hill I can bring in any quantity of the Tay I please.⁷²

In May of that year the Duke agreed to feu the lands to the Stanley Company.

In the 1790s the OSA entry for Auchtergaven recorded that nearly

a hundred families resided in the village of Stanley. About 350 people were employed at the cotton mill, of which 300 were women and children.⁷³ It seems likely that the same situation would therefore have prevailed as at New Lanark (a very much larger concern). The OSA recorded that in contrast to the usual position of widows with large families, in New Lanark the more children a widow had, the better off she would be.⁷⁴ However, the various social consequences of the Stanley enterprise fall outwith our period and do not therefore belong in this thesis. Suffice it to say that the formation of the Arkwright cotton mill and the planned village of Stanley are further indications of the innovatory nature of the era which followed that of this thesis.⁷⁵

There is no denying the fact that many questions have remained unanswered here. It has been possible to note the times when the Dukes of Atholl involved themselves with the linen industry, and also to chronicle the setting up of early industrial enterprises. The extent to which the tenantry really benefited from any of the help given, and the social changes brought about by the advent of these early manufacturing enterprises - let alone what the people actually thought of it all - in such spheres none of the sources available are any help at all. We cannot even guess at the proportion of Atholl people actually involved in the linen industry, though it must have been very large. Nevertheless, by looking at the evidence available we have been able to piece together at least some aspects of this very central part of the social history of the Atholl estates.

CHAPTER TEN

THE EFFECTS OF THE JACOBITE RISINGS

The aim of this chapter is to look at the evidence available on the Jacobite risings of 1689, 1715, and 1745, in order to ascertain the effects which these risings had on the lives of the people of Atholl.

Evidence about Dundee's campaign of 1689 is very sparse in the archive. Virtually everything related to these events has been reproduced in the Chronicles.¹ The view is, however, very much from 'above' and does not give the reader much more than a narrative of the events. As was related in Chapter 1, Blair Castle was held by Alexander Stewart of Ballechin and blockaded by the Marquis of Atholl's eldest son, Lord Murray, who prevented the bulk of the Atholl people from joining Dundee. The inference is obviously that the majority of the Atholl men would have like to do just that, and this is confirmed by another source.

In The Account of the Proceedings of the Estates in Scotland 1689-90, the following reasons were given for believing there was treachery from the Atholl men

1. That of the 1500 Men of that Countrey that were to have join'd the Maj.Gen. [Mackay] not above 60 came. 2. Of those few that came, some of them were sent out to bring Intelligence of the Enemies Motions; and, instead of doing that, went and carried Intelligence of all the Maj.Gen.'s Steps, Motions, and Marches to the Enemy. 3. That they made it to be believed in our Army, That Dundee was at a great distance, and would not venture to come, with the few Forces he had, to look ours in the face. 4. By the driving of all their Cattel away, that our Men might receive no Relief, Refreshment, or Subsistence from them. And 5. By falling upon our Men where-ever they found them dispersed, and endeavouring all they could to hinder their Retreat through the narrow Pass. All which is confidently laid to

their Charges by all people here.²

The above strongly suggests that in spite of the Marquis of Atholl's orders and Lord Murray's actions, the people of Atholl were wholeheartedly Jacobite in sentiment. While undoubtedly spearheaded by the vassals, the kinds of activities described above would surely have required the willing cooperation of Atholl men at every level of society.

There is rather more material available on the 1715 rising, though it is still far too scanty to enable one to build up a convincing picture. The Chronicles mention a letter from a servant in the Duke of Atholl's household, dated 1 August 1715, in which he wrote that the people of Atholl were for the most part in favour of the 'Pretender', though the Duke himself was unequivocally for King George.³ The question one must ask is who the 'people of Atholl' were to whom he was referring, i.e. were they the tenantry or the gentry. As the people who would really have mattered to the politicians were the potential leaders, it seems likely that it was the vassals he was referring to.

This supposition is strengthened by the fact that amongst those listed as taken prisoner at Preston were thirty of the minor vassals or their sons from Atholl, which was almost the same number as the vassals entered in the Roll of Fencible men.⁴ In other words, most of the Atholl gentry were actively Jacobite at this time.

We noted in Chapter 1 that the Duke of Atholl was unsuccessful in raising men for the Hanoverian cause, while his eldest son, the Marquis of Tullibardine, managed to raise some 1400 men for the Jacobite side. There is evidence that a number of men were forced out, and of those who went 'willingly' many would have been tenants of

Jacobite vassals, considering themselves duty bound to follow their lords. Nevertheless, the Duke of Atholl possessed large areas of land which were not feued and where he was therefore the direct superior of the tenants, yet he was still unable to raise a sufficient number of men to counter the Jacobite threat. It does seem probable, therefore - though it cannot be proved - that many of the tenants on the Atholl lands held Jacobite convictions at this time. Those who felt strongly about it could rally under Tullibardine's banner; those who were more passive could simply refuse to fight against the Jacobites.

In a long letter to King George after the rising, the Duke of Atholl gave Tullibardine's adherence to the Earl of Mar as the chief reason for a number of men deserting him for the Jacobite side. However, he also claimed that "when my men found that I continued still at Blair, and threatned them with the greatest severities in case they did not return to me, most of them left the Earl of Mar, by deserting him after they cros'd the Forth, and before they enter'd England, and were made prisoners at Glasgow as they were returning home." According to the Duke, a maximum of 200 Atholl men were at the Battle of Sheriffmuir, most of them forced out by Mar and Tullibardine.⁵

Bruce Lenman writes of the way the Duke of Atholl moved heaven and earth to try to mitigate the consequences of the actions of his three Jacobite sons after the rebellion. Lenman sees this as underlining "the way in which conscientious opponents of the '15 like Atholl and Argyll could see that the Hanoverian regime, on top of the last years of Anne, constituted a very grave temptation to a patriotic Scottish gentleman to seek redress of grievance by the sword."⁶ I cannot agree with this at all, particularly in view of

the following sentiments expressed by the Duke in a letter to his loyal son, James, dated 19 July 1716

I desire as soon as you can conveniently, that you will gett me an extract of the sentences of all my Vassals, & Wadsetters, & Tennents, that have been tryed & found guilty in England, that I may have the benefite that the Law allows me of their estates, moveables, & cattle, for since they have been so undutifull & treacherous, and brought me & my Family to so much trouble, it's very just & reasonable that I take the benefite of the Law.⁷

A letter from Lord James to his father the Duke, dated 17 May 1717, makes it clear that time did not soften these sentiments. Lord James wrote

I hear your Grace is still determind to dispossess Inverslany of the Land he has in Wadsett under you. I cannot pretend to say anything in mittigation of his Crime, but this farr I can venture to say, that there are non of your Grace's people that was Ingaged in that unlucky affair are more sory for there fault than he, and that, your Grace pardoning him, will continue more Dutifull to you hereafter.⁸

No one would dispute the enormous effort made by the Duke on behalf of his sons, but from the evidence cited above it seems fair to conclude that this was simply because they were his sons, and not because he felt any kind of latent sympathy with the anti-Hanoverian views of the Jacobites.

The Duke of Atholl's orders for disarming the rebels are reproduced in the Chronicles, along with the oath they had to take, swearing they had no arms concealed, plus the submission to the mercy of King George. The results of this exercise were summed up in tabular form, as reproduced below.⁹

List of the Commons in the Shire of Perth that have submitted themselves to the King's mercy, and delivered up their arms, from the 12th day of March to the 22nd, according to orders, at the places following: -

Places	No.of Comm- Guns oners	Pis- tols	Tar- ges	Durks	Swords	Bago- letts	Loch- aber Axes	Pick- es & Halberts	Total	
Perth	97	19	9	1	10		1	1	70	
Dunkeld	207	53	14	1	26				179	
Down [Doun] Blair	36	13	3	1	4				32	
Castle Drummond	278	38	2	8	59		1	2	175	
Castle Finlarig	87	17	4	2	6	20	5	4	58	
Weem	400	69	6	5	100	92			272	
	170	29	3	1	3	22			58	
	1275	238	41	19	208	324	5	6	3	844

That certainly was quite a haul, though the accepted view of historians is that the efforts at disarming the rebels after the '15 were very ineffectual.

There is not much evidence available about the suffering of individuals during this rebellion, but one rather unusual case crops up in the SSPCK records. One of the schoolmasters of Balquhiddy, James McCallum, lost his position because he had been absent from his school during the winter of 1715/16. He was called before the presbytery where.

he represented that the reason of his absence from his School in the winter, was that upon the fourteenth of September, he was called by his Grace the Duke of Atholl in whose ground he lives, to join with the rest of his men against the Rebels, where he stayed more than one moneth untill the Duke allowed him to go home, he was surprised by the McGregors who carried him with them into Argyleshire, and he was there five dayes, and then he escaped from them but was obliged through the whole winter to keep himself in hideing, for they often made search for him, and threatened great severities against him if they could find him.

The presbytery was able to verify the truth of his statements and requested that the SSPCK reinstate him.¹⁰ One can hardly quote such an experience as 'typical', yet it does give some kind of indication of the disruption caused by the rebellion.

The kirk was by no means immune from this disruption. As discussed in Chapter 4, the Episcopal clergy came out in favour of the Jacobites, though not all as strongly as John Peirson, the minister of Kirkmichael, who "mounted on his horse with arms, attended the Earl of Mar on his way from Kirkmichael to Mouline."¹¹ The charges against him were numerous and included instigating and compelling fencible men to join the rebels. He was found guilty of disaffection, and although he appealed he was deposed by the presbytery, though this action was delayed as it was known that the feelings of his parishioners ran strongly in his favour.¹² As revealed in Chapter 4, replacing him proved a long and difficult business, accompanied by mob violence.

One other individual emerges from the source material for this period. In a petition of 1721, Isobell Robertson, Relict (widow) of the Tutor of Lude, represented to the Duke of Atholl that Malcolm Steaurt, wadsetter of Achmark beg, had been bound to pay the petitioner a yearly sum of 400 merks, "which he did punctually perform untill the year 1715 when he hapened to be engaged in the unlucky affair which occasioned him being transported to Virginia from whence he's not yet returned." As the lands had been forfeited to the Duke, who had been uplifting the rents since that time, the widow asked that her annual annuity be paid by him, which the Duke agreed to.¹³

With so many vassals captured at Preston it is possible that the pattern of landholding may have altered significantly, so it is unfortunate that no rentals of Blair have survived for this period.

And as the 1st Duke was resident locally so much of the time, there is no factorial correspondence of the kind which we possess for 1746, describing the local situation. The only item comparable, written to the Duke when he was in London, is the following letter from the JPs of Perthshire, dated 4 October 1717.

My Lord The Justices of the Peace of this County having mett here to day Had under their Consideration the Complaints and Murmerings of his Majesty's well affected subjects upon the account of the Losses sustain'd by them during the late Rebellion And particularly those occasioned by the burnings

Your Grace will belive the Justices are very sensibly concerned that they are in no manner able to answeere the expectations of the Country in repairing their Losses But they think it their very great Happyness that Your Grace is now at Court And as you may have occasion to Represent the State & Conditions of our Country we must beg of your Grace not to forget the sufferings of His Majesty's good subjects in this shire which are so well known to your Grace that we need not descend to particulars

We must beg leave to mind your Grace of the state of the Country with respect to Theiving and Depradations which we are perswaded will deserve the consideration of the Government

It is expected there will be a very frequent meeting of the Justices of the Peace at their Quarter Sessions the last Tuesday of this moneth And if your Grace would be pleased to Honour them with your Advice I am allowed to assure you it would be most acceptable to them.

The Duke's reply from London, dated 22 October, was as follows

Sir I Received your Letter of the 4th Instant, in name of the Justices of Peace in Perthshyre, acquainting me of the Justices of Peace taking into their consideration, the complaints of his Majesty's well affected subjects, who sustained Losses the tyme of the Late Rebellion, and desyring my advice thereupon.

I assure you I have not been wanting to serve my countrymen in this affair, and I have good grounds to believe that his Majesty is most willing, to have the Losses of his Loyall subjects repaired, who

carried themselves dutifully to him, during the Late Rebellion, but what these Losses may amount to being not yet known, nor are funds appropriat for paying of them, It is judged to be the most proper method, that the Justices of Peace, Doe take in particular accompts of all the Losses of his Majestys Loyall, and dutyfull subjects which they sustained the tyme of the Late Rebellion, and then that the Justices of Peace, doe humbly petition his Majesty, that the saids Losses may be Repaired, if his Majesty think fitt by laying the same before the parliament, to appoint a fund that shall be effectuell for payment of them, or in what other manner his Majesty shall judge proper.

I have acquainted his Majesty of the Thieving, and depredations have been lately committed in the country. His Majesty was pleased to say, that he had given orders to some of his Troops, to quarter in most convenient places in order to suppress them.¹⁴

That is all the evidence which I have found about the after-effects of the 1715 rising. The Marquis of Tullibardine was also involved in the abortive rising of 1719, but no repercussions were felt in Atholl. In 1724 Lord George Murray was pardoned and took up residence at Tullibardine, and for the next twenty years there is no mention of the subject of Jacobitism in the Atholl correspondence I have read. However, early in the year 1744 there were rumours of Jacobite activity, and Commissary Bisset wrote to reassure the Duke of Atholl that no arms had been brought into Atholl or anywhere else that he knew of. He continued

All our old Highflyers are dead and the spirit of disaffectione is intirely out with the present generatione and they are so very devoted to your Grace that they are far from wishing for any change. I have good reason to be positive that if ever there should be ane other rebellione your Grace can not only keep your men from joyning therein but even to act unanimously and cordially against the rebels.¹⁵

As will emerge from the evidence which will follow, Bisset's forecast did not prove particularly accurate. The "spirit of disaffection"

proved to be alive and well amongst a number of Atholl vassals, though not in the mass of the tenantry. However, as will be shown, the latter showed no more eagerness to fight against the rebels than they did to fight for them.

The Prince and his retinue - including William, titular Marquis of Tullibardine - landed at Borrodale on 25 July 1745, and on 16 August the standard was unfurled at Glenfinnan. On 17 August the Duke of Atholl wrote from Blair Castle to Sir John Cope, passing on all the facts he had on the movements of the rebels. He enclosed information by John Macdonald, younger of Dalchosnie, about the violent means used by the rebels to carry off a hundred men from Loch Rannoch and the threats made to do the same in the Duke's lands of Bunrannoch. The Duke also included Commissary Bisset's speculations on the route which the rebels were likely to take. The object of all this was to persuade the government to send arms and troops to guard the mountain passes into Atholl and Badenoch.¹⁶ However, the rebels moved so quickly that the Duke was forced to flee south, leaving the way open for the Marquis of Tullibardine to return to his ancestral home after 29 years of exile. As he immediately assumed his ducal inheritance and was addressed in those terms by the Jacobites, in this next section he will be styled Duke William and his Hanoverian brother Duke James.

On 1 September 1745 Commissary Bisset wrote from Blair Castle to Duke James

I find your Brother hath writt circular letters to all the Vassals, and a number of them are mett this day in obedience thereto at Aldclune. What they'll resolve upon I know not. I hear that young Ballechin [Robert Stewart, younger of Ballechin], Kynechan [David Stewart of Kynachan], and Blairfety [James Robertson of Blairfettie] have determined to joyn, and are at this meeting, where I'm affray'd

they'l not be good instruments.

I thought the highlanders would leave this place tomorrow, But I hear your Brother is to keep them for four or five days, that he may raise & press the Atholl men; mean time I see al this poor country will be eat up and ruin'd.¹⁷

Duke William attempted to gain the adherence of Bisset¹⁸, but he was unsuccessful as the latter remained loyal to Duke James, in spite of the peril this caused him.

On 28 September 1745 Bisset was in Anstruther, Fife, and wrote to Humphry Harrison

I'm warn'd by my friends to take a speciall care of myself, that immediat death was denounced against me if I could be got hold of. His Lordship blames me for the difficulty he hath met with in raising the men, and for their desertione. He propos'd one man out of each merk land, which would have raisd 1100, which was to be divyded in two regiments, one for Lord Nairne, the other for Mr Mercer of Aldie, and, altho' the greatest force and violence was used, he got only about 500 raisd for Lord Nairne, who mostly deserted. This oblidge my Lord Tullibardine to return to Atholl, and he hath been ever since employed in finding out ther deserters and sending them back, and now he is endeavouring to raise the other regiment for Mr Mercer, and because he cannot gett the tennents out, He oblidges each of them that disobey to pay 5 lib Sterl:, whereby the town of Dunkeld hath been oblidge to pay 125 lib Sterl:, the Barrony of Laignwood 75£, and so in proportione the rest of the Country. In order to make up this money they are oblidge to sell their bestiall at half price, so that our country in any event will be ruined.

However, though the tenantry may have shown little enthusiasm for the Jacobite cause, Bisset made it clear that it was otherwise with the gentry.

You woud be surprised to find how little His Grace is now remembered in his own country. Since the batle they look upon the Marques as intirely settled in the possessione, and all court him. There is not

a man in Dunkeld, the minister not excepted, but who some how or other did joyn in the rejoycings for the town of Edinburgh yielding, and for the Victory of Prestonpans, when there were great Bonfires and Illuminations, and all His Grace's liquors goeing plentifully amongst them.¹⁹

The interesting thing here is that with so much seeming support for the Jacobite cause amongst the gentry it still proved so utterly impossible to command the adherence of the mass of the tenantry, even when brutal methods were used. Lord George Murray, commander of the Prince's forces, wrote to his brother, Duke William, on 26 September 1745, "For God's sake cause some effectual method be taken about the deserters; I would have their houses and crop destroyed for an example to others, and themselves punished in a most rigorous manner."²⁰

On 15 October 1745 Bisset managed to get a long letter smuggled from Stirling to Duke James in London in which he gave the latter news of what was happening in the Atholl lands.

Your Grace's men have behaved pretty well, considering the constant force and violence against them by the Marques and family of Nairne. All that went out (before the Batle) commanded by Lord Nairne were about 450; whereof 60 Maclauchlanes, 60 Sir Robert Menzies' men, 50 Ashintully's, 40 Fascallie's, most of all which, as they were pres'd men, deserted before the actione, and I have the satisfacione to tell that none of your Grace's men were engag'd against the King's troops, the fue that did not desert not being intrusted, and who have all to a man deserted since; and altho my Lord Tullibardine expected, seeing the harvest was over, to raise 2 men out of each merk land, which woud have made 2200, and sett up a standard, he could not get a man to joyn it, untill at last after two weeks' labour, with the help of McKinnons as they past through last week, pres'd 2 or 300, who I am positive will desert as formerly.

Elsewhere in the letter he wrote

We have great reasone to be wearied of our present arbitrary and

military government in this country, and to prize and value our libertys when recovered more than ever we have. No mercats, no trade, all bussiness at a stand, no administration of Justice, no traveling of the highway, except such as are in the Jacobit Intrest and who have their passes, robbery and oppressione openly tolerat and allow'd, our touns ordered under the pain of military executione to pay large sums, and so furth.

And finally he added the latest news just brought to him by an Atholl man: "That my Lord Tullibardine hath not yet left Atholl. That the men are turn'd intirely obstreperous, and that verry Fue will rise for him."²¹ This last remark is certainly borne out by the evidence of the correspondence on the Jacobite side.

Throughout the month of October 1745 Lord George Murray was writing from Edinburgh to implore his brother, Duke William, to come down with his men. Initially the latter was to have gathered together a force from the northern central Highlands, but once it became clear that in spite of Duke William's efforts this was not going to prove possible, Lord George asked him just to bring the Atholl men as speedily as he could.

On 2 October Lord George's secretary wrote to Duke William from Edinburgh to stress the importance of speed and the impossibility of marching into England without more manpower. On 4 October Lord George wrote to Duke William to say that a Council of War had resolved to march south on the 10th, and he implored his brother, "let your Atholl men be with us at or before that time." On the 9th he wrote, "I am vastly impatient for your coming up, at least the men and officers. Once more, for God's sake, cause make all heast in your power, for the success of our cause depends upon expedition." The following day he wrote yet another letter with the same appeal.²²

On 14 October the Jacobite army was still in Edinburgh, and Lord

George wrote to his brother, "The Prince Regent is in the utmost concern for the precious time which is lost by your not coming up. I have wrote to you so often, by his orders, upon that subject, that I can add nothing to what I have already said, only it seems the oppinion of every body if you delay any longer it will be the uter ruine of the Cause."²³ Prince Charles himself also wrote to Duke William (on 11, 19, and 24 October), urging haste.²⁴

That Duke William was so unsuccessful in raising men was certainly not for lack of trying. A letter from a Jacobite loyalist, John Stewart, Younger of Stenton, written on 15 September, makes clear what they were up against.

In obedience to your Lordships Commands I went to Dunkeld, but to no purpose, for I plainly see, that the whole Inhabitants there are quite degenerat from their Ancestors, and not one spark of Loyalty among them, and as the bearer can inform your Grace, not one man of them will stir without force, and even then, there is neither gun nor sword to be had, the Laighwood men are on the same footing and have neither arms nor willingness.²⁵

The voice of the country people is not often heard in these sources, but the following petition has survived.

To ane High and Mighty Prince William, Duke of Atholl 10th Octr 1745
The petition of Christian Taus, relict of the Deceased James Frazer
in Ballnabegganch, in Barrony of Gay.

Humbly sheweth,- That Your Grace's petitioner being a poor old infirm woman, and possessor of a merk land in Balnabegganach, having neither husband nor child that could be any ways assistant to me in the manadgeing of my labouring but one Son named James (the rest of my Children being young Infants), who was oblided to go along with the army in the beginning of my harvest, whereby I was brought to the outmost Straits, having no person to oversee or assist in sheareing my harvest, and had I not been assisted by my neibours my Cows must undoubtedly have perished, and unless Your Grace allow my son to return home from the Army to oversee my affairs I will be rendered

miserable, and my Young Children oblidge to begg their bread.

May it therefore please your Grace to take my case into your serious consideration and allow my son to return home to me, and I shall pay Your Grace for allowing him to return Five pounds sterling in money on tomorrow, or give Your Grace a bond of two hundred merks due by John Robertson of Gay to my son, and your Grace's petitioner shall ever pray, &c.

(Endorsed) It is the Duke's opinion that the woman should rather keep her money, as she can get people to work to her much cheaper than for five pound, which she proposes to give that her son may come home to work to her.²⁶

One can see Duke William's point, though he can hardly have endeared himself to the tenantry with such judgments.

On 26 November the Reverend Alexander McLagan wrote from Edinburgh to Duke James with the latest news. His report confirmed the situation already noted.

The people of Athol have been much harrass'd to engage them to take up Arms, And Sir George Stewart's Tennents very much distress'd and carried away by great Violence by Baillie MacEwan's son John, & Campbel of Kinloch in Strathbrand, But when I left that country that people excepting few were returned home and so were many in Atholl refuseing to rise again tho' they should be dragg'd. I left Drumachyne att Dunkeld taking on him the Title of Governor of all Athol putting Guards on the Boat of Invar and the others left on the River, to prevent their numerous deserters from getting home, and using a great many Means unsuccessfully then to raise all in that country.²⁷

After this letter there is a gap in the correspondence, both on the Jacobite and Hanoverian sides, until January 1746. At that time the Jacobite army, having reached Derby and then turned back to Scotland, were in Falkirk. On 11 January 1746 Commissary Bisset wrote to Humphry Harrison that the wadsetter mentioned above, Robertson of Drumachine, "issued out orders to all his partys to bring out the

whole men of Atholl leaving only one man upon each plough to hold it and all the ploughs to be driven by the women chargeing them to use military executione against all deficientes."²⁸ On 14 January he wrote from Edinburgh to Duke James, "Barrone Reid is come here and tells that last week when he left the country the Atholl men had unanimously resolvd (notwithstanding Drumachine's orders for raising a man out of each merk land under the pain of the highest military executione) not to give him a man and by Provost Crees express I see they have held by their resolutions."²⁹

Once again this situation is confirmed by the Jacobite correspondence. On 11 January Lord George Murray wrote to his brother William, "I have just now a line from Blairfeety, telling me of a great desertion amongst your people." On 19 January Dr. Colvill, a Jacobite supporter, wrote from Blair Castle to Secretary Murray, "When the Duke [William] went from home he constituted Factors for uplifting his Rents &c, upon his arrival he expected seven or £800 at least, but not one shilling is raised; and many of the Tenants say that they will be unable to pay any rent this year, on account of their serving the Prince." Colvill went on to say that Duke William had been disappointed not only in his rents "but also as to his men in arms, which he expected would have been 500, whereas they are only 200, by reason of want of money to pay more."³⁰

On 18 January Lord Geroge wrote to Duke William about the victory at Falkirk Moor the previous day, but on 21 January he was once again entreating his brother to send his men as soon as possible, "were it but a hundred or two, for indeed we are quite affronted there being so few left."³¹ The victory does not appear to have improved morale to any great extent, for on 27 January Lord George wrote to Duke William, "I am quite dispireted by your men's goeing off and deserting

their coullers; for Gods sake make examples or we shall be undone."³²

In February the Jacobite army was retreating further north while the Hanoverian army moved closer to Blair. On 8 February Duke William sent round a letter to the Jacobite vassals, saying that the Campbells were coming into Atholl and that the country people were resolved to repulse them, so all of the fencible men should join him. However, that same afternoon he was forced to send out a retraction.

This morning I sent you an express, telling that as the Campbells are come into the Country, it was believed that our people would incline to drive them out of the country, but besides some other reasons for not going down the Country to meet them, it seems our people are far from being so hearty as was imagined.³³

In fact, far from wanting to drive out their supposed traditional enemies, the Atholl men eagerly welcomed the Campbells. Bisset wrote from Dunkeld to Humphry Harrison who was with Duke James in Perth, "when the Argyleshire men came by Little Dunkeld there was a great many of the country people that came running from the hills and woods where they had been sculking for fear of a party comeing to force them, they thanked God for their being relieved of a fever."³⁴

By mid-February Duke James was once again in possession of Blair Castle, though much to his displeasure a garrison, under the command of Sir Andrew Agnew, was retained there. On 23 February his Grace sent a circular letter to those of his vassals who had not been concerned in the rebellion to meet at Dunkeld in order to discuss how to raise able-bodied men for the Hanoverian side.³⁵ However, Duke James proved to be no more successful at raising troops to fight for King George than Duke William had been at raising them to fight for King James, as the following remarks of March 1746 from the Duke of Cumberland to the Duke of Newcastle make clear

This fresh attempt of the Rebels at Blair [siege of Blair Castle] has fully proved the Duke of Atholl to be of no weight in this country when he is in his Majesties Service, for all the men that he raised for Lord Loudon's Regiment deserted with their officers to the Rebels on the first breaking out of this Rebellion, and upon my putting him into possession again of Dunkeld, Blair, and the rest of his estate, he offered to recruit that company afresh, and to raise 500 men for his Majesties Service. As to his first proposal, I utterly refused it, but consented to his trial of the latter, in which he has totally failed, as I fear he will do in every attempt in favour of the Government.³⁶

It is obvious from the above that when the Atholl men had deserted from the Jacobite army it was not because they felt any great loyalty to Duke James and/or the Hanoverian cause. The mass of the tenantry clearly felt no desire whatsoever to fight on either side. Duke William may have been convinced that the reason he found it so difficult to raise men was due to all those years of Hanoverian propaganda by his brother James, just as Cumberland was certain that all of the Atholl men were really rebels at heart, but I suspect the tenantry simply thought 'a plague on both your houses' and did their best just to survive.

The defeat of the Jacobite army at Culloden was far from being the end of the troubles of the tenantry. In fact, as over much of the Highlands, the innocent suffered along with the guilty. We have already noted Cumberland's belief that all of the Athollmen (and indeed all Highlanders) were Jacobites. Some of the misunderstandings already appear in Bisset's letter to the Duke of 24 May 1746.

As both your Grace and Brigadier Mordaunt have earnestly recommended the giving up of what arms are in the country of Atholl, I have made it my bussiness since I left Perth, to ride about and to perswade the people to deliver them, and have so far succeeded, that those in

the Breas of the Country, have already delivered in to Sir Andrew Agnew what arms they had, and in all other parts of the country, they are giving up arms, some to the Ministers and some to Me upon our Receipts, and when we have got any Quantity together, we are to deliver them to Sir Andrew with a list of the Names and Designations of the Upgivers upon his receipt. We are at a loss in its being believed by the Military, that, there are more arms in Atholl than in reality there are, for its fact that the Numbers of Atholl Men that deserted in the south brought no arms home with them, that Drumachine called in all the arms in the country, when he could not get the country people to rise with him, and that not a man of those that were at the Battle of Culloden carryed off their arms when they ran home, Besides I see that it is believed that there were 4 or 500 Atholl Men at the Battle of Culloden, whereas it will appear after the severall Ministers have made up their Lists, that there was not half that number of reall Atholl Men, Its true the Marquis of Tullibardine was join'd by the Rannoch Men, Glenlyons Men, Sir Robert Menzies men, Grandtully Strathbrand and Glenquech men, Who all passed under the Name of Atholl Men, however the Ministers & I have fallen upon an effectual Method of getting the arms that are in the country of Atholl, we have demonstrated to the people the absolute necessity of submitting to the King's Mercy, and the submission is to be received, but from those who give in arms, Therefore such as have no arms of their own are going about purchasing where they can find them, by this Means, not only arms they had from the Pretender, but also all the arms that was in the country will be got up.³⁷

It is worth noting that as late as 1750 a government agent reporting on the state of the Highlands at that time considered the Atholl area to be 'disaffected', in spite of the Duke's own proven Hanoverian loyalties.³⁸ There is no real evidence that this was true of the common people at that time, but in view of the number of important Atholl vassals who had joined the rebellion, not to mention the Marquis of Tullibardine and Lord George Murray, one should not perhaps be surprised at the government's treating Bisset's protestations of loyalty with a certain amount of scepticism.

On 1 June 1746 Bisset wrote to the Duke again, and his letter is quoted virtually in full as it is such a detailed contemporary report of what was happening in this locality.

I have been the last week amongst all the Tennents as well above as below the pass, and after all, have only collected about 170£ sterl: ...As the cloath mercates will now begin, I shall give close application for receiving in the rents, and constituteing the feu dutys (which are far behind) by Decreet and Dilligence, so as to make such as can not be recovered presently carry annualrent (most of the vassalls who pay the great feu dutys haveing been in the Rebellion) I believe Allan Stewart of Innerchaddan is not in the List of Rebell Vassalls, your Grace will please add him, for altho he kept himself free for a long time, yet he join'd when Lord George was last at Blair and was at the Batle of Culloden, I suspect that severalls of the vassalls that I thought free, will be found guilty, as I found yesterday at Blair, where I examined four or five of Robertson of Kinckraigie his tennents, who told me, that: altho it was Young Kinckraigie that was out, yet the old man was the person who pressed them, that he ordered them to go out a Man upon the Merk land, and if they did not go themselves, to hyre others in their room, that they needed not make any difficulty when he had sent out his eldest son for his own possession.

The Ministers of Blair, Mouline, & I have received in this last week about 120 muskets with a good many French swords and pistolls, which we have given in to the commanding officers at Blair and Dunkeld, and this week we expect considerably more out of Bonrannoch, Strathtummel, Foss, Kynichan, Fortingall and west end of Strathtay who have not yet come in, I am positive that as far as we have already gone, little or no arms are left untaken up...and after all there is no perswading of Brigadier Mordaunt that we are sincere. He casts up the Mackphersons to us, says that they have behaved handsomely in giveing up their arms, and we not, It was easy for them, they had 500 men fully armed going up to the Battle of Culloden, and as they were not up in time carryed home their arms entire, yet for all this noise, they delivered up but about 120 guns and few or no swords or pistolls, and we have allready exceeded that number altho what men we had at Culloden run away and left their

arms upon the Field, so that we have sincerely given up our arms, and the Mackphersons not, for which we are like to pay verry dear, as we have done for many years past, upon the last Disarming Act we gave our arms fully, as all the honest country did, and the clannish and thievish countrys who have been the authors of this Rebellion kept their arms, and at present the Rannoch Men and severall others from Lochabber, are fully armed swarming on our hills, Robbing and carrying off all before them, I wish some course were fallen upon to protect us, the country are wanting to be allowed to set out a strong watch upon their own charges, rather than have their all thus carryed off, but there will be no arms for a watch left Besides I am affraid that there would be wrong construction put upon our keeping out a Company of Men for our own defence, so that by what I can see, we must tamely look on while we are Robbed of our all; before your Grace left the country, the Rannoch Men carryed off some of your Grace's cows out of the parks of Blair in sight of the garrison, I wish to God that they may as effectually disarm the Rannoch Men and other clannish and thievish Highlanders as they do us, but I find we have been much misrepresented to the Military, they believe that there was twice as many of us out as really was, I therefore to undeceive them am takeing up true Lists of all that were out, I had Thursday last all the ground officers below the pass at Dunkeld, and in presence of the commanding officer there, swore them, and had the Ministers of the respective parishes present to be a check upon Them, Thereafter they gave up a particular List of all that had been out at any time dureing the course of the Rebellion, and the whole out of your Grace's property below the pass first and last, but only 41 whereof two only tennents and 39 loose fellows that had listed for hyre or listing money, of which 41 there were at the Battle of Culloden only 26 whereof 13 killed, 4 wounded and the rest returned hom and are amongst those that submitted and delivered up their arms, In this number are included such men as went out of the feued Lands of Tullimett, which I reckon as property, because they pay the full rent by way of feu duties, tomorrow I am likewise to have all the Ministers below the pass at Dunkeld, to make up Lists of all that had been out of the Vassalls Lands below the pass, Thereafter I do the like above the pass, in presence of Sir Andrew Agnew and the Minister of Blair, In

makeing up ther Lists, I take notice of who were forced, nameing the severall partys of the Clans that were made use of in forceing them, Likewise I take notice of those that went voluntary without force, and when it is completed I shall transmitt a copy to your Grace.³⁹

A list of all the persons in Atholl below the Pass of Killiecrankie who joined the Jacobites is reproduced below.⁴⁰ It will be noted that the numbers in this list do not tally with those given by Bisset above, nor is there any information about force or willingness.

Some interesting things emerge from the list. Even a quick glance at it shows the sweep of the two recruiting drives - the first en route south and the second on the retreat northwards. Not a single man listed as having been in England appears in the list of those who had been at Culloden. The other noteworthy thing is the overwhelming preponderance of cottars and servants. Very few tenants are listed, but then of course they were far more likely to have enough money to pay others to take their places.

Unfortunately a similar list does not appear to have survived for the area above the Pass. As this area was entirely Highland and contained most of the Jacobite vassals, one can assume that the numbers would have been much higher, but there is no way of guessing at a figure. The incomplete list of Jacobite vassals mentioned in Bisset's letter is reproduced as Appendix 36 (Vol.II, p.128).

As happened during the '15, various ministers were also implicated in the rising. However, as becomes clear from the presbytery of Dunkeld's enquiry into the matter, for the most part the charges against these ministers were simply that they had neglected to pray for King George on certain specified Sundays. Fear rather than disloyalty was clearly the motivating force, and as a general rule the presbytery contented itself with rebuking or censuring the

List of all the Persons in Atholl, below the Pass of Killiecrankie, who at any time during the Rebellion join'd the Rebels, Given up by the severall Ground Officers, upon oath, in presence of the Commanding Officer at Dunkeld, and of the severall Parish Ministers

(Note - h signifies cottars or loose men who were hired or paid listing money)

Duke of Atholl's own Property

Killed Officers In South & At Culloden
in England

George	Sanders	in Riechp	Cottarman	1	1	1
Donald	Stewart	there	not a tenant	1	1	1
-----	-----	servant to J. Inches	in Leducky	1	1	1
John	Stewart	a weaver lad in Little Dunkeld		1	1	1
James	Borrie	in Torriwald		1	1	1
Alexr	Duff	in Dalarnock	Cottar	1	1	1
James	Duff	there				1
Charles	Conacher, yr.	fisher in Logierait				1
William	McLauchlane	there	Cottar	1	1	1
Thomas	McNab	there	Cottar	1	1	1
John	Forbes, yr.	there	Cottar	1	1	1
Robert	McAra	in Sock	Cottar	1	1	1
John	McLeish	weaver in Port	Cottar	1	1	1
Donald	Campbell	in Ballnamuir	Servant	1	1	1
-----	McLeish	also servant there				1
Donald	Robertson	in Craig'nisk	Tenant	1	1	1
James	Mackintosh	do.				1
James	Ferguson	in Pitcastle	Tenant	1	1	1
Engs. ? John	Low	in Ballinluig	Cottar	1	1	1
h Angus	McDonald	in Tullimet	Cottar	1	1	1
h Donald	Robertson	do.	Cottar	1	1	1
h David	Buttar	in Drum	Servant	1	1	1
John	Robertson	in Achnabechan				1

Killed Officers In South & At Culloden
in England

Donald	Buttar	in Ballintylar	Servant	1		1	
h John	Reid	in Haugh of Tullimet	Servant	1		1	
h William	Low	in Haugh of Killmorich	Cottar	1		1	
h James	McLaren	there	Servant	1		1	
h James	Robertson	in Countlich	Cottar	1		1	
h John	Borrie	there	Cottar	1		1	
h George	Urquhart	in Ballinluig	Cottar	1		1	
h Donald	McLaren	in Dowally	Tenant (wounded)	1		1	
h John	Keir	in Rotmell	Servant (wounded)	1		1	
h John	McLaren	there	Cottar (wounded)	1		1	
h Donald	Robertson	in Cruishill	(wounded)	1		1	
				9	—	16	18

Vassals and their Tenants

h Capt. James	Robertson	of Balnacree		1	1	1
h Lieut. Chas.	Robertson	his son		1	1	1
h James	Robertson	in Ballachregan	Cottar	1		1
h David	Reid	in Conviallach	Cottar	1		1
h Alexander	Irvine	in Blair'nrash	Servant	1		1
h John	Robertson	in Blairchroish				1
h Robert	Douglas	in Craigbea	Tenant			1
h Patrick	Reid	in Ballinlocham	Cottar			1
h Robert	McIntosh	in Glenalbert				1
h John	Duff	there				1
h Capt. Gilbert	Stewart	of Wester Kinnaird		1	1	1
h Lieut. James	Stewart	there		1	1	1
h Thomas	Stewart	there	Cottar			1
h Patrick	Reid	there	Cottar	1		1
h Robert	Duff	there	Servant			1
h David	Borrie	there	Cottar			1
h David	Reid	there				1

Killed Officers In South & At Culloden
In England

h	Finlay	Campbell	in Ballachandrie	Servant				1
	Capt. Thos.	Ferguson	of Balyoukan	(wounded)	1			1
	Robert	Ferguson	in Middlehaugh	(a young man)		1		1
h	Malcolm	Reid	in Cuilt of Balyoukan	Servant				1
	Alexander	Robertson	in Balnacree			1		
h	William	Duff	there	Servant				1
	Ems. Alexr.	Stewart	in Ardrrie	(wounded)	1			1
	George	Robertson	in Badvo					1
h	John	Stewart	there		1			1
h	John	McDougall	there		1			1
h	John	Robertson	there					1
h	James	Drummond	in Edradour			1		
h	Robert	Fleming	there			1		1
h	Adam	Ferguson	there			1		1
h	Patrick	Butter yr.	in Kinhaird		1			1
	James	McPherson	there			1		1
h	Donald	Stewart	in Drum of Pitlochrie			1		1
h	James	Stewart	in Pitlochrie			1		1
h	John	McClashan	in Drum of Pitlochrie			1		1
	Donald	Forbes	in Moul in			1		1
	John	Stewart	in Ballaghulan		1			1
h	Alexander	Farquharson	there			1		1
	Donald	McFarlane	in Cammoch			1		1
h	John	Mannoch	in Dunchastle		1			1
h	Alexander	Robertson	there					1
h	Duncan	Campbell	there					1
	James	McInroy	in Easter Cluny			1		1
h	Alexander	Cameron	in Pitlochrie			1		1
h	Robert	Forbes	in Moul in					1
h	John	Duff	in Ballinluig		1			1
h	Patrick	McDougall	in Ballinluig					1
h	John	Robertson	in Ballintuin			1		1

Killed Officers In South & At Culloden
in England

h	John	Wallace	there			1
h	James	Ferguson	son to John Ferguson in Dunfalandy	1		1
h	Donald	Robertson	in Dunfalandy			1
h	Thomas	Buttar	there			1
	Patrick	Buttar	there			1
	Gilbert	Robertson	there			1
h	David	McRa	in Fonnab		1	
				<hr/>		
				14	7	25
						31

offenders and then dropping the matter.⁴¹

The exception was Thomas Man, minister of Dunkeld. He was accused not only of omitting to pray for King George but also of joining in at the rejoicings of the rebels when the 'Pretender's Son' entered Edinburgh and after the victory of Prestonpans. In defence he claimed that he never omitted to pray for His Majesty King George by name excepting two days on one of which the Marquis of Tullybardine as he was commonly called was in the church at sermon & another was when a party of the Northern Highlanders were in the Place & he was affraid he would have been pistoled if he had prayed for him; That as to his joining in the solemnities of the Rebels He only one day after the Rebels had been at a Bonfire at the Cross of Dunkeld had been sent for twice by the Marquis of Tullybardine & had gone in to supper with him & thought his taking his supper with him that night was no injury to the Government & was for the preservation of his Family.

The presbytery were not at all satisfied with this explanation and the entry for 5 August 1746 reproduced the detailed libel (indictment) against him. This included much more detailed information along with an accusation that he had spread false news that favoured the cause of the rebels (about supposed landings of French forces and arms). He was also quoted as having said "that it was hard to cut a young man out of his Right, who had done no harm on account of the fault of his forefathers & proposing to make up the present differences by marrying one of the princesses to the Pretender's son & giving him Hanover with her." (An original suggestion!)

On 26 August Mr. Man compeared and gave in answers to his libel. On 2 September witnesses were called and testified. One witness deponed that on the last Sunday on which Mr. Man had prayed for King George the witness when coming out of the church "saw a Cluster of the Commonality of the Rebels standing together and heard them say

that if Mr. Man prayed for King George any more in their hearing they would make him repent it or words to that Purpose." On 16 September more witnesses testified. On 4 November the vote went against Mr. Man but he appealed. The case continued to drag on. The final decision by the Commission of the General Assembly was not made until 2 June 1747, and even then the minister was suspended only until the following November. Clearly it was just not possible to prove that Mr. Man was an active Jacobite since the intimidation factor was so strong.⁴²

It could be argued that the clergy were in a privileged position since even stronger pressures were exerted on the common people, as is shown by the document below, transcribed in full

Unto the King's most excellent Majesty, the humble Petition of Charles Robertson, Alexr Scott, William Scott, James McCollie, and Duncan Stewart, Prisoners under sentence of death in the Castle of York.

Sheweth, - That your petitioners and other Tenants in Strathbran and Gairntilly did remain peaceably in their duty & allegiance to your Majesty when all the rest of that part of the Highlands in their neighbourhood were up in arms and joined the Rebellion. That after the fatal Battle of Preston[pans], when the rebels were resolved upon their march into England, a strong party, under the command of Captain Fraser, was detached into the Lands of Strathbran and Gairntilly with orders to drive the cattle, burn & destroy the houses and corn of such of the tenants in those grounds as did abscond, and to seize the persons of such as they could find.

That these orders were executed with the utmost rigour and severity in every article. Such of the Tenants of those grounds as absconded had their houses sett on fire, their corn destroyed, and their cattle carried off [f], and such as they could catch were carryed away prisoners, under a strong guard, first to Dunkell, and from thence to Edinburgh. All the time they were upon this march they were guarded in the day time by a party of armed rebels, and at nights were locked up in empty houses or Barns, having centinels

placed at the doors, whereby all possibility of escape was obstructed. That as soon as your petitioners and the others persons were brought to Edinburgh they were put into an empty house, under a strong Guard, and from thence, the next day, marched out to Dalkeith, and from thence up into England.

Your Petitioners do not deny, but that after being thus violently forced away so great a distance from their Familys and habitations, having not a penny of money for their subsistance, they were brought under the fatal necessity either of submitting to carry arms along with the Rebels or of being exposed to their Brutal Fury and Resentment if they had attempted to escape, which at the same time it was scarce possible for them to accomplish, being marched away from Dalkeith at a great distance from their habitations without a farthing of money in their pockets, and most of your petitioners quite strangers to the English language.

Your petitioners have the misfortune to be convicted of high treason, notwithstanding that upon several of their Tryals the facts above mentioned were distinctly proved, nor shall your petitioners presume to doubt they are justly condemned. At the same time it must appear to your Majesty that your petitioners are in a singular hard case. They had persevered in their duty and allegiance till this violence and force was committed upon them, and after supposing that in point of strict Law the force and violence used against them should not be sufficient altogether to justify their going along with the Rebels in their march into England, it cannot but greatly extenuate their offence when your Majesty is graciously pleased to consider the meanness of education, the degree of violence used against them, the terror and apprehension they were under from that armed force in the hands of the Rebels, which, after dragging them from their respective homes, was hanging over their heads ready to crush every one who should attempt to escape if discovered.

If under these circumstances your Petitioners shall be thought proper objects of mercy they shall gratefully acknowledge your Majesty's goodness and clemency, and pray for a long and happy reign to your Majesty.

(Followed by the 'mark' of each of the petitioners)⁴³

Whoever actually wrote the petition certainly did so with

eloquence. Bruce Lenman writes that pleas of being 'forced out' would only be accepted if it could be proved that the unwilling soldier seized every chance to try to desert, a condition that few could meet.⁴⁴ However, in the case of the above petitioners the evidence shows that judgments were sometimes tempered with a semblance of mercy. In The Prisoners of the '45 one discovers that these men were reprieved. Then, on 22 July 1748, they were pardoned, though on condition that they enlisted.⁴⁵ There was another Athollman, Daniel Duff, in a similar position. At his trial he pleaded that he was forced out, but the Court found no proof of the continuance of that force. He was sentenced to death but was also reprieved. On 21 April 1747 he was sentenced to be transported, but later he too was pardoned on condition of enlistment.⁴⁶

Meanwhile, back in Atholl Bisset was still having his problems. On 8 June 1746 he wrote to the Duke to say that he had received an order from Cumberland's army to lay in great quantities of hay and oats at Blair and Dunkeld for the army's march southward. With great effort he had managed to procure the requisite amount but found that he was still in bad grace with the army because they had expected the Duke to give a compliment of ten guineas to each regiment as well as entertaining the officers. Also, Bisset continued in his certainty that all of the arms had been given in but was still unable to convince the military.⁴⁷

The Duke replied to the letters of 2 and 8 June on 11 June by saying that he was glad that the country people had given in their arms, "which perhaps may save them and the country from ruin, tho it seems that nothing I can do or you in my name can save me from being misrepresented and calumniated." He went on to regret that money was coming in so slowly and asked why the feu duty of the vassals who had

been involved in the rebellion could not be collected from their tenants.⁴⁸ There was no word of thanks for all of the efforts Bisset was making on his behalf, and indeed the tone of the letter really makes one wonder how the Duke managed to retain Bisset's loyalty for so long.

A letter of 22 June from Bisset to the Duke vividly illustrates the depredations of the victorious Hanoverian army and their failure to discriminate between the innocent and the guilty.

The party that is at Crieff went to Ballquiddar and burnt Glencarnocks house and his whole tennents houses, Macklaren of Innernanties and Stewart of Ledericks, with some innocent persons houses that were interjected among these, and they carried off & disposed of their whole horses, cows, sheep and goats, and left that part of Ballquiddar entirely weast without in the least harming the Duke of Perth, Ardinprayrs or any other Rebell lands in that country. A party of the Mcleods &c that were at the Bridge of Kynichan headed by Young Glenlyon had done much the the same to your Graces vassalls in Bonrannoch, and to Strowans lands in Rannoch without in the least harming Sir Robert Menzies Lands on the North side of Lochrannoch, notwithstanding of their closs accession to the Rebellion under Menzies of Shian, Sir Robert Menzies' Factor, but they had the good fortune at the time with many others, to pass under the name of Atholl Men, whereby the odium is entirely brought upon us, and they overlooked. Whatever part the Military fall upon, they make no distinction, the innocent suffer alike with the guilty, I begin now to fear the Worst of our whole country, the Military being all ill set against us, and I suspect some persons at Perth to be no good Instruments and that they blow the coall.⁴⁹

Bisset's own sense of despair comes through very strongly. On 7 July in reply to a letter of the Duke's, in which his Grace had obviously been insisting on his need for money, Bisset promised to do his best. However, the most he was able to promise was £100 sterling, and he was having to borrow even to make up that sum. He

promised to collect the rents of the vassals' tenants payable the following Martinmas but advised the Duke that the bygone rents had already been lifted by the vassals themselves.⁵⁰

On 21 July he advised the Duke,

I wrote your Grace formerly, that your vassalls Lands in Balquiddar and Bonrannoch have been plundered and that the houses burnt, by this Means, your Grace will be forfeit as well as your vassalls, since no feu dutys can be had unless the Tennents be allowed to rebuilt, of which I wish they had liberty, they being mostly such as were forced out by their Masters, and all of them submitted, and gave in their arms, in obedience to His Royall Highness's proclamation. I am informed that the Duke of Montrose is applying to the Privy Councill about some part of his country that was burnt.⁵¹

By the end of July he was able to write somewhat more cheerfully.

On the 29th he advised the Duke

I took great pains to have the Regiments and partys that have been passing and repassing through this country, well and reasonably served with forrage & provision, which has had a very good effect, for now I find all the officers oblidging & they pass and repass without harming your Grace or country.⁵²

The rest of that particular letter discussed the Atholl Brigade at the Battle of Culloden, and as it is of general interest it has been reproduced as Appendix 37 (Vol.II, p.130).

In spite of the optimism expressed at that time, the depredations of the military were not in fact over yet. On 11 August Bisset wrote

a party of the Argyleshire militia came to Rannoch commanded by one Lieut McNeil who marched down through Rannoch, Strathtummell and Foss, they did no damage in Bonrannoch or Strathtummell, but their was no restraining them from carrying away from Foss and Kynichan tennents their cows, horses, sheep and household furniture, even from widows and innocent people, as well as from those who had been in arms, and who had made their submissions and delivered up

their arms, all which they carried with them to Argyleshire, by what I can learn McNeil had no order or commission for doing this, but did it in resentment, of Kynichan, Bohallie and Blairfeatys commanding the Rebels partys that seized the Argyleshire militia that were in garrison at those places, when they came with Lord George Murray on their unnaturall expedition to Atholl, I own the provocation was great and had they only fallen upon the partys who were guilty it was well deserved, but then if they be not restrained for the future, the whole innocent of our country may come to suffer.⁵³

In reply to Bisset's assurances of how pleased the military were with the provision made for them, the Duke wrote from London on 5 September that he had heard that Lord Albemarle had complained "that the Troops coming through Atholl were worse accommodated and dearer than in any other place." He went on to say that it was possible the complaint was groundless but he thought Bisset should know what was being said.⁵⁴

The Duke showed little sympathy for his sister-in-law, Lady George Murray, either. On 25 August Bisset wrote

we received very little money from Blairingone and Tullibardine, I observe there is but 7 or 800 £ Scots resting by the tennents at Tullibardine haveing paid up to Lord George, I see Lady George is verry earnest to have your Grace paid, she is to roup all her cattle immediately after harvest and to give your Grace the money in part payment of bygones, and for payment of the current year she is keeping a verry good fund viz the corn on the ground, about 30£ ster, she is to receive for lint seed, and the grass money of a Troop of Dragoons that she was grazeing: she tells me that she proposed to her mother, that she and her children woud go and live in the Family with her, but that she gave her little or no answer, Lady George hints to me that she woud willingly keep Tullibardine another year, and that she would take care that the Rents would be well paid, but if this is not agreeable to your Grace, she is not to insist.⁵⁵

The Duke replied on 5 September

I am sorry to find that in the Tour you made in order to gather rents that you have had so little success, and am surprized that there is but 7 or 800 pounds scots money resting by the Tenants of Tulibardine since it is impossable Lord George could have been among them for this 12 months past, it therefor shews that there are very able tenants that could pay there rent so long beforehand, this will only make the greater arrear by Lady George and all these arrears she must certainly pay, and I do as certainly insist upon her removing from Tulibardine at Mertinmas next; and therefor you are without loss of Time to look out for and set to a tenant the Parks of Tulibardine from Mertinmas next for one year.⁵⁶

The correspondence of one of the Duke's older vassals illustrates the difficult position which so many of them must have been in. Charles Stewart of Ballechin heard to his shock that his name had been included in the Second Bill of Attainder though he was innocent of collusion with the rebels. When the Marquis of Tullibardine had issued stringent orders for all of the Atholl vassals to join him, Ballechin "to be free of force and temptation, went out of his way untill the Pretender and his Clans left Atholl." (The admission that he was fleeing temptation as much as force strikes a very honest note.) Unfortunately the rebels "seduced" his son, who was sixteen or seventeen years of age (for a father he seems surprisingly unsure), and Ballechin had been unable to reclaim him. He himself had remained peacefully at home and never had any contact with the rebels. It seemed to him that his name must have been confused with that of Charles Stewart of Bohallie who was guilty but whose name did not appear on the list. Along with his statement - entitled Ballechin's call - he enclosed certificates and letters from his own parish minister, from the minister of the neighbouring parish of Moulin, from a neighbouring vassal, Steuart of Dalguise, and from the

sheriff depute of Perthshire, George Millar.⁵⁷

The Duke wrote back to say that no mention of Ballechin's name had been made in connection with the Bill of Attainder and that the latter's innocence should free him of such apprehensions, though the Duke bemoaned the fact that because so many of his vassals had joined the rebellion "the well affected are sufferers as well as the guilty."⁵⁸ Bisset's behaviour in this matter was evidently not being approved of by the Duke, for on 11 August Bisset was writing to his Grace's secretary, Humphry Harrison, to defend himself from the accusation of attempting to mitigate the consequences of the behaviour of Atholl vassals who had joined the rebellion.

so far to the contrary, that with no small pains and traveill I have made out a proof against every single Heritor or person that bore a Commission in Atholl and the Neighbourhood amongst the Rebels (that which was taken at Dunkeld by the Solicitor being found defective) for which I have my Lord Justice Clerk and the Shirriff Deputes thanks.

Bisset then went on to the case of Ballechin

I own I looked upon him and his Family to be Jacobits, and no sooner did I return to the country than I enquired verry strictly into his conduct dureing the Rebellion, which Mr Fergusson of Mouline can attest, and who at the time told me he thought I exceeded strictness therein, as I was at particular pains with himself to let me have what Information he coud against him, after all I found nothing in his behaviour that I coud lay hold on, which I looked upon to be more owing to the fear of his person and Estate than to Inclination, the report we had at Perth of the Pretender's being entertained at his house and hunting upon the house of Ballechine I found to have been without any foundation, nor could I find that he had ever been waiting on the Marquis of Tullibardine or had at any time seen the Pretender, and altho I was at pains with some of his own tennents I coud not learn that he had been forcing or adviseing them to go with the Rebels, the only thing I coud challenge in him was that I coud not

find he was at any pains to save his tennents from any of the partys that were employed to force them out, which might infer a Tacit Consent as the son was with the Rebels; Indeed some time ago he being alarmed at finding his name in the Edinburgh prints amongst those said to be in the Second Bill of Attainder, he came to me asking how he shoud act, when I told him that I was a stranger to such Matters but that I had occasion to see Clerk Miller next day and shoud have his opinion, who advised him to surrender himself to My Lord Justice Clerk whereof I acquainted him which is all the service that I did him, for he had Certificates from the Ministers of Logyreat and Mouline before he came to me.⁵⁹

On 5 September the Duke wrote to say that he had seen Bisset's letter to Harrison about Ballechin but that he thought "since you was not in the country at the Time of the Rebellion you should not concern your self with any of their exculpations."⁶⁰ Further comment on such callousness seems unnecessary.

Correspondence of 1747 gives some idea of what the after-effects of the rebellion were in Atholl. On 5 January Bisset wrote to the Duke

it's verry true that your Graces tennents did not loose much by plunder, but it is as true that in some shape or other they lost what shou'd have paid their rents cropt 1745, for the rebels obliged them either to join in person in the rebellion or to pay 5£ ster each, or hyre a man in their place, and upon enquiry your Grace will find, that there were not twenty of your property tennents out in person, but then each of them paid either 5£ or some 4£ and the least 3£ to loose fellows that were hyred in their place, besides the whole partys of the Highlanders lay upon them in their passing and repassing, and carried north with them all the meall that they cou'd find in the mills, and in many of the houses, which put all of them to buying meall from the low country last summer and which they could not have without ready money, and thereby they were obliged to dispose of sheep and any other things that woud make money; after all I cannot much complain of them. I see they will

recover the same before any other tennents in the neighbourhood, the vassals' tennents are in a most miserable way.⁶¹

On 9 February the Rev. Adam Fergusson of Moulin wrote to the Duke

The countrey of Athol seems to me to be in a pretty good way, in spite of the Rebellion; we have a very reasonable cropt, very good as to Quality, the victual sales dear, the cattle for slaughter gave high prices; and the linnen yearn sells to a good Rate.⁶²

A much more detailed account of the situation was provided on 7 April 1747 by another minister, the Rev. James Robertson at Logierait. "After examining into the situation of the country of Atholl from different hands", he wrote

I find your Graces tennents did resist the attempts of the rebels to the utmost, for after several parties of the rebels sorned upon them for many days destroying their provisions and effects, the men in the mean time were sculking in the hills, by which their corns were much damaged in time of harvest, the rebels finding that quartering could not draw out the men, they then carried their horses to the camp besides plundering their houses; so at length the tennents were oblided to leave their hiding places and either goe themselves, or else provide a soldier out of every merk land, such of them as were able to furnish a soldier payed 6 lib 6 shil ster and other necessaries to the value of 30 shil ster, those who were not able to provide so much money were forced to take arms themselves; but deserted as often as they were carried out; so that their resistance were very much to be commended: the loss that the country in general sustained by sorning and plundering, besides what was payed to the hired soldiers, is computed to be at least a year and a halfs rent of their respective teniments, so that this reduced the tennents very much but by gentle dealing they will soon recover it; and if I mistake not, the factor will have no cause to complean of them against mid summer.

The gentlemen engaged are at their repentance for their conduct, and are very sorrie they had the misfortune to breake with your Grace; I am well informed, that they often say, that if they could

get out of this scrape, no consideration would ever induce or entice them to desert their master again.

The letter concluded with a section commending the behaviour of Bisset

Your Graces tennents are very well satisfyed with the Commissary's behaviour in time of the rebellion by his advice and direction to them; they say, he did them all manner of justice after it was over, by supporting them to the utmost of his power. Whatever success he has in collecting the rents of Atholl, it is certain he is at more pains than any factor that was before him, he threatens very much to poind and distress them but he still spares them. It is thought that the fatigue he had going so often to Bonrannoch and the Breas of Atholl broke his health, but is now recovering.⁶³

It is reassuring to learn that Bisset did receive the appreciation due to him from the tenants for all his efforts. An undated document presents his own account of his actions during the rebellion.

His Grace when he left the Country in 1745 recommended to me to lay myself out to dissuad all his vassalls and tenants from joyning in the Rebellion and to desert as often as Forcd out I faithfully did so until I was Forcd to Fly the country and a premium of 200£ intimat to be given to any that shoud apprehend me at same time my goods at home plundered by the rebels and I continued for a whole year at that time from home serveing the government upon my own charges and was one piece of service I did in obedience to His Grace's express orders that created me more enemys than all I had done before which was furnishing the solicitors when taking precognitions with evidences against the late Glenlyone and His Grace's other vassalls and sending evidence to Carlisle Had I kept myself neuter in the 1745 as I did in 1715 I woud not have had so many enemys as I have this day.⁶⁴

Nowhere in the document is it made clear why Bisset felt the need to defend his actions, but a letter of 1753 from John Richardson

to the Duke of Atholl may be the explanation. In it Bisset was accused of signing a certificate for a notorious thief and rebel, Breck Stewart, attesting that the latter had behaved as a loyal subject during the rebellion, which Bisset would have known was manifestly untrue. The letter is long and detailed and the accusation supported with so much evidence that it would be difficult to disbelieve it. It does appear that Bisset did slip up on this one occasion at least, though whether the motive was really greed, as Richardson alleged, or some other more personal reason, one cannot know.⁶⁵ It seems possible that it was at this time that Bisset penned his account of services done by him for the house of Atholl, though as he did not mention the accusation discussed above in it, this may not be the case at all.

The final letter relating the effects of the rebellion was written as late as 1 February 1748, and it concerned one of the hardest hit areas, Balquhidder. The letter was from Thomas Bisset, nephew of the Commissary, to the Duke.

Since I writt last to your Grace, I have been in Ballquidder where I came but little speed as to money, Most of the Vassalls there are owing three years feu duty as Martinmas last, and I have gott such assurances from Glencarnocks friends and from those of the other vassalls, that I think I may depend on the payment of two years feu duty sometime this moneth, which if they do, will be the most I coud expect, Considering that their whole tennents houses were burnt and their effects carried off, This; with the expences they have been at since in building and replenishing puts it quite out of their power to pay any rents till Martinmas next, Glencarnock who is the most considerable Vassall in that country is still prisoner in Edinburgh Castle, and as he has no dwelling house nor Family in the country I cannot insist against him with Dilligence so to compell him to make payment.⁶⁶

With so many of the substantial vassals coming out on the Jacobite side one might have expected the pattern of landholding to have changed somewhat, but this does not appear to have happened. A comparison of the list of Atholl vassals who joined the rebels with the Rentroll of 1751 shows the same names still in possession of their lands (e.g. Stewart of Bohallie, Stewart of Kynachan, Robertson of Faskally).⁶⁷

The explanation of this may lie in the sequence of events described in The Prisoners of the '45. Only one of the Atholl vassals appeared on the First Bill of Attainder, which consisted chiefly of very substantial landowners. A list of 157 individuals of 'distinction' who did not appear in the First Bill of Attainder was subsequently produced, and it seems likely that all of the Jacobite vassals would have been on that list. In May 1747 the law officers reported that 48 persons were guilty of treason (the evidence against the remainder was considered insufficient). Several Atholl vassals appeared on this list, which was to have been the basis of a Second Act of Attainder. However, at that time the decision was made to pass a General Act of Pardon, with the 48 persons to be included in a special list of 'Persons Excepted'.⁶⁸

The rebel vassals were thus never legally attainted, and although they were never pardoned either, it appears they did manage to retain their titles to the land. The only exception I know of was MacDonnell of Lochgarry, whose lands did revert to the Duke of Atholl.⁶⁹ The Jacobite wadsetter, Robertson of Drumachine, escaped to the Continent.⁷⁰

Two final points remain to be made. There is a school of historians who believe that in looking at an event like the Forty-Five it is necessary to concentrate solely on the landowners and gentry

because - it is alleged - the common people had no choice but to follow their leaders and so played no significant part in what happened.⁷¹ In Highland areas which retained a strong clan structure this may have been the case, for the whole organisation was geared to effective mustering of the clan.⁷² However, this goes to show once again that one simply cannot generalise about 'the Highlands' in the eighteenth century.⁷³

As the evidence cited in this chapter has demonstrated, the men of Atholl did not blindly follow their leaders (on either side). Certainly they suffered for it and some could not avoid fighting, but the majority appear to have been successful at avoiding impressment or else deserting. Lord George Murray for one clearly did feel that the lack of expected numbers had a significant effect on the campaign.

As for the sufferings of the people, it has been shown how very real these were. Nevertheless, compared with those in some other Highland areas (and even in the lands of Jacobite vassals) the Atholl tenantry came out of the rebellion better than might have been expected. If this is indeed so, then it is undeniably due to the enlightened paternalism which prevailed. The 2nd Duke of Atholl may have been an indifferent landlord, but his factor, Commissary Bisset, managed both to serve his master with loyalty and at the same time to do his best for the people who lived on the estates.

CONCLUSION

The final comment made in the Introduction to this thesis was that although the system which would be examined was by English standards extremely archaic, the Atholl source material revealed how well it still worked in the eighteenth century. Having now looked at ten different aspects of the social history of the Atholl estates from 1685-1785 it is time to return to that statement in order to see if the material does indeed bear out this conclusion. At the same time we should consider the extent to which the overall questions - what was it like to live on the Atholl estates in the eighteenth century? - and - What changes took place during the course of this hundred year period? - have been answered.

In the early chapters we looked at the structure of landholding. One of the most significant facts to emerge here was that the structure was not fundamentally different in the Lowland and Highland areas; even in the latter it was based on the 'feudal' system of vassals, tenants and wadsetters (the wadsetter class being gradually phased out) rather than on clan chiefs and tacksmen. On the whole, tenants seem to have held viable portions of land, with little evidence of the overcrowding one reads of in the Western Highlands and Islands.

It must be admitted that the precise social gradations of Lowland and Highland vassals, tenants, wadsetters, sub-tenants and cottars cannot really be assessed from any of the material which the archive provides. Nor can we find out anything about the living standards of ordinary tenants, let alone cottars. However, the material which we have looked at helps to disprove standard generalisations about social structure in Highland and Lowland Scotland in the eighteenth century.

We saw that rents, which remained static in the first half of the century, began to rise inexorably in the second half. The rise was, however, a gradual one, with no sudden traumatic leaps. Indeed, during the period of the 3rd Duke (1764-1774) they were largely interest payment on money advanced for Improvements.

Perhaps the most fundamental change in our period was from a landowner who was usually at home and closely involved in local affairs (the 1st Duke) to a landowner who was largely absent, and whose primary preoccupations lay in London. However, as has been shown, this does not appear to have affected the tenantry in any crucial way. The factors appointed were local men who managed the estates efficiently, to yield the best possible benefit to the Duke, but at the same time they seem to have acted justly and fairly to the tenantry.

There does not appear to have been any real dichotomy between the two aims. Enlightened self-interest would probably be the best description of the way in which this operated. Quite aside from any sense of paternalist responsibility, a contented tenantry was tractable, which made for a smooth-running system. Because the Atholl estates contained so much fertile land (and also, perhaps, because the Dukes of Atholl possessed other sources of revenue, such as the Isle of Man) it was not necessary to rack-rent the tenantry in order to produce the large income needed by the Duke to live in the lavish style of a peer of the realm.

If we turn from the land to other aspects of the social history of the area, we may note that there were important changes in the kirk. Until the 1715 rebellion Episcopalian ministers were protected, and until his death in 1724 the 1st Duke was closely connected with Dunkeld presbytery's running of local church matters. After this time

the Dukes utilised their power of patronage on more purely political grounds, though it is not possible to assess how much difference this actually made to the tenantry. As we have seen, the aspect of the church which most directly affected the humbler members of society - the kirk session - continued to exercise its function throughout our period.

Education was an area where the personal involvement of the 1st Duke was particularly important. However keen the SSPCK were to establish new schools in the Highlands, in places where the landowners were not willing to cooperate projects often foundered. The 1st Duke of Atholl's enthusiasm made it possible to set up on his lands schools which took a firm hold. The momentum which began at this time carried on through the rest of the period, no longer requiring the active participation of the Dukes.

One question which anyone looking at this period in Scotland must inevitably ask is whether the year 1747 was really such a turning point as some historians would have us believe. While the records of Atholl Regality Court have not survived, we have seen the 1st Duke's involvement with the minutiae of daily life in Dunkeld Regality Court. The assumption must be that he played a similar role in Atholl Regality Court, and that the court therefore had a constructive part to play in the community at that time. From the evidence for the period after the 1st Duke's death in 1724 it would seem that the absentee 2nd Duke used the regality court as a means of manipulating justice to his own ends, so that its abolition was no real loss to the people of Atholl. The local baron courts continued to have a viable role in our area after 1747.

Nevertheless, the 1740s were undeniably a turning point in the history of crime in Atholl. Before 1745 the subject of crime recurs

in the correspondence, usually as a very specific and traditionally Highland form of crime, involving gangs of robbers who took refuge on the Moor of Rannoch. Although the immediate aftermath of the rebellion may have produced a crime wave of this sort, in the long run the brutal repression inflicted by the government after the rebellion, combined with a more effective Disarming Act, broke this pattern of crime permanently.

It would be difficult to find any other sphere in which the year 1747 was particularly significant. It is clear that the bulk of the inhabitants of the Highland estates were no 'wilder' than their Lowland counterparts, and were therefore in no need of 'taming' after the Forty-Five. Indeed, such Jacobite sentiments as had existed among the tenantry in 1689 were no longer in evidence by 1745.

In any case, the Highlanders' zeal for battle has, we have shown, been much exaggerated, at least in Atholl. It is true that a warrior ethos pervaded much Gaelic poetry, and recruiting agents used this ethos to manipulate Highlanders into enlisting, but an over-abundance of manpower on Atholl Highland farms was more likely to have been the ultimate reason for joining a Highland regiment than a taste for glory.

The importance of the linen industry in the area is another key point to emerge from the Atholl material. It belies the traditional notion that one of the defining characteristics of the Scottish Highlands was a dependence on cattle as the main source of income. And, straddling the Highland-Lowland boundary as the Atholl estates did, they show how nonsensical were claims of Gaels being by nature less industrious than their Lowland neighbours.

This is not to say that there were no differences between

Highland and Lowland cultures. Admittedly, the differences are largely masked by the estate records, in which all of the Atholl lands were treated in the same manner. For that reason the archive material has been supplemented by Gaelic source material which shows that eighteenth-century Highland Perthshire was still very much a part of Gaelic Scotland.

Without a great deal more information on other eighteenth-century Scottish estates it would be impossible to claim that the Atholl estates were either 'typical' or 'atypical'. Certainly the near-total power which the Dukes possessed over their tenantry appears to belong much more to a medieval than to a modern world. However, the sense of responsibility which went hand-in-hand with the power - not only in theory but in practice here as well - meant that however little freedom they might have possessed, the Atholl tenants could rely on the paternalism and protection of their landlord.

Only in the last ten years of our period (i.e. the first ten years of the 4th Duke) can we sense that important changes were beginning to take place. Ultimately, as we know, Highland Perthshire was largely depopulated, its culture and traditions almost entirely lost, while the feudal structure of the Atholl lands was gradually dismantled. Our period, however, was one of great stability - all the more remarkable as this was the century of Jacobite risings, in which the people of Atholl were heavily involved.

NOTES TO CHAPTER 1

- 1 B. Lenman, Introduction to OSA Vol.XII (Wakefield 1977 edition), p.xii.
- 2 For a discussion of the different systems see the chapter 'Feudal and Patriarchal Government' in Audrey Cunningham, The Loyal Clans (Cambridge 1932), pp.14-21.
- 3 Chron., I, p.21.
- 4 According to The Scots Peerage he had obtained a promise from the king that the earldom of Atholl would be allowed to his issue by his wife Dorothy Stewart. I, p.471.
- 5 According to the Chron. in 1626, I, p.97; according to The Scots Peerage in 1628, I, p.471.
- 6 The Chron. point out that throughout the campaign the only action in which Montrose's troops were not victorious (Philliphaugh) was the only one in which Athollmen did not take part. I, p.135.
- 7 DNB, XIII, p.1278; according to the Chron. it was 100 horse and 1200 foot, I, p.147.
- 8 F.D. Dow, Cromwellian Scotland 1651-1660 (Edinburgh 1979), pp.88/9.
- 9 He resigned the office in 1682. From 1670 he was also Hereditary Sheriff of Perthshire. Chron., I, p.114.
- 10 This was the first commission to raise a permanent force of Highlanders to preserve peace in the Highland districts. Scots Peerage, I, p.474.
- 11 For a recent analysis of Lauderdale's policies, see Julia Buckroyd, Church and State in Scotland 1660-1681 (Edinburgh 1980).
- 12 The Marquis of Atholl continued Lieutenant of Argyllshire until the Revolution of 1688, when Argyll's eldest son, Lord Lorn, accompanied the Prince of Orange to England. In 1689 Lord Lorn was admitted as Earl of Argyll, and an Act of Parliament rescinded the forfeiture of the deceased Earl of Argyll. Ten years later Argyll brought an action of 'repetition and restitution' against the Marquis of Atholl, claiming rents totalling £33,914 Scots and an additional £16,853 Scots for cutting wood and carrying out trees, all of which he was granted, forcing the Marquis of Atholl to seek his eldest son's assistance in borrowing part of the money. Chron., I, pp.264-166. According to one source he further revenged himself by occupying Atholl, where he caused his horse to be kept in Atholl's dining room at Dunkeld House 'till he dunged'. Iain Moncrieffe, The Story of the Atholl Highlanders (Derby 1974), p.5.
- 13 DNB, XIII, p.1279.

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- 14 The Complete Peerage, I, p.316. The Editor added, "Had he been more actively disloyal to James, no doubt this unfavourable opinion would have been modified."
- 15 DNB, XIII, p.1279.
- 16 Chrons., I, pp.280-298.
- 17 The anonymous Whig agent who wrote the post-'45 report subsequently titled The Highlands of Scotland in 1750 (Edinburgh & London 1898), p.129, believed that it was because the Duke was at heart a Jacobite that he 'sent' his eldest son to lead his men in the 1715 Rebellion. However, the whole report is too virulently distorted to be treated as serious evidence.
- 18 His eldest son, John, a colonel in the Duke of Marlborough's army, was killed at the battle of Malplaquet in 1709.
- 19 Chrons., II, p.188.
- 20 Nottingham was Lord President of the Council. In February 1716 his taking part in an address for mercy on the Jacobite peers under sentence of death cost him his large pension, as he thus incurred the lasting displeasure of George I. The Complete Peerage, XII, Part II, pp.783-4.
- 21 DNB, XIII, p.1268. The Complete Peerage, I, p.318. I owe the explanation of how this was possible to Professor H.T. Dickinson.
- 22 Chrons., III, p.19.
- 23 Quoted in DNB, XIII, p.1255.
- 24 E.g. "Great was the wrong of our leaders
For the blood that was shed through their guile,
My curses upon Lord George Murray
Who obtained the command on that day;
Two choices were at his disposal -
The flatterer of merciless guile -
By his talk he wrought our deception,
And we'd held him too high in his time."
From 'Culloden Day' by John Roy Stewart, in John Lorne Campbell ed. and translator, Highland Songs of the Forty-Five (Edinburgh 1933), p.173.
- 25 Chrons., III, pp.296/7.
- 26 He petitioned for the honours and dignities of Duke of Atholl, Marquis of Tullibardine, Earl of Strathray and Strathardle, Viscount Balquhider, Glenalmond and Glenlyon, Lord Murray, Balvenie and Gask. The Complete Peerage, I, p.320. The Editor remarks that it is curious the Marquisate of Atholl, the Earldom of Atholl, and the Earldom of Tullibardine were not mentioned among these honours.

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- 27 Although by Scots law it was she who should have succeeded to the Earldom of Atholl (as distinct from the Dukedom), this is not mentioned in any of the sources I have examined.
- 28 The Isle of Man would require a separate study and will not form part of this thesis.
- 29 Chron., IV, p.57.
- 30 DNB, XIII, p.1282.
- 31 John Prebble, Mutiny (London 1975), p.213.
- 32 Laurence Stone, The Crisis of the Aristocracy 1558-1641 (Oxford 1961), p.547.
- 33 Unlike the 2nd Duke who was rarely in Scotland, the Perthshire JP records show the 3rd Duke making an annual appearance at Quarter Sessions. SRO JP20/2/2.
- 34 AM 46 (5) 34.
- 35 AM 46 (8) 160.
- 36 AM 46 (13) 44.
- 37 AM 46 (13) 72.
- 38 AM 46 (15) 18.
- 39 AM 65 (1) 20.
- 40 R. Maxwell, Select Transactions of the Honourable The Society of Society of Improvers in the Knowledge of Agriculture in Scotland (Edinburgh 1743), p.iv.
- 41 AM 42.II (1) 9.
- 42 Loretta Timperley, Directory of Landownership in Scotland C.1770 (SRS New Series 5 1976).

NOTES TO CHAPTER 2

- 1 The Duke himself held his lands of the Crown, either blench or feu. See AM 43.III.A11 Breviary of the holdings of the Estates of Atholl and Tullibardine April 1691.
e.g. "The old Earldom of Atholl, toures, fortalices [fortresses] & others of old annexed therto holds blensh of the Crown for payment yearly of a red rose at the Castle of Blair at the Feast of St John the Baptist in name of blensh ferme if required."
- 2 See Malcolm Gray, The Highland Economy 1750-1850 (Edinburgh & London 1957), pp.12/13.
- 3 I.F. Grant, Every-day Life on an old Highland Farm 1769-1782 (London 1924), pp.134-149.
- 4 See C.L. Horricks, 'Economic and Social Change in the Isle of Harris 1680-1754' (unpublished PhD. thesis, Edinburgh 1974), pp.333-344, and Frances J. Shaw, The Northern and Western Islands of Scotland (Edinburgh 1980), pp.48-57.
- 5 Margaret McArthur, Editor, Survey of Lochtayside 1769 (SHS Third Series Vol.27), p.xxxv. The point about their being no tacksman class in Atholl is made in T. Blance, 'Some Geographical Aspects of the Blair Atholl Papers' (unpublished PhD. thesis, Aberdeen 1956), p.32.
- 6 Ian Whyte, Agriculture and Society in Seventeenth Century Scotland (Edinburgh 1979), pp.138-141.
- 7 Shaw, op.cit., p.68.
- 8 On the lands belonging to the Duke's vassal, Robertson of Lude, the standard tack was for seven years, even as late as the 1760s. SRO GD132/566.
- 9 1725: AM 42.II (1) 9. 1751: AM 51.V.16. 1760: Misc. Estate Volume 7/417.
- 10 See Robert A. Dodgshon, 'Agricultural Change and its Social Consequences in the Southern Uplands 1600-1780' (Sc.Irish Conference Sept.1981), p.12. Also, I. Whyte, 'The Emergence of the New Estate Structure' in M.L. Parry and T.R. Slater, The Making of the Scottish Countryside (London & Montreal 1980), pp.121/2.
- 11 Shaw, op.cit., p.64. Horricks, op.cit., p.154. McArthur, op.cit., p.xxxvi.
- 12 Horricks, op.cit., p.159.
- 13 Malcolm Gray, 'The Abolition of Runrig in the Highlands of Scotland', ECHR (1952), p.48.
- 14 For lists of bonds and tacks with yearly interest payable, from 1733-1756, see AM 52.II (7) 1-29.

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- 15 Ian D. Grant, 'Landlords and Land Management in North-Eastern Scotland 1750-1850' (unpublished PhD. thesis, Edinburgh 1979), pp.33, 34, 20.
- 16 AM 50.II.123.
- 17 AM 40.II.A.68.
- 18 The Highlands of Scotland in 1750 with an Introduction by Andrew Lang (Edinburgh & London 1898), pp.128/9.
- 19 I am obliged to Eric Cregeen for making this point in conversation. A point made by Donald Meek of the Celtic Department, Edinburgh University, about the continued use of the medieval term 'vassal' concerns the close phonological (albeit not etymological) connection between that word and the Gaelic 'uasal' which means 'gentleman'. Perthshire Gaelic pronunciation would have blurred the difference.
- 20 SRO GD132.
- 21 Tullimet rentals:
1685: AM 43.III.A.6 & 42.II (1) 36. 1688: 42.II (1) 5.
1690 AM 42.II (1) 6. (There was no change during those years.)
1742: AM Misc. Estate Volume 7/419.
- 22 Conversion rates used are as follows:
bear £3 per boll (1680-85) £4 per boll (1742)
poultry 3s4d each loads of peats 2s per load.
- 23 Margaret H.B. Sanderson, Scottish Rural Society in the Sixteenth Century (Edinburgh 1982), p.29.
- 24 Horricks, op.cit., pp.312/3.
- 25 AM 44.II.43 is a document appointing the factor (William Murray) for a particular area in 1723. The only duty specified was the collection of feu duties, superplus duties and rents (both cash and casualties).
For a discussion of the role of the factor in the seventeenth century see John McFaulds, 'Forfarshire Landowners and their Estates 1660-1690' (unpublished PhD. thesis, Glasgow 1980), pp.420-486.
- 26 AM 29.I (9)484. Alexander Kirkwood, Huntingtower, to Earl of Tullibardine 10 December 1697.
- 27 £4-£5 Sc. per boll except in 1740 when it is £8 per boll.
- 28 Extracted from AM 55.II (4) 9, 11-17, 20-22, 29-31, 36, 44, 45. The arrears listed were usually for a specific year; a separate document lists 'Arrears of 1741 & proceedings Remaining still Resting Oct 1747'. Many are noted as 'Dead and Bankrupt' so a number of those debts clearly had to be

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written off completely. The total was £193-17-3¹¹.

- 29 E.R. Cregeen, 'The Tacksmen and their Successors', SS Vol.13 (1969), pp.124/5.
- 30 AM 46 (14) 127.
- 31 AM Bundle 851.
- 32 AM 52.II (3) 39, 41, 43, 45.
- 33 AM 49 (8) 98.
- 34 GD132/552-568.
- 35 Quoted in Grant, op.cit., p.76.
- 36 AM 55.II (5) 35.
- 37 AM 55.II (5) 36, 37, 38, 44.
- 38 AM 55.II (5) 40.
- 39 1735: AM Misc.Estate Volume 7/420. 1742: AM Misc.Estate Volume 7/419. E.g. The tack for a 10s portion of Kirktown contained a clause empowering the Duke to take off what he wanted to add to his enclosures.
- 40 AM 52.II (3) 47. 55.II (5) 33, 34.
- 41 Dodgshon tackles this question of what happened to tenants displaced from the land (or at least from the farming ladder) but admits he cannot offer satisfactory answers. op.cit., p.14.
- 42 AM 29.I (8) 17.
- 43 AM 29.I (8) 80. Bundle 1619.
- 44 AM 45 (1) 146. 71.II.A.56.
- 45 AM 46 (1) 173. The letter went on to say that the 'collector' would advance the £150-13 (Sc?) of arrears in the hope that he would soon be repaid.
- 46 On 8 March 1742 Bisset wrote: "That of paying off the bonds and tacks is a verry right thought of your Graces and will turn to good account severall ways 1st It will make the rent of every Barrony intire next all the best roums are sett on that manner and by redeeming them considerable grassums can be had for new tacks of them and what is more advantageous to your Grace is that when thir sums are paid the vassals will borrow them whereby their bygone fuedutys will be payd up and the debts they ow your Graces tennents payd by which means there will be such a circulatiōe as

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that all the bygones resting both by vassalls and tennents will be payd up." AM 46 (15) 19.

- 47 AM 47 (8) 29. 47 (10) 40. In both cases the factors went on to say that it was another matter with the vassals.
- 48 AM 49 (4) 48. One would really like to know much more about the routine procedures of the Atholl factors, but because they were so routine they were taken for granted and rarely mentioned in the correspondence.
- 49 AM 54 (4) 32.
- 50 Gray, op.cit., p.36. Eric Cregeen found ample evidence to prove that cattle were indeed the economic staple of Argyll.
- 51 AM 56 (1) 164. Chron., II, p.34.
- 52 AM 54 (1) 227. 54 (3) 247.
- 53 AM 45 (5) 92. Chron., II, p.128. AM 46 (9) 7. Many similar references could be quoted from correspondence.
- 54 AM 46 (15) 19. 47 (4) 112. For details of Bisset's district see Appendix 3.
cf. "By the industry of the people there [Perthshire] in raising flax and in spinning yarn for sale, all the rents as well as the tradesmen's accounts due by the tenants are paid from the produce of linen yarn." Henderson, General View... of Sutherland, p.207, quoted in Gray, op.cit., p.62 (footnote).
- 55 Andrew Wight, Present State of Husbandry in Scotland, Vol.IV (Edinburgh 1784), p.157.
A cut was a measure of length for yarn in Clydesdale of 120 threads (c.274.20m.), each thread 2½ yards in length. R.E. Zupko, 'The Weights and Measures of Scotland before the Union', SHR 56 (1977), p.127.
- 56 AM 46 (9) 168.
- 57 AM 46 (15) 39.
- 58 4 April 1759. Quoted in McArthur, op.cit., p.xvii. Ms. McArthur notes that until 1769 Smith's accusation applied to a certain extent to the Earl of Breadalbane.
- 59 E.R. Cregeen, op.cit., p.131.
- 60 AM 46 (9) 148.
- 61 AM 49 (3) 66.
- 62 Wight, op.cit., pp.156/7.
- 63 AM 49 (3) 243. 10 August 1764.

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- 64 AM 55.II (1) 8. 22 October 1766. Tack granted to Donald Young for the two merk land of Clunemore in Blair.
- 65 AM 50.II.214. 21 February 1785. Tack granted to Donald McIntosh for town and lands of Kirrandrum in the parish of Logierait for 15 years.
- 66 Wight, op.cit., p.158. A long list of tacks left unsigned at the 3rd Duke's sudden death in 1774, and subsequently signed by the 4th Duke, gives the number of years for each tack as either 19 or 21. AM Bundle 863.
- 67 Chron., IV, p.62.
- 68 Gray, op.cit., p.35.
- 69 Wight, op.cit., pp.162/3.
- 70 Chron., IV, p.62.
- 71 Ian H. Adams, 'Division of Commonalty in Scotland' (unpublished PhD. thesis, Edinburgh 1967). Vol.I is a general discussion. The cases in which the Duke of Atholl was involved regarding the division of commonalty in Blair Atholl and Logierait can be found in Volume II, pp.122-200 and 208-9.
- 72 AM Bundles 135, 138, 140.
- 73 This subject is also discussed by Margaret McArthur, op.cit., pp.lxxii-lxxv, with reference to the Breadalbane lands. My impression is that at the end of the eighteenth century the 4th Earl of Breadalbane opted for a large population even at the expense of efficiency, while the more ruthless 4th Duke of Atholl opted for efficiency and loss of population. Not having done the work on the later period, however, this is merely an impression.
- 74 AM 55.II (3) 17.
- 75 AM 65 (2) 41.

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- 1 Edward Burt, Letters from the North of Scotland (1754, reprinted 1974), Vol.II, p.84 (Letter XVIII).
- 2 Thomas Pennant, A Tour in Scotland 1772 (London 1790), Part II, pp.40,41.
- 3 Loretta R. Timperley ed., A Directory of Landownership in Scotland C1770 (SRS New Series 5, Edinburgh 1976), pp.263/4.
- 4 Chron., V, Addenda p.xii.
- 5 Chron., II, p.50. Recalling the Duke's opposition to the Union, it seems likely that his Grace was trying to muster all the support he could.
- 6 I.F. Grant, Every-day Life on an Old Highland Farm (London 1924), p.274.
- 7 Margaret M.B. Sanderson, Scottish Rural Society in the Sixteenth Century (Edinburgh 1982), p.127.
- 8 AM 44.III.A.8.
- 9 SRO CC6/5/26.
- 10 Ian Whyte, 'Some Aspects of the Structure of Rural Society in Seventeenth Century Rural Scotland', Scottish-Irish Conference Sept.1981 (forthcoming).
- 11 AM 46 (15) 61.
- 12 AM 71.II.A.54. Decreet Against the Vassals of the Barrony of Glenquey for the Wedders payable to the Marques of Atholl yearly for which there was noe discharges 10 June 1700. 71.II.A.55 is a memorandum of the same date listing the wedders remaining unpaid after the holding of the Baron Court.
- 13 Chron., II, p.264. Lord James had already been warned of trouble ahead by a letter from his mother, the Duchess, written from Dunkeld on 2 May 1717. "My Lord is just now at Logieraite where his vassals are I hope coming in to a submission about the value of their services they have used all means to bring My Lord to accept of a sune of money for the annuall same which he wont agree to looking much more to the advantage of his family after him than his ease tho he has att present great difficultys to pay some very pressing creditors." AM 45 (13) 93.
- 14 AM 45 (13) 109. Neither the memorial nor the bond of association appear to have survived.
- 15 AM 45 (13) 108 McPherson of Killiehuntly to Duke of Atholl 20 May 1717. 110 Same to Same 24 May 1717. The Sheriff himself got involved, giving advice on the matter in a letter dated 19 June 1717. 45 (13) 145.

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- 16 AM 45 (13) 151. On 1 April 1721 the Duke of Atholl wrote to his son, "I designe to goe Tuesday nixt to Dunkeld and to Logyrate to the Easter head Court, and endeavour to end the agreement about the personal Services. I think I told you before that some of the principal ones had already settled with me at Forty shilling on the Merk land." AM 46 (1) 89.
A document dated 27 October 1724 is titled 'A List of the Vassals of the Ochills Which shews who has aggreed for their personall Service and who has not, and the reason of the same.' AM 42.II (1) 25.
- 17 AM 49 (8) 33.
- 18 AM 43.II.F.80. Decreet Thomas Bisset Factor to His Grace the Duke of Atholl Against Vassals 1771.
It is a fascinating document, but the transcription runs to 8 typewritten pages (single-spaced), which seems excessive even for an Appendix.
- 19 Tullibardine rentals:
1688= 42.II.(1) 48. 1694= 40.II.A.1. 1704=71.II.B.17.
1742=Misc.Estate Volume 7/419. 1765= 50.II.148.
1783=Bundle 851.
- 20 1700=42.II (4) 29. 1778=Census AUL.Ms.2607.
- 21 1725=42.II (1) 9. 1735=Misc Estate Volume 7/420.
1742=Misc Estate Volume 7/419. 1751=51.V.16.
1760=Misc Estate Volume 7/417. 1778=Census AUL.Ms.2607.
- 22 R.A. Gailey, 'Mobility of Tenants on a Highland Estate in the early Nineteenth Century', SHR 40 (1961), p.143.
- 23 Whyte, op.cit., p.13. He found that the size of holding had no effect on this variability.
- 24 AM 46 (12) 72. I do not know the nature of the misfortune alluded to.
- 25 AM 50.II.175. In the same document there is a note dated 26 May 1759: "Agreed with Widow McInroy and her son John for twenty one years tack of Balledmond commencing at Whits 1760 at the present rent being £8-8-2½ and to pay £25 sterl of entries which is to be paid upon Monday the 2d of July when the tack is to be signed."
- 26 AM 49 (4) 29.
- 27 AM 49 (8) 106.
- 28 AM 49 (8) 137.
- 29 AM 54 (2) 31. No. 32 is the Proposals by John Stewart for the Inn of Blair; they certainly show him very self-confident and

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not at all subservient.

- 30 AM 52.III (1) 1. Transcribed in Chron., V, Addenda, p.xiv.
- 31 AM 52.III (1) 12.
- 32 Ian Whyte, Agriculture and Society in Seventeenth Century Scotland (Edinburgh 1979), p.38.
- 33 Sanderson, op.cit., p.43.
Malcolm Gray, The Highland Economy (Edinburgh & London 1957), p.201.
- 34 AM 47 (2) 29. 11 February 1747.
- 35 AM 47 (3) 26 and 44. Harrison to Duke of Atholl, 6 March and 10 April 1748.
- 36 SRO GD132.
- 37 ibid. The record went on with an enactment by the Baron Baillie in accordance with Lude's complaint.
- 38 AM 52.III (2) 2.
- 39 AM 43.VI.19. This is a nineteenth-century copy of the original document.
- 40 These documents are held by Aberdeen University Library, AUL Ms.2607. A similar census (more complete as it included women and children) was taken of the Argyll lands in 1779. This has been edited for publication by Eric Cregeen. SRS 91. Inhabitants of the Argyll Estates 1779 (Edinburgh 1963). The aim in both cases was obviously military recruitment for the American War.
- 41 Whyte, 'Some Aspects...' (see Note 10 above), pp.8,9.
- 42 ibid., p.7.
- 43 EUL Dc.1.37.1/3.
- 44 R.E. Zupko, 'The Weights and Measures of Scotland Before the Union', SHR.56 (1977), p.134.
- 45 There is no mention of this particular accident in the Atholl correspondence, but a similar one occurred a few months earlier. On 3 November 1766 Bisset wrote to the Duke: "Before this reaches your Grace wou'd probably hear of the fatall accident that happen'd last Wednesday at the East Boat of Dunkeld. Upon its crossing from the south side with 13 passengers and four horses, one of the oars gave way, by which means the force of the high water drove the Boat precipitantly over a Croy, not long ago built upon the south side; the Boat

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at once filled almost full of water, the horses made great confusion, & jumping out, four of the passengers by sticking close to their means & tails were saved, three more were preserved by holding fast to the horn of the Boat till assistance was brought, and the remaining six all perished. Two of those on the horn were taken out towards Newtyle by the help of a Fishing Boat, and the other, after being many & many a time under water, yet holding the grip, was taken up at the Boat of Murthly. There were only four of the dead bodies found as yet." Chron., IV, p.23.

- 46 The TGSI mentions another work by this poet, titled 'Ranebu an t-Slibhe'. As this was the Gaelic name for the Battle of Sheriffmuir, it seems a fair assumption that the poet's other surviving work also belongs roughly to this period. I owe this point to Donald Meek.

NOTES TO CHAPTER 4

- 1 Drummond & Bulloch, The Scottish Church 1688-1843 (Edinburgh 1973), pp.7,8.
- 2 Quite rightly so, as shown by D.A. Whiteford, 'Reactions to Jacobitism in Scottish Ecclesiastical Life and Thought' (unpublished PhD. thesis, Edinburgh 1966).
- 3 AM 29.I (7) 3.
- 4 G.T.S. Farquhar, The Episcopal History of Perth (Perth 1894), p.20.
- 5 ibid., p.21.
- 6 AM 29.I (6) 68. According to the Fasti, V, p.153, Forrest was called unanimously and admitted to Falkland 7 April 1691, transported to Prestonkirk 14 April 1692.
- 7 AM 45 (2) 271. According to the Scots Peerage, I, p.475, the 1st Marquis had joined the Episcopal party in 1689.
- 8 AM 45 (2) 235. Transcribed in full in the Inventory for Box 45, pp.257/8.
- 9 Auchterarder presbytery records, SRO CH2/619/26.
- 10 ibid., 3 August 1704, 26 December 1704.
- 11 ibid., 29 August, 12 September, 26 September, 9 October, 29 November 1704, 23 January 1705.
- 12 AM 45 (5) 91, AM 45 (6) 101 Rev. Thomas Black to Duchess of Atholl 15 June 1705.
- 13 The letter continued: "They have likeways required my Deput to turn out the meeting house ministers who are within this Shyre, as to which I humbly desire to have Her Majesties Direction, for I did not think before this late Act of Council there was an Law discharging them, And some of the Magistrats of Perth have proceeded so far as to imprison Mr Hary Murray the meeting house minister there, and refused to lett him out on Baill, upon which I ordered my Deput to sett him att Liberty on Baill in the terms of the Act of Parliament against wrongous imprisonment, which your Lordship knows requires all competent Judges to take Baill, when the Crime is not capital, as I am sure his was not. The magistrats of Perth however raised a Council process against my Deput alledging he had incroached upon their priviledges, But they have since let that fall and did come here to me to acknowledge they were in the wrong." The copy letter (which is in a perished condition) is AM 45 (6) 59. The original is in the Mar & Kellie papers, SRO GD124/15/410/1.
- 14 SRO GD124/15/410/2. Further on in the letter Mar wrote: "The Queen thinks it odd that any minister will pray expresslie for her and her Government and yet will not take the oaths." On the

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same date (11 June 1706) the Earl of Leven reported to Carstairs that some "people of quality, particularly the Duke of Atholl, had been making representations to the Secretary of State about the severe treatment suffered by Episcopalians in Scotland, at the hands of Presbyterians." Quoted in Whiteford, op.cit., p.156.

- 15 Dunkeld presbytery, 19 October, 2 November, 23 November 1708, 15 February, 15 March 1709, 19 January 1713. The records of the presbytery are SRO CH2/106 Volumes 1-10. Volumes 2 and 3 (1707-1718) were transcribed by the Rev. John Hunter, SRO RH2/1/69.
- 16 ibid., 25 March 1707.
- 17 AM 45 (8) 74. Earl of Breadalbane to Duke of Atholl 25 August 1709.
- 18 AM 45 (8) 99 and 105. Drummond & Bulloch, op.cit., pp.17,18.
- 19 Dunkeld presbytery, 19 January, 3 February, 10 December 1713, 14 December 1714, 8 February, 8 March, 3 May 1715.
- 20 AM 45 (10)52.
- 21 Chrons., II, pp.142/3.
- 22 Dunkeld presbytery, 16 December 1713, 13 January, 19 January, 16 February 1714.
- 23 ibid., 24 August 1715.
- 24 ibid., 29 July, 16 September, 7 October, 15 October, 25 November 1718. Also, J. Hunter, The Diocese and Presbytery of Dunkeld 1660-1689 (London 1918), II, pp.299/300. Also, AM 42.I (1) 61 'Account how Mr George Robertson Minister att Kielliechangie prays for the Royal Family 1715'. A letter in the Episcopal Chest, Episcopal Theological College, refers with surprise to the Duke of Atholl's action in having Robertson summoned before the justiciary.
- 25 AM 46 (4) 30, 31, 32. Also, 46 (4) 34a and 34b, which show that the Episcopal preacher in Fortingal in 1724 was the same George Robertson who had been summoned and fined in 1715.
- 26 AM Bundle 683.
- 27 Dunkeld presbytery, 2 July 1728.
- 28 ibid., 2 July 1727. This concerned the "poor's money of Auchtergaven" and involved over a year of chasing the Duke and his agents for some papers which were never produced.
- 29 ibid., 2 July 1728.
- 30 See Drummond & Bulloch, op.cit., pp.39-42.

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- 31 AM 46 (7) 74.
- 32 AM 46 (7) 79. According to the Fasti, IV, p.144, Fisher was not formally deposed by the General Assembly until May 1740, and even then he continued to preach in the parish church until forcibly ejected on a sheriff's warrant on 13 August 1741.
- 33 AM 46 (8) 7.
- 34 AM 46 (8) 62.
- 35 AM 46 (13) 28. Alexander Murray, Dunkeld, to John Murray in attendance on the Duke of Atholl, London 1 March 1740; 32. Rev. A. McLagan to Duke of Atholl 14 March 1740; 33. Rev. Gilbert Man to Alexander Murray 16 March 1740; 40. Same to Same 2 April 1740; 61. Rev. George Logan, Moderator, Edinburgh, to Duke of Atholl, London 11 June 1740. There appears to have been similar in-fighting in 1741, with the Duke's nomination as a ruling elder being carried by just one vote, but I have found only one letter on the subject so it remains vague. 50.III (1) 14. Alexander Murray to Duke of Atholl 20 April 1741.
- 36 AM 46 (15) 61. In fact the settlement proved to be somewhat complicated - see AM 46 (16) 2. Rev. A. McLagan to Duke of Atholl 6 January 1743 - but that does not alter the point made by Bisset's letter.
- 37 AM 47 (7) 11. William McEwan to H. Harrison with Duke of Atholl 16 January 1755.
Further correspondence on the subject in 47 (7) 15, 16, 27, and 30.
Dunkeld presbytery, 1 April and 23 September 1755.
- 38 ibid., 13 August 1759.
- 39 AM 54 (2) 131. Bisset to John Mackenzie of Delvine 30 July 1771
132. Same to Same, same date.
134. Same to Same, 4 August 1771.
This situation is also confirmed by the OSA (1977 reprint Vol. XII), p.244.
- 40 AM 47 (13) 11.
- 41 Chron., II, Addenda pp.xcvii, xcvi.
- 42 SRO RH11/28/8.
- 43 Chron., II, p.160.
- 44 SRO RH11/28/9.
- 45 For a full discussion of this subject see R.M. Graham, 'Ecclesiastical Discipline in the Church of Scotland 1690-1730' (unpublished PhD. thesis, Glasgow 1964).

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- 46 D. Campbell, The Lairds of Glenlyon (Perth 1886), p.113.
- 47 These details are all extracted from the Judicial Rental taken after the 1st Duke's death, in January 1725. AM 42.II (1) 9.
- 48 Chron., II, p.142.
- 49 Extracted from Blair Atholl kirk session records, SRO CH2/430 Vols.1-3, and Fossoway kirk session records, SRO CH2/163 Vols. 1-3.
- 50 John R. Hardy, 'The Attitude of the Church and State in Scotland to Sex and Marriage: 1560-1707' (unpublished M.Phil. thesis, Edinburgh 1978), pp.410-411 and p.467.
- 51 OSA (1977 reprint Vol.XII), p.111. The mention of only female sinners bears out a point made by Hardy in the above thesis that the seriousness of adultery was directly related to the question of inheritance.
- 52 On 7 October 1764 Blair Atholl kirk session enacted that all persons guilty of adultery would have to pay a fine of no less than £30 Sc. The usual fine for fornication was £5 Sc. This enactment at such a late date does, however, suggest that perhaps the kirk session had not been treating adultery as seriously as they were in theory supposed to.
- 53 M. Flinn, Scottish Population History (Cambridge 1977), p.270.
- 54 Peter Laslett, Family Life and illicit love in earlier generations (Cambridge 1977), p.133.
- 55 SRO OPR 334/1 & 2.
- 56 John Hardy discusses the subject of marriage in great detail in the above thesis (see note 50). The 1753 Act aimed at curbing clandestine marriages specifically excluded Scotland.
- 57 Hardy, op.cit., pp.506/7.
- 58 T.C. Smout, 'Scottish Marriage, Regular and Irregular 1500-1940', in R.B. Outhwaite, ed. Marriage and Society (London 1981), pp. 204-236, suggests that in the eighteenth century non-conformity was the main cause of irregular marriage. However, with the relatively high proportion of seceders in Fossoway parish it seems plausible to assume that someone was ministering to them, and so it would not have been necessary to travel to Edinburgh in order to marry. For the nineteenth century Smout argues that the principal cause of irregular marriage was the desire to have a private rather than a public wedding. It is quite possible that this was the reason for both of these eighteenth-century irregular marriages as well.

NOTES TO CHAPTER 5

- 1 Rosalind Mitchison, 'The Making of the Old Scottish Poor Law', P & P No.63 (May 1974). The most recent book on the subject is R.A. Cage, The Scottish Poor Law 1745-1845 (Edinburgh 1981).
- 2 AM 43.II.F.22. This is a copy of the original made in 1706. The document is in a perished condition and difficult to read, but the gist of it is clear enough.
The definition of Mortification in Andrew Dewar Gibb's Students Glossary of Scottish Legal Terms (Edinburgh 1946) is as follows:
"The granting of land to a perpetual owner, i.e. ad manum mortuam, to a dead hand - dead because it could not pass on the property to another, or because, the owner being immortal, no casualties were exigible."
- 3 This is confirmed by the OSA (1977 reissue), XII, p.103.
- 4 AM 50.I.35. There are also two men on the list receiving no meal but £8-6-8 of money.
- 5 AM 43.II.F.27.
- 6 Blair Atholl kirk session SRO CH2/430/1. 1 July 1753. Apparently the session clerk handed out the money and then got a refund from the Duke.
- 7 Fossoway kirk session SRO CH2/163/1.
- 8 SRO CH2/430/1.
- 9 Poor Law Inquiry (Scotland) Part III Vol.XXII (1844), p.188.
- 10 SRO CH2/106/1. A surprising aspect of this quarter session report is that a larger amount - £18/19 - was actually given to the poor in neighbouring parishes than to the poor of Fossoway.
- 11 At time of writing some of the volumes of the Perthshire JP Quarter Session Minutes are at the SRO while others are at the Sandeman Library, Perth. This volume is in Perth, Ref. 14/1/1.
- 12 AM 52.I.252.
- 13 SRO CH2/163/2.
- 14 SRO CH2/430/3. The total collected at Blair was £239-11-2 Sc. and the total distributed there was £233-11-2 Sc., leaving a balance of £17-1-10.
- 15 ibid.
- 16 Mitchison, op.cit., p.88.
- 17 SRO CH2/163/2.
- 18 SRO CH2/163/3. 6 August, 10 August, 11 December.

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- 19 E.g. AM 47 (9) 77. Extract from a letter written by Patrick Murray, Kincairne, to Humphry Harrison, one of the Duke's factors, 10 August 1747: "Sir Upon a call from the minister of Moneydie I attended a meeting of the Heretors there Thursday last week in order to inquire into the state of & provide for the poor of that parish; Methven & one haveing a commission from Balgowan & one for another small Heretor were present & all unanimously taxed themselves with their several proportions of a small subsistence to be distributed weekly untill the 6th of Octr of which My Lord Dukes share amounted to 4 sh 7 pence ster."
- 20 The Atholl reference is given in the Appendix. The Minutes also appear in the JP records at the Sandeman Library, Perth, 14/1/2, 21 September 1756. There are some minor amendments (e.g. the blank dates filled in) up to No.8 which has been greatly expanded. There is also a No.9, stating that the above should be strictly put in execution. This is followed by no less than 12 lengthy rules to be sent to parishes for their direction in carrying out the resolutions.
- 21 SRO JP20/2/2.
- 22 The paragraph which follows is also of interest:
"One thing is abundantly obvious that by giving alms to such numbers of vagrant Poor, people in general become unwilling & indeed unable to contribute with that Liberality, which is Necessary for the support of the Indigent, within their Respective Parishes. If Relieved from stranger Beggars it is imagined that most Parishes, at least in the internal Parts of the County, would find it easy by means of voluntary contributions to Provide sufficient Maintenance for the indigent, belonging to, or Residing in them."
- 23 AM 65 (1) 219.
- 24 SRO JP2/2/2.
- 25 AM 29.I (8) 261.
- 26 SRO CH2/430/2.
- 27 Rosalind Mitchison, 'Local and Central Agencies in the Control of Famine in Pre-Industrial Scotland', Theme B7 Papers for the 7th International Conference of Economic History (Edinburgh 1978), p.402.
- 28 Sandeman Library, Perth, 14/1/1. The suggestions are those which recur in the later reports - beggars to get subsistence only within their own parishes, householders to tax themselves in case of deficiency etc.
- 29 SRO CH2/430/2.

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- 30 AM 54 (4) 1. 54 (4) 4. 3 January 1773.
- 31 AM 54 (4) 7.
- 32 Thomas Pennant noted that in July 1772 a famine was feared in Islay, averted by the arrival of a "meal ship". A Tour in Scotland 1772 (London 1790), Part I, p.263.
- 33 AM 54 (4) 37 Bisset, Dunkeld, to Duke of Atholl 21 March 1773. For details of hardship and difficulty in payment of rents, AM 54 (4) 32 & 37 Stewart of Urrard to Duke of Atholl 12 March and 3 April 1773.
- 34 Mitchison, 'Local and Central Agencies...', p.403.
- 35 OSA (1976 reissue), XI, p.222.
- 36 OSA (1977 reissue), XII, p.332.
- 37 AM 65 (4) 91 Farquhar to Duke of Atholl 3 June 1783. Also 65 (4) 85, 86, 93, 96, 97, 104, 110, 120, 121, 122 - Letters from same to same between May and July 1783.
- 38 AM 65 (4) 99 Bisset on behalf of Duke of Atholl to ministers of Highland parishes 24 June 1783. 102 William Nairne, Sheriff of Perthshire, Edinburgh, to Duke of Atholl 27 June 1783. 107 Rev. James McLagan, Blair Atholl, to Duke of Atholl 9 July 1783.
- 39 SRO CH2/619/28.
- 40 SRO CH2/619/26.
- 41 AM 62.V. (1) 116. A note is appended to say he was paid 100 merks, but that was still only one year's salary.
- 42 AM 62.V. (1) 118.
- 43 AM 47 (10) 105.
- 44 AM 46 (1) 1 Rev. Andrew Ure, minister of Fossoway, from Blairingone, to Duke of Atholl 2 January 1721.
- 45 OSA (1976 reissue), XI, p.221. By that time the schoolmaster was dependent on fees from the students and a small subscription; the minister feared that the way things were going the school would soon be given up, "to the great detriment of the village."
- 46 AM 45 (5) 32. (?) Kennedy, Edinburgh, to Duke of Atholl 5 February 1705. 42 Same to same 1 March 1705. On 16 June 1709 John Drummond, another trustee, wrote from Perth to the Duke of Atholl about applying to the barons of the exchequer for the money due to the trustees. AM 45 (8) 57. On 6 January 1711 Patrick Campbell of Monzie wrote to advise the Duke of financial complications. AM 45 (9) 124.

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- 47 See M.G. Jones, The Charity School Movement (Cambridge 1938), pp.176/7.
- 48 ibid., p.177.
- 49 SRO GD95/1/1 SSPCK Minutes 1 November 1711, 1 January 1713, 3 June 1714, 4 November 1714.
- 50 ibid., 31 July 1716.
- 51 ibid., 1 November 1716, 7 March 1717, 12 March 1720, 2 June 1720. Dunkeld presbytery 11 December 1716.
- 52 Chron., II, p.339. SSPCK to Duke of Atholl 5 September 1723. SRO GD95/1/2 SSPCK Minutes 6 June 1723, 4 March 1725.
- 53 SRO CH2/106 30 May 1727.
- 54 ibid., 2 July 1727, 12 December 1727, 21 May 1728, 17 December 1728.
- 55 AM 46 (14)127.
- 56 AM 47 (8) 129, 130, 132.
- 57 AM 47 (2) 113 Robert Mackintosh, Edinburgh, to Duke of Atholl 4 June 1747. 47 (5) 134 Lord Ruthven, Sir Patrick Murray of Ochertyre & William Macfarlane at Perth to Duke of Atholl 17 December 1753. 47 (6) 6 Earl of Kinnoull to Capt Adam Drummond of Megginch 7 February 1754. 47 (6) 10 Barons of the Exchequer to Duke of Atholl 28 February 1754. 47 (9) 80 Earl of Breadalbane to Duke of Atholl 26 August 1757.
- 58 AM 65 (1) 128.
- 59 SRO GD95/1/5.
- 60 AM 46 (7) 90 Alexander Murray, Dunkeld, to Duke of Atholl 30 December 1733.
- 61 SRO CH2/430/3.
- 62 AM Bundle 690.
- 63 SRO CH2/106 10 May 1726.
- 64 ibid., 17 February 1730.
- 65 ibid., 11 August 1730.
- 66 R.A. Houston, 'Aspects of Society in Scotland and North-East England, C1150-C1750: Social Structure, Literacy and Geographical Mobility' (unpublished PhD. thesis, Cambridge 1981), p.264.

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- 67 SRO CH2/106 2 October 1750.
- 68 M.G. Jones, op.cit., p.195.
- 69 Victor Durkacz, 'The Source of the Language Problem in Scottish Education 1688-1709', SHR Vol.57.(1978), pp.28-39.
Professor Barrow has suggested to me that the strong aversion to Gaelic by the SSPCK in the early eighteenth century may have been tied up with the survival of Roman Catholicism in Ireland and its close association there with the Irish-speaking people. In view of the close connections between Highland Scotland and Ireland in the seventeenth century (e.g. during the Montrose Wars), this is certainly very plausible.
- 70 CH2/106 29 October 1707, 11 October 1726.
- 71 J.C. Hunter, The Diocese and Presbytery of Dunkeld 1660-1689 (London 1918), II, pp.103-105.
- 72 Dunkeld presbytery, 17 November 1713, 13 January 1714, 7 October 1718. Typically enough, the 2nd Duke lacked this awareness. As reported on 11 October 1726 his Grace recommended someone for a bursary who did not speak Gaelic and had to back down when politely informed by the presbytery of the main condition attached to the bursary.
- 73 ibid., 4 April 1711.
- 74 ibid., 11 August 1730.
- 75 SRO GD95/1/2.
- 76 M.G. Jones, op.cit., p.196.
- 77 See my unpublished M.A. Dissertation, 'The Creation of the Highland Image in Lowland Scotland 1745-1830' (Edinburgh 1979).

NOTES TO CHAPTER 6

- 1 MacLagan Collection No.135A. MacLagan was himself at one time Chaplain to the Black Watch. Once again, the literal translation by Donald Meek of the Celtic Department, Edinburgh University, was turned into standard English by a collaborative process.
- 2 Acute readers may note that the poem was by Alexander Robertson in Bohespic, as was the final poem in Chapter 3. It could have been the same man if he lived to an old age, or perhaps this was some kind of bardic family.
- 3 Chron., I, pp.200-242.
- 4 Andrew Ross, Ross Herald, 'The Historic Succession of the Black Watch' in The Marchioness of Tullibardine ed., A Military History of Perthshire (Perth, Glasgow & Edinburgh 1908), p.28. (Henceforth A Military History.)
- 5 Andrew Ross, Ross Herald, 'John, Lord Murray's Regiment of Foot Afterwards Known as The Earl of Tullibardine's Regiment 1694-1697' in A Military History, p.23.
- 6 Murray of Dollery, Edinburgh to Lord Murray 13 March 1694, Chron., I, p.346. Major Hay, Perth, to Lord Murray 30 July 1694, ibid., p.349.
- 7 AM 29.I (8) 94.
- 8 AM 29.I (8) 104.
- 9 A Military History, p.25.
- 10 On 4 January she wrote, "there is a great outcry amongst the soldiers for want of their pay some says they belive they will all mutiny and break loose." AM 29.I (9) 1 & 2.
- 11 See Andrew Ross, Ross Herald, 'The Perthshire Militia of the Seventeenth and Eighteenth Centuries' and 'The Constitution of the Fencible Regiments of the Eighteenth Century' in A Military History, pp.103-107 and 146-147. The attempt to establish a Scottish militia in 1757 was defeated by the English, who still feared the loyalty of the Scots so soon after the Forty-Five. There were, however, Fencible men raised for the Seven Years War and the American War of Independence.
- 12 Thelma Blance, 'Some Geographical Aspects of the Blair Atholl Papers' (unpublished PhD. thesis, Aberdeen 1956), p.27. "In the early 18th century the Atholl district was organised on a military basis, the land vastly overloaded with people and animals for two purposes - to provide fencible men and to pay the rents which were required in kind." For the Roll of Fencible men see Chron., II, Appendix pp. iii-lxxxii.

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- 13 AM 42.I (1) 63.
- 14 AM 29.I (8) 186.
- 15 AM 50.III (4) 1. The surviving document breaks off abruptly in the middle of a sentence and the last page is missing, but the whole document is so similar to the one listed in Note 17 below that the rest can be easily inferred.
- 16 AM 50.III (4) 2, 3, 4, 5, 7, 13.
- 17 AM 50.III (4) 10. This is a printed document. Professor Rosalind Mitchison has advised me that the requirements were the same in Midlothian.
- 18 AM 50.III (4) 15. Eric Cregeen has suggested (private communication) that the Highland soldiers noted as being very tall were probably well-fed tacksmen's sons or gentry. Indeed, the OSA entry for Blair Atholl mentions the gentlemen being tall and handsome while the common people were "firm, hardy and brave, thought not generally tall." (Vol.XII, 1977 reissue), pp.104/5. However, Cregeen also suggests that 5 feet 5 inches may have been a very good average in the eighteenth century. Statistical evidence regarding height in eighteenth-century Scotland is not at present available.
- 19 AM 50.III (4) 14.
- 20 Blance, op.cit., p.30.
- 21 Chron., III, p.454. The term 'middle-aged' must have referred to a much lower age group than would at present be the case.
- 22 A Military History, p.70.
- 23 John Prebble, Mutiny (London 1975), p.212.
- 24 ibid., p.214.
- 25 AM 65 (3) 57 Lady Sinclair, Marlee, to Col.James Murray.
- 26 OSA (Vol.XII, 1977 reissue), p.105.
- 27 AM 65 (1) 190.
- 28 Eric Richards, A History of the Highland Clearances (London & Canberra 1982), pp.151-154.
- 29 AM 45A. Jac.C.I (9) 33 27 March 1743.
The Duchess wrote a similar letter to Lady George Murray on 28 March, in which she said the men believed that the Duke of Atholl was responsible for their leaving Scotland. Chron., II, p.457. This comes out in later letters too and was seen as an attempt by illwishers to blacken the Duke's name.

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- 30 The complete story of the Mutiny of the Black Watch can be found in Prebble, op.cit., pp.20-87. For a less emotional account see John Murray (8th Duke of Atholl), Narrative of the Mutiny in the Black Watch in 1743 (Perth 1893). For a transcription of the trial see TGSI, Vols.III and IV (1873-5). A series of letters from Lord John Murray to the Duke of Atholl, from 19 May, when the Regiment was reviewed, to 26 May, when all except the deserters embarked for Flanders, relate the event from the viewpoint of a contemporary. Chron., II, pp. 460-463.
- 31 A Military History, pp.383-384. Apparently he insisted on having only Gaelic-speaking men in the ranks, which certainly does argue a genuine commitment to maintaining the Black Watch as a truly Highland regiment.
- 32 AM 47 (8) 29.
- 33 For a series of contemporary letters dealing with the Mutiny see Chron., IV, pp.94-119. The letters are, however, from or to Major-General Murray and present an extremely biased view of the events which took place. Prebble may lean rather too far in the opposite direction, but he does provide a welcome antidote, and his account is very complete. Prebble, op.cit., pp. 211-259. See also J.M. Bulloch, The "Mutiny" of the Atholl Highlanders and an Account of the Sheelagreen Gordons (Privately printed, Buckie 1911).
- 34 For a full account of the political situation see John Cannon, The Fox-North Coalition 1782-4 (Cambridge 1964).
- 35 Chron., IV, pp.84/5. The second letter on the subject was to the Earl of Carlisle, Lord Lieutenant. Prebble cobbled together extracts from the two letters as a single quotation (op.cit., p.219.)
- 36 A Military History, p.68. The Commanding Officer was a Perthshire man.
- 37 AM 42.I (1) 36. The document went on to regulate the distribution of corn and straw, to list parishes which would supply peat, to set prices, etc.
- 38 SRO RH11/28. Dunkeld Regality Court Book of Actions Vol.4. Heavy fines were to be levied on quarter-masters who did not properly fulfil their duties.
- 39 ibid., Vol.7 21 February 1747, 6 September 1749 and others.
- 40 7 March 1741. Chron., II, pp.447/8. There is no need to stress the irony of Lord George's expressing such sentiments four years before the Forty-Five.
- 41 MacLagan Collection No.27(b).

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42 Private communication.

43 Richards, op.cit., pp.149-152.

NOTES TO CHAPTER 7

- 1 AM 42.I (1) 35.
- 2 See Thomas I. Rae, The Administration of the Scottish Frontier (Edinburgh 1966), pp.116/7.
- 3 Rosalind Mitchison, 'The Government and the Highlands 1707-1747' in N. Phillipson & R. Mitchison ed., Scotland in the Age of Improvement (Edinburgh 1970), p.27.
- 4 AM 29.I (6) 31.
- 5 Chron., I, p.378.
- 6 E.g.by MacPherson of Killiehuntly in his 'Memorandum for his Grace the Duke of Atholl anent Settling the Peace of the Highlands 1717'. AM 42.I (1) 64.
- 7 AM 46 (1) 124. The Duke had made this point in a previous letter to his son of February (day unknown) 1721. "The method the government shoud have taken was to have imployed some that were actually in the service of the government who have power & inclinations to curb that pernicious trade wheras now the Protectors of the country by this method are the cheife encouradgers & countenancers of the thieves so that it is giving the wolf the wedders to keep." (A nice turn of phrase!) AM 46 (1) 61. It was the Argyll faction to which he referred.
- 8 Mitchison, op.cit., p.26.
- 9 Chron., II, p.335.
- 10 ibid., p.347. The state of the road had prevented the Duke from attending his head court at Logierait. The vassals returned an inconclusive reply to his letter.
- 11 AM 46 (3) 17. Circular letter to Ochtertyre, Abercairney etc. 13 January 1723. In this letter he also wrote, "the Government were made believe that the building of Baracks would supress thieving but it is very well known how ineffectual they have proven."
- 12 AM 46 (15) 3.
- 13 AM 46 (15) 48 & 58. The second letter can also be found in Chron., II, pp.453/4.
- 14 Chron., I, pp.341/2.
- 15 SRO JP20/2/2.
- 16 Stephen J. Davies, 'The Courts and the Scottish Legal System 1600-1747: The Case of Stirlingshire', in V.A.C. Gatrell, B. Lenman and G. Parker ed., Crime and the Law (London 1980).

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- 17 AM 42.I (1) 53.
- 18 AM 29.I (5) 65; 29.I (6) 6; 29.I (7) 162.
- 19 William Croft Dickinson ed., The Court Book of the Barony of Carnwath 1523-1542 (SHS Third Series Vol.29, Edinburgh 1937). This is probably the most useful of the baron court records in print because of the very helpful introduction.
- 20 The functions of the birlawmen are discussed by Croft Dickinson, ibid., Appendix A; by Davies, op.cit., p.143; and by Ian Whyte, 'The Emergence of the New Estate Structure', in M.L. Parry & T.R. Slater, The Making of the Scottish Countryside, p.120.
- 21 SRO GD50/159.
- 22 It is not known why certain fragments ended up in the Atholl archive. In the Court Book at the SRO the seventeenth-century material is very patchy, and it is followed by two cases of violent assault, both occurring in 1732, before returning to the beginning of the eighteenth century and a chronological record.
- 23 AM 43 (V) 33.
- 24 AM 43 (V) 34.
- 25 For actions regarding debts see AM 43 (V) 35, 37, 38, 39, 40.
- 26 AM 43 (V) 36. The other "nestines" appear to have been mainly "dish washings".
- 27 SRO GD50/159.
- 28 Olwen Hufton, 'The Seigneur and the Rural Community in Eighteenth Century France', Transactions of the Royal Historical Society (Fifth Series Vol.29, 1979), p.31. A theme of this paper is that in those areas of France where the seigneurie continued to offer meaningful services to the community in the form of seigneurial justice, the peasantry did not revolt in 1789.
- 29 David Stewart of Garth, Sketches of the Highlanders (Inverness, Edinburgh, London 1885), p.61 (footnote).
- 30 SRO RH11/28/Vols.2 and 3.
- 31 ibid., Vol.4. These all occur between the years 1714 and 1719. Unfortunately the pages are not numbered and appear to have been bound together rather haphazardly as an entry for 1719 will suddenly appear in the midst of those for 1716 and a page will sometimes begin in the middle of an entry, the beginning of which is not to be found.
- 32 ibid., Vol.4.

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- 33 Croft Dickinson writes that the action for lawburrows gradually fell into desuetude, and that in Fife records of the latter half of the sixteenth century it had become comparatively rare. The Sheriff Court Book of Fife 1515-1522 (SHS Third Series Vol.XII, 1928), Appendix B, p.330. However, Davies found it frequently in the seventeenth and eighteenth-century sheriff court records of Stirlingshire. op.cit., p.137.
- 34 According to Andrew Dewar Gibb, Students' Glossary of Scottish Legal Terms (Edinburgh 1946), "pickery" was a term used for petty theft. In the Introduction to the Court Book of the Barony of Carnwath Croft Dickinson has the word spelt "pykre". It seems safe to assume that "prikery" is just another spelling variation.
- 35 SRO RH11/28/Vols.3,4,6,9.
- 36 NLS Mackenzie of Delvine papers, Mss.1409, ff.181-191.
- 37 The difficulty in establishing ownership of stolen livestock is noted by Lenman and Parker, 'The State, the Community and the Criminal Law in Early Modern Europe', in Gatrell, Lenman and Parker, ed., op.cit., pp.34/5.
- 38 Chrons., I, pp.351-4. This has not been transcribed as an appendix because of its length and because of the confusing manner in which the facts are set out.
- 39 AM 45 (6) 11. The Duke went on to write that he had had some of them apprehended and imprisoned, and suggested that a Commission, comprising noblemen and gentlemen of the area, be appointed to try them.
- 40 Chrons., II, pp.305-314. The letters and evidence regarding this case are transcribed in full.
- 41 AM 45 (16) 34. The letter is long and detailed and might have made an interesting appendix were it not for Killiehuntly's hopelessly convoluted and rambling style. As to the goat skins, it seems that at that time there was some internal trade in this commodity, as they were used as containers for liquids. J.M. Lindsay, 'The Use of Woodland in Argyllshire and Perthshire between 1640 and 1850' (unpublished PhD. thesis, Edinburgh 1974), p.147.
- 42 AM 46 (1) 209. My reason for not transcribing this letter as an appendix is Spence's atrocious handwriting; the gist of it is clear enough but my transcription contains too many gaps to be reproducible.
- 43 Chrons., II, p.362. The letter is from Captain White to the Duke of Atholl from Perth, 21 March 1724, but the extract is the report of the officer at Ruthven and is in quotation marks in the letter. The letters from the Duke of Gordon to the Duke of Atholl are on pp.363 and 365.

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- 44 See Mitchison, op.cit., p.35.
- 45 Chrons., II, p.380. Memorandum from Commissary Bisset for Mr Anthony Murray (Secretary), to be transmitted by him to His Grace the Duke of Atholl.
- 46 AM 46 (9) 1. John Murray of Ochtertyre, Edinburgh, to Duke of Atholl, London, 4 January 1735, enclosing 2 - John Campbell, Auchmore, to Alexander Murray 31 December 1734; 3 - Alexander Murray, Blair Atholl, to Archibald Stuart, Edinburgh 1 January 1735; 3a - Memorandum from Mr Archibald Stuart for Alexander Murray; 4 - Information Concerning the Manslaughter said to be Comited by Niel Stuart in Bonrannoch; 7 - Alexander Murray to Duke of Atholl 7 January 1735.
- 47 Chrons., II, pp.415-417.
- 48 AM 46 (15) 41. Bisset's last sentence does make one wonder about the effectiveness of the Black Watch as a police force.
- 49 AM 47 (3) 60.
- 50 AM 55.II (6) 1.
- 51 AM 49 (4) 87.
- 52 Chrons., IV, pp.48/49.
- 53 AM 54 (3) 249.
- 54 AM 54 (4) 4.
- 55 S.G.E Lythe, 'The Tayside meal mobs 1772-3' in SHR. (XLVI, 1: No.141: April 1967), pp.26-36.
Corn riots were not new phenomena in Scotland. See D.G.D. Isaac, 'A Study of Popular Disturbances in Britain 1714-1754' (unpublished PhD. thesis, Edinburgh 1953), pp.37-43 for corn riots in Edinburgh and Leith during autumn 1740.
For a discussion of meal mobs in Scotland between 1780 and 1815 see Kenneth J. Logue, Popular Disturbances in Scotland 1780-1815 (Edinburgh 1979), pp.18-53. In another recent book the 1770s are seen as "the transitional years in the emergence of a new class consciousness amongst the Scottish plebians", and popular disturbances (though not the Tayside ones) are used as evidence for this view. James D. Young; The Rousing of the Scottish Working Class (London 1979), p.42.
- 56 AM 54 (4) 4 & 7. At the end of the second letter Bisset added: "I just now hear that the Mobb from Dundee have Broke in Mr Mill of Millfields house as a Dealer in grain, and that some of the leaders were apprehended and carried to Perth in order to be putt in prison, But the provost of Perth refused to confine them for fear of the Rioters comeing upon him as formerly, for which reason they were sent to Edinburgh."

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- 57 AM 54 (4) 10.
- 58 See Note 15 above.
- 59 Chrons., IV, pp.50-52.
- 60 AM 65 (4) 124.
- 61 Robert Clark, A View of the Office of Sheriff in Scotland (Edinburgh 1824), pp.65-67.
- 62 AM 46 (3) 124.
- 63 Chrons., I, p.492.
- 64 ibid., p.180.
- 65 ibid., p.397.
- 66 Chrons., II, p.293.
- 67 Stewart of Garth, op.cit., pp.60/61.
- 68 Chrons., II, p.381. On the same date Alexander Murray wrote to the Duke, "The Commissary is just nou at Edinbr and is to have Mr Dundas's advice, I doubt if he will advise to hang without repeated thift, yett the crim being flagrant and a necessity of makeing examples may determine him as it does me." AM 46 (6) 34.
- 69 SRO RH2/4/330/227. N.B. These are photostats of documents held at the PRO under the reference SP54/20/93.
- 70 SRO RH2/4/330/231.
- 71 SRO RH2/4/330/237.
- 72 Chrons., II, pp.411/12.
- 73 ibid., pp.413/14.
- 74 The transcription of a document with the same title appears in Chrons., V, Addenda pp.xv-xviii. It is a very much longer and more detailed document, breaking down the individual expenses much more precisely. The total in that version is £48-16-1½ which varies from the other only by about 10 shillings.
- 75 Ann E. Whetstone, Scottish County Government in the Eighteenth and Nineteenth Centuries (Edinburgh 1981), p.2.
- 76 The Duke received £1500 for the office of Sheriff for life of Perthshire, £1100 for the heritable office of lordship and jurisdiction of the Regality of Atholl and £223-18 as Steward of the Stewardry of Huntingtower. Chrons., III, pp.382/3. He did not receive anything for Dunkeld, as it transpired that

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officially it was not a Regality but only a Barony. AM 47 (3) 10
Commissary Bisset to Duke of Atholl 17 January 1748.

- 77 Whetstone, op.cit., p.6.
- 78 SRO GD132/446/1. According to Ann Whetstone, in Highland areas it was not at all uncommon to have factors as justices. op.cit., p.39.
- 79 AM 43 (V) 32. The judgment (though none of the testimony) is also recorded in the Barony Court Book of Lude SRO GD50/159.
- 80 The Justiciary Records of Argyll and the Isles 1664-1705 (Stair Society Vol.12, Edinburgh 1949), I, p.113.
- 81 In a case of violent assault which came before Lude Baron Court on 8 March 1732 the Baillie ordered the guilty party to pay a fine to Robertson of Lude and also to pay the injured man the amount which he spent "in cureing his hurt". The word assythment is not used. SRO GD50/159.
- 82 Robert Black, 'A Historical Survey of delictual liability in Scotland for personal injuries and death', in Comparative and International Law Journal of Southern Africa, (Vol.VIII, March 1975), pp.49 & 55.
- 83 Jenny Wormald, 'Bloodfeud, Kindred and Government in Early Modern Scotland', P & P (No.87, May 1980), pp.60/61.
- 84 ibid., pp.94/5.
- 85 Black, op.cit., pp.65-70.
- 86 AM 46 (9) 4.
- 87 AM 54 (5) 17.

NOTES TO CHAPTER 8

- 1 Beryl Woolverton, 'Economic Change in Glen Fender and Lower Glentilt at the Turn of the Eighteenth Century - A Study in Landscape Dynamics' (unpublished M.A. dissertation, Dept. of Geography, Edinburgh 1972), p.35.
- 2 John M. Gilbert, Hunting and Hunting Reserves in Medieval Scotland (Edinburgh 1979), pp.19-20.
- 3 For more detailed descriptions of the shealing system see A. Fenton, 'The Traditional Pastoral Economy' in M.L. Parry & T.R. Slater, The Making of the Scottish Countryside (London & Montreal 1980), pp.93-106, and J.M. Lindsay, 'The Use of Woodland in Argyllshire and Perthshire Between 1650 and 1850' (unpublished PhD thesis, Edinburgh 1974), pp.136-7.
- 4 SRO GD50/159.
- 5 A later comparison would have been interesting, but the only other document I have found in the archive which provides similar information is not sufficiently distant in time. That is AM 43.IV.B6 Account of His Grace the Duke of Atholl's sheallings in the Forests of Atholl and How they were in the year 1720 (copy registered 1838).
- 6 AM 51.V.1.
- 7 AM 43.IV.A.19. Information to His Grace the Duke of Atholl anent abuses committed in his Grace's Forest of Atholl May 26th 1704.
- 8 AM 43.IV.A.20. Memo attached to licence granted to Aeneas McPherson of Killiehuntly Sept.22 1704.
- 9 Chron., IV., p.62.
- 10 AM 43.IV.A.33.
- 11 AM 46 (6) 76.
- 12 AM 47 (3) 56.
- 13 AM 65 (1) 146.
- 14 AM 46 (2) 162. A long letter written in Killiehuntly's usual hopelessly convoluted style.
- 15 AM 46 (4) 8. It does seem surprising that after twenty years as Duke of Atholl his Grace should have needed instructing in such a matter, but the evidence stands. The kind of 'services' which the people of Mar apparently performed for the family of Atholl are certainly redolent of the old Highland traditions: "This same man's Father whose tenants bills your Forrester hath, went in person with about ane hundred men alongs with My Lord Marquess his partie against the Frasers."

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- 16 AM 46 (5) 64.
- 17 AM 46 (6) 87. James Grant, Rothiemurchus, Gordonhall, to Alexander Murray at Blair 16 June 1732, enclosing 46 (6) 88 Extract Made by James Stuart, Clerk, from the Court Books of the Lordship of Badenoch...Registered at Regality Court held 2 January 1727.
- 18 AM 43.IV.B.4. Depositions of eight Forresters of the Forrest of Atholl deponing before the Baillie of the Regality what are the Marches of the said forrest in September Octr 1697 Dated 18 Septr 1697 (this copy registered 1838).
- 19 AM 51.VIII.B.1 consists entirely of a miscellany of memorials, letters and other documents dating from this period and relating to the dispute with Lude. See also 52.III (2) 23 Memorial (relating to this dispute) dated 5 July 1760.
- 20 AM 51.VIII.B.4 Exhibits Referred to in the Mutual Memorials for John Duke of Atholl and James Robertson Esq. of Lude. Nov.12 1802. This printed document reproduced the original contract dated 5 December 1716 and Mackenzie of Delvine's Decreet-Arbitral.
- 21 NLS Mackenzie of Delvine papers Mss.1409,f.6.
- 22 Chrons., III, pp.496/7. Mackenzie of Delvine to Bisset 24 July 1762. Same to Murray of Strowan 5 August 1762. Same to Humphry Harrison 9 August 1762.
- 23 J.B. Gilbert, op.cit., pp.52-61.
- 24 Duff Hart-Davis, Monarchs of the Glen (London 1978), pp.23-25.
- 25 Chrons., II, p.154. For similar orders for 1710, as well as rules of conduct, see ibid., pp.123/4.
- 26 Hart-Davis, op.cit., p.31.
- 27 ibid., pp.39-40.
- 28 AM 43.IV.A.22.
AM 52.III (1) 3 A Commission of Forestrie issued to John McIntosh on 26 October 1726 repeats all nine of these instructions more or less word for word.
J.M. Gilbert discusses the duties of the forester in the medieval period, op.cit., p.140, which were very similar to his duties in the eighteenth century.
- 29 AM 55.II (4) 5.
- 30 Hart-Davis, op.cit., p.33.
- 31 AM 40.I.B.1.

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- 32 AM 52.III (1) 9.
- 33 AM 40.I.B.14.
- 34 AM 55.V.1.
- 35 AM 65 (3) 23.
- 36 See Note 7 above.
- 37 AM 46 (5) 61 Duchess of Atholl to Duke of Atholl 5 July 1727.
AM 46 (5) 65 Same to Same 28 July 1727.
Tenants desiring to kill wildfowl in certain specified lands were issued with commissions to do so in 1712, on payment to the Duke of a certain number of fowl each year. Chron., II, p.145. In 1746, in an effort to control poaching in Glenalmond, the Duke gave 'a leave of fowling' there to Moray of Abercairney, on the understanding that he would prosecute poachers. Chron., III, p.373.
- 38 Hart-Davis, op.cit., p.36.
- 39 For the full text of the Black Act see E.P. Thompson, Whigs and Hunters (London 1975), Appendix 1.
- 40 AM 46 (14) 127.
- 41 AM 47 (7) 76.
The relevant definition of the word 'memorial' in the Scottish National Dictionary is: "The instructions and information given by a litigant to his counsel, a brief."
- 42 AM 47 (7) 77.
- 43 AM Bundle 245.
- 44 AM Bundle 249.
- 45 Quoted in Hart-Davis, op.cit., p.37.
- 46 AM 65 (2) 21.
- 47 AM 65 (3) 98 & 99.
- 48 Hart-Davis, op.cit., pp.54-57.
- 49 See J.M. Lindsay, 'Some Aspects of the Timber Supply in the Highlands 1700-1850', SS (Vol.19, 1975), pp.39-53.
- 50 Charters of Coupar Angus, ed. D.E.Easson (SHS 1947), i., p.135. Comyn at the time was in control of Blair. I owe this reference to Professor G.W.S.Barrow, who has translated the passage from the Latin.

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- 51 EUL Dc.1.37.1/3.
- 52 SRO GD50/159.
- 53 J.M. Lindsay, 'The Use of Woodland...' (see Note 3 above), p.87.
- 54 See ibid., pp.160-166, for a discussion of the conflict of interests between grazing and the protection of woodland.
- 55 AM 44.II.45. The document was signed by Alexander Murray and ? Murray, witnesses, and the Duke of Atholl and Bisset.
- 56 AM 47 (2) 14.
- 57 M.L. Anderson, A History of Scottish Forestry (London 1967), I, pp.568-593.
- 58 Thomas Hunter, Woods, Forests and Estates of Perthshire (Perth 1883), pp.32-37.
- 59 AM Box 70 is entirely concerned with this subject and includes books detailing the planting and sale of the woods. Most of it relates to the nineteenth century, but there is a reasonable amount on the eighteenth as well.
- 60 AM 29.I (7) 162.
- 61 Chron., I, p.378.
- 62 SRO GD50/159. For more on the subject of illicit woodcutting see also J.M. Lindsay, 'The Use of Woodland...' (See Note 3 above), pp.92-96.
- 63 AM 45 (12) 148.
- 64 AM 46 (5) 65.
- 65 AM 47 (2) 14.
- 66 AM 65 (1) 232.
- 67 AM 70.II.M.1.

NOTES TO CHAPTER 9

- 1 Baron F. Duckham, A History of the Scottish Coal Industry Vol.I 1700-1815 (Newton Abbot 1970), p.14.
- 2 Chron., V, Appendix lx.
- 3 AM 29.I (6) 64. J. Paton, Dollar, to Marquis of Atholl or Lord Murray 4 January 1692.
- 4 AM 71.I.A.3.
- 5 Duckham, op.cit., pp.41/2.
- 6 AM 72.II.A.101 is a rough plan of the mine dated 1740. A pencilled note on the plan states that it was probably done by Lord George Murray, but as James Murray frequently refers to a plan in his report, and the numbering corresponds, it is almost certainly his plan.
- 7 Duckham, op.cit., pp.73-80.
- 8 ibid., p.91.
cf. AM Bundle 27 'Queries about the Coal at Blairingone & Answers by two Mr Robertsones 22 Dec.1740
1st If the air in the new Levell should fail what should be the best and cheapest method to supply it
As to the first it is answered that ther will be an absolute necessity for setting down ane air sink upon the Levell both for the conveniency of bearing the rod and conveying air to the mine. Which sink if it be right calculat, is thought may do the business by some easie helps too tedious to be related here, by which at lest a sink if not two may be saved.'
- 9 AM 45A.Jac.C.I (7) 49.
- 10 AM 46 (15) 27.
- 11 AM 45A.Jac.C.I (8) 30.
- 12 AM 72.II.E.10.
- 13 AM 72.II.E.12.
- 14 Duckham, op.cit., pp.58-60.
- 15 AM Bundle 690.
- 16 AM 72.II.A.16 is a Plan of Blairingone dated 1783. It does not appear to be sufficiently informative to be worth reproducing in this thesis.
- 17 Duckham, op.cit., pp.240-253.
- 18 AM 46 (1) 201.

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- 19 AM 72.II.A.3.
- 20 Duckham, op.cit., pp.256/7.
- 21 For the first reference see Note 4 above.
AM 46 (14) 107b. Regulations to be observed in working the Coall
of Blairingone Nov.1741.
- 22 Duckham, op.cit., pp.261-270.
- 23 Valerie Morgan, 'Agricultural Wage Rates in late Eighteenth-
Century Scotland', ECHR 1971, p.190.
- 24 AM 46 (14) 95. Copy letter from Duke of Atholl, Edinburgh, to
some unnamed correspondent (probably Alexander Murray) 14 October
1741.
- 25 AM 45A.Jac.C.I (8) 20.
A letter from John Murray, Customs House, Alloa, to Humphry
Harrison, dated 26 March 1742, claimed that James Murray appeared
to have paid the sum of £321 Scots as a bribe to the colliers
"to keep things undiscovered". AM 46 (15) 32.
- 26 AM 45A.Jac.C.I (8) 21 & 30.
- 27 AM 46 (15) 48. Bisset to Duke of Atholl 17 May 1742.
AM 45A.Jac.C.I (8) 30. Lord George Murray to Duke of Atholl
11 April 1742.
- 28 AM 72.II.E.3.
- 29 AM 72.II.E.4.
- 30 AM 72.II.E.5 Solsgirth to Harrison 17 April 1757.
- 31 AM 49 (2) 23 Mackenzie of Delvine, Edinburgh, to Harrison 22 Jan-
uary 1763.
AM 72.II.A.3 (Tack).
- 32 AM 49 (2) 210 Mackenzie of Delvine, Edinburgh, to John Murray of
Strowan ? August 1763.
AM 49 (2) 217 John Edward of Solsgirth to Harrison 18 August 1763
AM 49 (2) 307 Alexander Wood, Perth, to Mackenzie of Delvine
8 November 1763.
- 33 AM 49 (4) 48.
- 34 The account books are AM 72.II.B.1-5.
- 35 AM 49 (7) 83 Mackenzie of Delvine, Edinburgh, to Duke of Atholl
27 July 1768
AM 49 (5) 106 Bisset to Duke of Atholl 12 June 1766.

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- 36 AM 49 (7) 88 Mackenzie of Delvine to Duke of Atholl 9 August 1768
AM 49 (7) 89 Capt. James Scotland of Easter Dollarbeg, Edinburgh,
to Mackenzie of Delvine 8 August 1768.
- 37 AM 65 (4) 115.
Chronos, V, Appendix p.lxi.
- 38 OSA, (1976 reissue), Vol.XI, p.219.
- 39 EUL Dc.1.37.1/3.
- 40 SRO RH11/28/3.
- 41 Presumably this was a local response to a national Act (10 Anne
Cap.21), mentioned by Durie, 'to prevent Abuses in the Making
of Linen Cloth and Regulating the Lengths, Breadths and equal
Sorting of Yarn for each Piece made in Scotland.' Alastair J.
Durie, The Scottish Linen Industry in the Eighteenth Century
(Edinburgh 1979), p.12.
- 42 AM 45 (14) 118 Moray of Abercairny, Perth, to Duke of Atholl
8 December 1719
AM 45 (14) 126 Duke of Atholl, Dunkeld, to Moray of Abercairny
14 December 1719
Durie, op.cit., p.10. Durie mentions one petition prepared by
the Convention of Royal Burghs, but before that the Duke's
letter claimed that "there has been petitions signing in this
place and about it, as I doubt not there is from other parts
of the Shire."
- 43 AM 46 (2) 58.
- 44 AM 46 (6) 18.
- 45 Sandeman Library, Perth, 14/1/1.
- 46 SRO GD50/159.
- 47 Durie, op.cit., p.117.
- 48 AM 52.III (2) 3.
- 49 Durie, op.cit., p.142 (footnote 49).
- 50 Sandeman Library, Perth, 14/1/2.
- 51 AM 54 (5) 40. The letter continued: "It would tend greatly to
promote our Linen manufacture that the country people should be
train'd to dress their own flax in the long winter Evenings, and
in bad weather suspending operations in the field. The encourage-
ment given by Government will soon produce flax of our own growth
sufficient for our demand; and if that flax were dressed by our
people at their idle hours, these two articles in conjunction
would lower the price of linen at least 20 per cent. We have,

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I am afraid, no other resource for bringing down our linen to the low price of what is imported from abroad; for I see little prospect of success in our application to parliament. The Ministers seem not to consider us as children of the state, but rather as strangers or aliens."

- 52 Minutes of Board of Trustees, Vol.20, p.222. SRO N.G.1.
- 53 AM 54 (5) 41.
- 54 Thomas Pennant, A Tour in Scotland 1772 (London 1790), Part II, p.40.
- 55 Letter Book of Board of Trustees, Vol.13, p.268. 30 July 1781.
- 56 AM 65 (4) 77.
- 57 Caledonian Mercury and Edinburgh Evening Courant 5 July 1784. The report was from the House of Commons. I did not find this proposed duty mentioned in Durie's book.
- 58 AM 65 (5) 22.
- 59 Edinburgh Evening Courant 5 July 1784 - "A very bad tax, being at present a losing trade."
- 60 Durie, op.cit., pp.88-91. Admittedly the bleachfields were in the Lowland part of the Atholl lands, but Wight mentions lint-mills being erected in Atholl itself. Andrew Wight, The Present State of Husbandry in Scotland, Vol.IV (Edinburgh 1784), p.164.
- 61 See J.P.Shaw, 'The New Rural Industries: Water Power and Textiles' in M.L. Parry & T.R. Slaver ed., The Making of the Scottish Countryside (London & Montreal 1980) for a survey of this subject, including the role of landowners.
- 62 Durie, op.cit., pp.82/3. In 1760 Luncarty bleached 360,000 yards.
- 63 Chron., IV, p.30.
- 64 AM 49 (5) 215 William Sandeman, Perth, to Duke of Atholl
2 December 1766
AM 49 (5) 217 Thomas Bisset, Dunkeld, to Duke of Atholl
2 December 1766
AM 49 (5) 222 Same to Same 14 December 1766.
- 65 AM 55.II (2) 9.
- 66 AM 55.II (2) 15.
- 67 AM 49 (8) 86.
- 68 AM 54 (1) 210.

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- 69 AM 54 (2) 23.
AM 55.II (2) 20.
- 70 OSA (1976 reissue), Vol.XI, p.593.
Surprisingly, the Huntingtower paper mill does not appear on the list of eighteenth-century Perthshire paper mills in Alistair G. Thomson, The Paper Industry in Scotland 1590-1861 (Edinburgh 1974), p.116.
- 71 AM 65 (1) 121.
OSA (1976 reissue), Vol.XI, p.594.
- 72 AM 65 (5) 43.
- 73 OSA (1977 reissue), Vol.XII, p.34.
- 74 OSA (1973 reissue), Vol.VII, p.467. This entry discusses the social consequences of the New Lanark Mill in some detail, pp.460-467.
- 75 The nature of the new era is nicely caught in the OSA entry for Tibbermuir, which, after relating the history of Huntingtower Castle, mentions that the Atholl family no longer used it as a residence, so "the Duke has very wisely availed himself of the advantage which the local situation affords for the different manufactures already described; and such is the change in the circumstances of the place, concurring with the genius of the times, that the same castle in which the proud and powerful baron once confined his king as a prisoner, is now quietly occupied by a colony of callico-printers." OSA (1976 reissue), Vol.XI, p.604.

NOTES TO CHAPTER 10

- 1 Chron., I, pp.276-327.
- 2 Account of the Proceedings of the Estates in Scotland 1689-90 (SHS, 1954), I, pp.186/7.
- 3 Chron., II, p.182. The servant's name was David Paget, the letter was written in French; it was unaddressed but was probably written to Lord Townshend. PRO SP54/7, ff.19-20.
- 4 Thelma Blance, 'Some Geographical Aspects of the Blair Atholl Papers' (unpublished PhD. thesis, Aberdeen 1956), p.28.
- 5 Chron., II, pp.242-248, 'Representation to His Majesty by the Duke of Atholl, 1716' (not dated). This is a detailed letter written by the Duke to justify his actions in the course of the rising. Naturally it presents only one side of the story, but the picture of muddle and inefficiency which emerges tallies with other accounts of the rising. The Duke also petitioned the king for money to pay the troops raised in opposition to the Jacobites. ibid., pp.240-1.
- 6 Bruce Lenman, The Jacobite Risings in Britain 1689-1764 (London 1980), p.146.
- 7 Chron., II, p.252. If this list was ever drawn up it would be of great interest, but it has not so far come to light.
- 8 ibid., p.267.
- 9 ibid., p.229-231.
- 10 SRO GD95/2/2 SSPCK Minutes of Committee 7 June 1716.
- 11 Rev. John Hunter, The Diocese and Presbytery of Dunkeld 1660-1689, II (London 1918), p.295. The quote is from the committee's report to the presbytery.
- 12 ibid., pp.296-298.
- 13 AM 46 (18b) 1.
Two letters relevant to this can be found in the Robertson of Lude papers SRO GD132/805/1 & 2. No.1 is a letter from Malcolm Stewart in Liverpool, dated 1 January 1716, to his mother (in-law?), Isobell Robertson. Having been convicted of high treason he expected to be executed and he listed his creditors and debtors. No.2 is a copy of a letter to Malcolm Stewart in Virginia, dated 19 July 1731 (writer unknown), asking for a letter corroborating his 1716 letter so that his mother-in-law's financial affairs could be satisfactorily settled.
- 14 AM 45 (13) 176. Postscripts to both letters have been left out by me.
- 15 AM 46 (17) 8. 20 February 1744. The Jacobite section of this letter (in which Bisset went on to discuss the 1719 rising and promised to do his best to find out if there was anything brewing

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elsewhere in the Highlands) is reproduced in Chron., III, pp.468/9.

- 16 NLS Mss.7069, ff.118-126.
- 17 Chron., III, p.14.
- 18 Jacobite Correspondence of the Atholl Family (Abbotsford Club, Edinburgh 1840) (hereafter Jacobite Correspondence), pp.12-13, Duke William to Commissary Bisset 9 September 1745.
- 19 Chron., III, pp.47/8. That Bisset was not merely being paranoid about the attitudes of the Jacobites toward him is proved by the following remarks made in a letter from Duke William to Lady George Murray, dated 6 October 1745. "There is one of my Brother James's Favorites call'd Commissary Bisset, who I was kind to, yet has acted a most unworthy Part, & is a very dangerous as well as disagreeable Person to all Honest People in this Shire, besides being odious to all in the Royal Army: I am told he has been running about sowing seditious and Rebellious Sentiments every where; at last 'tis said he is gone to Stirling, with design to do mischief, by the assistance of that Garison. As he may be sculking backwards and forwards the better to execute his base Designs, since your Ladyship says you will be some days near that place, if any body about you could be employed to get certain accounts of his motions, so that he might be apprehended & safely secur'd, it would be a singular service done both to our King & Country." Jacobite Correspondence, Letter LXIII, p.63.
- 20 Jacobite Correspondence, Letter XXVII, p.31.
- 21 Chron., III, pp.64-67.
- 22 Jacobite Correspondence, Letter XLIX, p.49; Letter LX, p.61; Letter LXXV, p.74; Letter LXXXIII, p.80.
- 23 ibid., Letter XCVII, p.91.
- 24 AM Bundle 1642.
- 25 NLS Mss.5137, f.23. Reproduced in Chron., III, p.31.
- 26 Chron., III, Addenda p.xxi.
- 27 AM 76 Jac.A.III (2) 113.
- 28 EUL Dc.1.37¹/21. The Atholl correspondence on the Hanoverian side for the year 1746 is not at Blair Castle but in the manuscript room of Edinburgh University Library.
- 29 EUL Dc.1.37¹/27.
- 30 Jacobite Correspondence, Letter CLIV, p.137; Letter CLXIII, p.146.

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- 31 ibid., Letter CLXII, p.145; Letter CLXVII, p.150. Lord George went on to say that the few Atholl men who had been at the Battle of Falkirk had behaved admirably and had had much to do with the successful outcome of the battle.
- 32 ibid., Letter CLXXX, pp.160-161. On 2 February Alexander McGilvray, Colonel of the McIntoshes, wrote to Col. Robertson of Drumachine, "The desertion is now become so general, that all endeavours must be used to prevent it, otherwise it must be of fatal consequence." Letter CXCIX, p.182. On 5 February Lord George wrote to his brother from Coupar Angus, "I'm sorry to let you know that there is great desertion amongst your men; had some examples been made at home it might have been prevented." Letter CCIII, p.186.
- 33 ibid., Letters CCXIII-CCXVI, pp.194-197.
- 34 EUL Dc.1.37¹/4.
- 35 Chrons., III, p.216. For the list of vassals who attended this meeting see ibid., p.219.
- 36 ibid., p.253.
- 37 EUL Dc.1.37²/94.
- 38 The Highlands of Scotland in 1750 with an Introduction by Andrew Lang (Edinburgh & London 1898), pp.128-130.
- 39 EUL Dc.1.37¹/12.
- 40 Chrons., III, pp.303-305.
- 41 Dunkeld presbytery, SRO CH2/106. 4 & 5 March.
- 42 ibid., 5 August 1746 - 2 June 1747. On 23 May 1747 the Rev. Alexander McLagan wrote to the Duke from Edinburgh, "The process with respect to Mr. Thomas Man came before the Commission and was warmly debated for three Dyets in which not one Member did so much as propose a Decision of a Lower Nature than what prevail'd. He was solemnly rebuk'd at the Bar and suspended untill Novr ensueing." AM 47 (2) 103.
- 43 Chrons., III, pp.314/5. A footnote gives the source of the petition as the PRO.
- 44 Lenman, op.cit., p.273.
- 45 The Prisoners of the '45 (hereafter Prisoners), (SHS 3rd Series Vol.XV), III, pp.276/7, 300/1, 304/5, 340/1. The information about their release on condition of enlistment occurs under the names of the two Scotts and Duncan Stewart. The Editors were uncertain about what happened to Charles Robertson after he was reprieved, but as all the other information tallies it seems

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likely he shared the same fate. I could not locate a James McCollie (nor Macaulay, which might have been the alternative spelling).

- 46 ibid., II, pp.168/9.
- 47 EUL Dc.1.37¹/13.
- 48 EUL Dc.1.37¹/31.
- 49 EUL Dc.1.37¹/14. Bisset went on to write, "The Ministers were ordered to give in a List of all that were out in arms first and last, which they did, and which the Commander at Perth finding not to amount to half the Number they expected, the Ministers are now ordered to give up a List of all those that have been innocent, wherein the Ministers are diffculted, because Drumachine who assumed the Governing of Atholl, haveing had garrisons at Logyreat and Taybridge, he seized all deserters from the Rebels, and many others in the country, and forced them by turns to watch a night about at the Ferrys, which they could not gain stand as the country was then entirely under the subjection of the Rebels, by bringing in all these, it will make the Number of Rebels in Atholl greater."
- 50 EUL Dc.1.37¹/17. He added the following postscript. "I understand that Drumachine haunts Fintrys shealling of Fealare, whereof I have acquainted Brigdr Mordaunt, as I do from time to time, the haunts of all the vassalls, that it may be seen, they are not countenanced or screened in this country, and I have discharged all your Grace's tennents upon their peril to harbour Rebels."
- 51 EUL Dc.1.37²/97.
- 52 EUL Dc.1.37²/106.
- 53 EUL Dc.1.37²/108.
- 54 EUL Dc.1.37¹/30.
- 55 EUL Dc.1.37²/113.
- 56 EUL Dc.1.37¹/30. As early as February 1746 the Duke had already organised an inventory of Lord George's goods and was wanting Lady George to leave Tullibardine. She wrote on 14 February to say she was very weak and in poor health after giving birth three weeks earlier, and asked if she could remain a little while longer. EUL Dc.1.37²/75.
- 57 All grouped together as Dc.1.37¹/31. A letter of 5 August to the Duke again protested his innocence. Dc.1.37²/53.
- 58 EUL Dc.1.37²/52. Copy letter Duke of Atholl, London, to Steuart of Ballechin, 14 August 1746.

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- 59 EUL Dc.1.37¹/19.
- 60 EUL Dc.1.37¹/30.
- 61 AM 47 (2) 2.
- 62 AM 47 (2) 28.
- 63 AM 47 (2) 72.
- 64 AM 50.I.34. 'Account of some of the services done by Me Thomas Bissett to the Family of Atholl.'
- 65 AM 47 (5) 91. Undated but marked as having been received 10 November 1753.
- 66 AM 47 (3) 16. Robert McGregor (alias Murray) of Glencarnock (or Glencarnaig) was apparently imprisoned in Edinburgh Castle for three years. He was released on 11 October 1749, 'excepted' from the Act of Pardon. He lived until 1758. Prisoners, III, pp.96/7.
- 67 Chronos., III, p.207. AM 51.V.16.
- 68 Prisoners, I, pp.52-56 and Appendices A, B, and C.
- 69 AM 65 (12) 5. Rental of annexed estate of Lochgarry 1776. Drumachine's wadset lands formed part of the Lochgarry estate, and the Duke of Atholl petitioned for his right to Drumachine, in a complicated case. See AM 51.VII.A.14 and 55.II (1) 50. On 26 March 1785 the estate was granted to John McDonnell, son of the attainted Duncan (or Donald) McDonnell, held by him of the Duke of Atholl. 52.III (1) 15.
- 70 Chronos., III, p.301.
- 71 Lenman, op.cit. is an example of this kind of thinking.
- 72 I owe this point to Eric Cregeen (private communication).
- 73 It appears from Ian R.M. Mowat, Easter Ross 1750-1850 (Edinburgh 1980), pp.16-17, that in that area, which was also on the Lowland/Highland border, there was a pattern similar to that of Perthshire. Support for the 1745 rising was, on the whole, slight, though several of the gentry participated.

A SOCIAL HISTORY OF THE ATHOLL ESTATES 1685-1785

VOLUME II

APPENDIX 1

Letter from 3rd Duke of Atholl to
Mackenzie of Delvine December 1769

Dear Sir,

I am favoured with yours of the 19th for which I am very much obliged to you and shall not think you continue to be the true friend I have always thought and found you if you don't at all times tell me when you think I am in the wrong. I shall with my best judgment weight your arguments against my own opinion and either alter my conduct or give you my reasons for persevering in it.

I dont find the world in general near so wise as I took them to be 20 years ago - you are one of the very few to whom I wish my conduct may appear reasonable and proper and by whose advice and counsel I should wish to steer and before beginning my London house you must remember had many conversations with you upon the subject.

For some years past I have often told you and you yourself were sensible that my house in London was by far too small for the size of my family and that I might either buy or build another house, or give up going to London entirely. You know I enter so little into a London life that this would have been no sort of hardship upon me, both you and I thought that my going sometimes there and not quite dropping my English connections would put it more in my power perhaps sometime or other to be of some little service to my country to serve my friends and in due time to introduce my large family of children properly into the world and indeed be of more real service to them in their after life than leaving them a little richer at my death - and I still continue of the same opinion.

You know very well how exceedingly shabby this house was termed and that it was so thoroughly out of repair that your niece Mrs

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Robertson of Faskily's foot went through the floor at the drawing room fireside. And that this is the real place for our family seat, Blair for all that has been done about it being only for a few months in the summer. However I delayed my repairs here as long as they would delay for me, the main staircase was so far separated that it was in hourly danger of falling: I took my measures with as much prudence as I could that the work might be begun as soon as I set out last autumn for London which was done accordingly the house filled with workmen and the insides totally pulled to pieces: when I went last to the capital I was more and more sensible of our want of room, especially upon some of the children being taken ill whom we could not separate from the others, the infection of course run through the rest of them and we lived in a hospital for three months: mean time Mrs H Drummond offered me a house of Lord Townsends for 5000 (which soon after was sold for 6000) but I refused it intending to put up as well as I could till Dunkeld was finished and not encumber myself with too much at once but the next house being burnt down and ours taking fire showed that all our lives was at the mercy of a neighbour's carelessness and a small wooden staircase; and I found the Duchess to whom I owe every thing who was always afraid of fire so much alarmed that after returning to South Audley Street she never could sleep five minutes at a time in that house. I now found it absolutely necessary either to purchase or to build, the latter I preferred for many reasons. I showed you the plans, the situation, and told you that by my best calculations I should have occasion to raise betwixt 4 and 5 thousand pounds to carry on my building which I thought I should fully replace in three years against the 1st of April 1772 and then all my expensive work be over I could make a considerable annual saving: you at that time fully

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approved off and saw the reasonableness and indeed necessity of my intention, by that time the works here had gon so far that it would have been the height of folly to stop them.

Since possessing my estate after having gott over the arduous affairs of the Isle of Man and the title I am not conscious of having misapplied or wantonly dissipated any part of it.

I had your approbation, that of the world and that of my own heart for the first step I took of filial duty or rather of common honesty I took in paying my father's debts, I next thought it my duty to make a very valuable mothers old age comfortable to her by fitting up Stanley - it pleased providence otherways to dispose of her. I next gave to Lady Sinclair what I lookd upon as her right and in the particular situation of our family I thought my brothers had more than a common (because no legal right) of protection support and assistance which which (sic) I have hitherto afforded them and am happy to find them both in the situation of life I could desire - the numbers of industrious people I employ is of some little service in this part of the world - I am doing a duty to posterity when improving and adorning our native spott, and giving them an inducement to live at home; the plantations I have made which must in 50 years be worth 100 thousand pounds I look upon to be substantial improvement, and I am evry way laying out money at $9\frac{1}{2}$ per cent for building walls for my tenants. What I have done both about this place and the house will be paid from my annual income and I still repeat that I have no doubt but that by March 1772 to have replaced whatever money I may have occasion to take out and after that to be able to make a very considerable annual saving. I doubtless owe my children and family the duty of

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frugality but I also owe something to the age I live in and to the people amongst whom I live - if hording money upon money be the only positive virtue, positively my cousin the Earl of Aberdeen is the most virtuous man I know but you would despise me were I to follow his example and surely his is not the way the scripture meant a man ought to improve his talent. Lord Eglington may not receive 2000 for a house which cost his brother 3000 but though I don't build for sale I am much mistaken if my new house would not sell for more money than it would cost me. As to the chance of London not being the capital 30 years hence, we might act upon probabilities but I think it has a better chance of continuing so than our paper credit in this end of the island has of standing so long.

AM 49 (8) 187

APPENDIX 2A

Tack (later cancelled) betwixt His Grace the Duke of Atholl
and George Smith 1704

Att Dunkeld the sixteenth day of December One Thousand Seven hundred
and four years It is contracted and agreed betwixt an High and
Mighty Prince John Duke of Atholl, Marques of Tullibardine etc.
Heritable Proprietor of the lands and others aftersquot on the one
part and George Smith in Sherifmoor on the other part as follows
That is to saye the said High and Mighty Prince hereby setts to the
said George Smith His Heirs and subtenants of no higher degree than
himself secluding his assignayes All and hail the Sixth part of the
Town and Lands of Sherifmoor with houses biggings yards grassings
mosses mures and whole Pertinents thereof as the samen is presently
possesst by himself lying within the Parish of Clunie Regality of
Atholl and Sherifdome of Perth and that for the space of Eleven years
next and immediately after his Entry thereto which is hereby declared
to be and beginn at the term of whitsunday next to come One thousand
Seven hundred and five years And thenfurth to continue during the
space forsd which Tack the sd High and Mighty Prince binds and
oblidges him his Heirs and successors to warrand to the said George
Smith and his forsd att all hands as Law will For the Which Causes
the said George Smith binds and oblidges him his Heirs Executors
successors and Intromitters with his goods and gear whatsoever be
content and pay to the said High and Mighty Prince his Heirs or
Assignayes or to His Graces Factors and chamberlanes in his name
having his commission yearly during this present Tack the sum of ten
pounds scots money att martinmass, Twenty load of peats, Four poultry
and ane crue lamb or ten shillings money forsd as the pryce thereof

APPENDIX 2A CONTD.

in name of Tack duty Beginning the first years payment of the said silver duty at martinmass one thousand seven hundred and five years being forhand duty and of the sds casualties at the terms of payment ac[cu]s[ed] and wont And sua furth yearly during the present Tack, And to relieve His Grace and his forsd of all publick burdens and of all ministers and schoolmasters stipends imposed or to be imposed during the said space and due and payable out of the sds lands And to perform the services of hosting hunting watching and warding arrages carriages and other services used and wont when required thereto And the said George Smith binds and oblidges him and his forsd to free relieve harmless and skaithless keep the said High and Mighty Prince and his forsd of all cost damage or expences they may happen to incure or sustain through any depredations or thievings that shall happen to be committed by them their subtennants cottars and other occupiers of the sds lands or by any loose men under malafama that shall happen to be harboured outhounded or resett by them their subtennants servants or other occupiers of the sds lands Declairing herby lykeas it is herby specially declaired that in case he his subtennants cottars or servants shall harbour or resett any thieves that then they shall lose the benefit of this present Tack Besides relieving his Grace and his forsd in manner forsd and being lyable in the penalty after mentioned which omission of the without necessity of any other declarators And likewise he oblidges him and his forsd to plant yearly upon the ground of the sds lands six young trees And to leave the houses and biggings in a sufficient good condition at their removeal, And in case the said yearly duty shall happen to remain unpaid a fourtnight after the term of payment thereof That then this present Tack shall thencefurth expire ipso

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facto in His Graces option allernarly And both parties oblidges them
and their forsd to perform the premisses hinc inde under the penalty
of Fourty pounds money forsd to be payed by the failzier to the
observer or party willing to observe the same [over and above*]
performance Consenting to the registration hereof in the Books of
Councill and session or other competent within this kingdom To have
the strength of ane Decreet interponed thereto That bills of Horning
on six dayes and others needfull may pass heron in form as effeirs
and thereto constitutes

Their prnts(?) etc. In witness whereof Both parties have
sub[scribe]d these presents (written by Mr Neill Stewart Servitor
to His Grace) Place day moneth and year of God forsd Before these
witnesses John McRitchie His Graces officer for Laignwood and the sd
Mr Neill Stewart and Donald Moon Servitor to His Grace

signed ATHOLL

*I found this clause indecipherable in the original document. The
words as given are from A Collection of Styles compiled by the
Juridical Society of Edinburgh 1787.

AM 43.II.F.40.

APPENDIX 2B

Extract from Tack 11 Dec 1728

Att Dunkeld the eleventh day of December one thousand seven hundred and twenty eight years It is agreed upon betwixt ane High and Mighty Prince James Duke of Atholl &c on the one part and Robert Low Dyer in Tulliemett on the other part as follows That is to say Forasmuch as the said Robert Low has att the terme of Martinmass last notwithstanding of this date advanced payd and delivered to the said Duke all and hail the sum of Five hundred merks scots whereof His Grace grants the receipt and discharges the said Robert Low his heirs and all others concernd thereof renouncing all exceptiones to the contract for now and ever Therefore the said Duke binds and obliges him his heirs and successors to content and pay back the said sum of five hundred merks with a years annuallrent thereof to the sd Robert Low his heirs and assigneys and that all and against the terme of Martinmass one thousand seven hundred and twenty nine years with one hundred merks money forsaid of liquidal expences in case of feullie together with the due and ordinar annuallrent of the said principle sum yearly termely and proportionally so long as the same shall remain unpaid after the said terme AND Further the said Duke has sett and hereby in tack and assedatione lettes to the said Robert Low and his forsaid all and hail the town and lands of Croftnacuishag in Tulliemett being a twenty shill. land with houses biggings grassings sheallings mosses muirs meadows yeards parts pendickles and universall pertinents thereto belonging as presently possest by John Scott and Isobell Dick there lying within the paroch of Logiereat and shire of Perth And that for the hail space of Fyften years next and immediatly following his entry thereto which is hereby declared to be the houses

APPENDIX 2B CONTD.

yeards and grass at the terme of whitsunday one thousand seven hundred and twenty nine years next and to the arrable ground immediatly after separatione of that years cropt from the ground and this tack to continue even after expiratione of the said Fifteen years ay and untill compleat payment and satisfacione be made of the said sum of Five hundred merks which tack the said Duke oblidges him and his forsaides to warrant att all hands and against all deadly as law will excepting from this warrandice the tacks or minutes of tack granted by the late John Duke of Atholl to the sds John Scott and Isobell Dick for the years thereof yet to run But because of the said exceptione the said James Duke of Atholl hereby assigns the said Robert Low and his forsds in and to the mails farmes and dutys & services payable and prestable by the sd minutes of tack from and after whitsunday next For the which causes and on the other part the said Robert Low oblidges him and his forsds to pay to the said Duke and his as written or to their Factors their hands yearly dureing this tack two bolles good and sufficient charitat bear and twenty merks scots of money rent with Fourteen merks money forsd in lieu of the services that usually were performed to the mains of Tulliemett together with eighteen poultry and fourty loads of peats

AM 50.II.56.

APPENDIX 3

Summary of information on selected estates extracted
from Abstract Rentals (in sterling)

(N.B. Grain amounts have been rounded off from bolls,
firlots, pecks and lippies to the nearest boll.)

→ indicates no change.

	<u>1733</u>	<u>1734</u>	<u>1735</u>	<u>1736</u>	<u>1737</u>	<u>1738</u>
<u>Blair</u>						
money	£514-19-10 ^B	£521-6-1 ^B	£521-19-5 ^B	£518-1-8 ⁴	£523-2-3	£537-3-10 ^B
meal	44B	→	→	→	→	→
beaz	70B	→	→	→	→	→
<u>Tullibardine</u>						
money	£249-17-11 ¹⁰	→	→	£247-12-11 ⁶	→	→
meal						
beaz						
<u>Whcle^a</u>						
money	£2386-8-7 ⁶	£2419-11-8 ⁴	£2421-12-6 ⁴	£2419-16-7	£2419-13-0 ⁸	£2418-10-11 ⁸
meal	226B	184B	→	→	→	190B
beaz	208B	200B	→	→	→	200B

^aDivided as follows: Blair, Betwixt Killiecrankie & Tullimet, Tullimet, Gay(Guay), Kilmorich, Dowlay (Dowally), Rotnell, Dunkeld Braefoots & Drumbuy, Laignwood, Invar & Torrivald, Inchmagranich(Inchmagranachan), Dalmarnock, Logierait, Balquhiddier, Constabulary of Kincleaven, Glenalmond, Strathardie, Falkland, Cairth(Carth), Tullibardine, Ochils.

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	<u>1739</u>	<u>1740</u>	<u>1741</u>	<u>1742</u>	<u>1743</u>	<u>1744</u>
<u>Elair</u>						
money	£524-19-5 ⁴	£524-4-5 ⁴	→	£468-12-10 ²	£466-2-10 ²	£451-2-10 ²
meal	→	→	→	20B	→	→
bear	→	62B	→	20B	→	→
<u>Tullibardine</u>						
money	→	→	→	£250-7-9 ⁴	→	→
meal				65B	→	→
bear				10B	→	→
<u>Whole</u> ^a						
money	£2424-19-10 ⁴	£2418-16-4	£2410-13-0	£2295-5-1 ¹	£2306-6-1 ⁹	£2319-0-9 ⁹
meal	188B	→	→	200B	→	→
bear	196B	188B	→	154B	→	→

^afrom 1744 also includes Drumachine

	<u>1745</u>	<u>1746</u>	<u>1747</u>	<u>1748</u>	<u>1749</u>	<u>1750</u>
<u>Blair</u>						
money	£448-1-6 ⁴	→	→	£454-11-6 ⁴	→	→
meal	→	→	→	→	→	→
bear	→	→	→	→	→	→
<u>Tullibardine</u>						
money	→	→	→	→	→	£251-15-0 ⁴
meal	→	→	→	→	→	52B
bear	→	→	→	→	→	8B
<u>Tho. Bisset's District^a</u>						
money				£837-18-6 ⁸	£838-12-0 ⁸	→
meal				20B	→	→
bear				20B	→	→
<u>Commissary Bisset's District^b</u>						
money				£614-19-4 ¹⁰	£617-1-10 ¹⁰	£618-9-10 ¹⁰
meal				154B	170B	→
bear				130B	144B	→
<u>Harrison's District^c</u>						
money				£911-12-9 ¹¹	£918-0-2 ⁵	£928-16-5 ⁷
meal				68B	→	55B
bear				15B	→	13B
<u>Whole</u>						
money	£2346-0-10 ⁷	£2346-11-6 ¹¹	£2355-4-2 ¹	£2364-10-9 ⁵	£2373-14-1 ¹¹	£2385-18-5 ¹
meal	166B	→	230B	242B	258B	245B
bear	146B	→	156B	165B	179B	177B

^a Blair & Bonrannoch (Bunrannoch), Drumachine, Glenalmond, Strathardle, Balquhiddy

^b Retnell, Dowlay (Dowally), Cay (Guay), Kilmorich, Tullinet, From Tullinet to the Pass, Inchmagranach (Inchmagranachan), Dalmarnock, From Dalmarnock to the head of Glenlyon

^c Dunkeld, Braefoots & Drumby, Laignwood & Forest of Cluny, Ladywell, Invar & Torrivald, Kincleaven, Tullibardine, Falkland, Ochils

	1751	1752	1753	1754	1755	1756
<u>Blair</u> money meal & bear	£460-5-2 ¹⁰ 32B	£475-9-10 ² →	£500-18-7 ⁶ 33B @ £6-10Sc.	£553-15-10 ⁷ 30B @ £6-10Sc.	£570-5-7 ³ →	£580-4-2 ³ →
<u>Tullibardine</u> money meal & bear	→	£253-9-2 ⁴ →	£280-9-2 ⁴ 60B @ £5-8Sc.	£280-0-10 ⁴ →	→	£287-16-10 ⁴ 24B @ 9/-ster 36B @ 13/4 "
<u>Tho. Bisset's</u> <u>District</u> money meal bear	£944-5-9 ² 16B 16B	£859-17-0 ⁶ → →	£1269-17-10 ¹⁰	£1328-4-7 ⁵	£1369-2-2 ⁷	£1416-9-11 ¹¹
<u>Commissary Bisset's</u> <u>District</u> money meal bear	£620-1-8 ¹⁰ 186B 152E	£641-19-5 ¹⁰ → →	Districts divided up as shown below.			
<u>Harrison's</u> <u>District</u> money meal bear	£947-3-0 ⁷ → →	£954-7-2 ⁷ → →	£1561-1-4 ⁸	£1631-16-8 ¹¹	£1674-4-10	£1689-14-6 ¹
<u>Whole</u> money meal bear	£2411-10-6 ⁷ 256B 183B	£2456-3-8 ¹¹ → →	£2830-19-3 ⁶	£2960-1-4 ⁴	£3043-7-0 ⁷	£3106-4-6

^aFrom 1753 includes Blair Strathmuel & Bonrannoch, Drumachine, Glenalmond, Strathardle, Balquhidder, Inchmagranach, Dalmarnock, From Dalmarnock to Logierait & from Logierait to head of Glenlyon. From 1755 also Wester Kinnaid. From 1756 also Ballalochan & Haugh of Newbigging.

^bFrom 1753 includes Laignwood & Forest of Cluny, Drumbuy, Dunkeld, Braefoots & Craigbreastach, Rotmell, Dowlay(Dowally), Cauly, Kilmorich, Tullimet, Pittagir, Pitcastle & Ballagowan, Ballachandie, Mouline & Belafuirt, Ballagowlan, Ladywell & Little Dunkeld, Invar & Torrivald, Kincleaven, Falkland, Ochils, Tullibardine. From 1754 also Dalcapon.

APPENDIX 3 CONTD.

	<u>1757</u>	<u>1758</u>	<u>1759</u>	<u>1760</u>	<u>1761</u>	<u>1762</u>
<u>Flair</u> <u>money</u> meal & bear	£727-7-9 ⁷ →	£727-6-7 ⁹ 30B @ 10/10ster	£778-18-6 →	£782-0-6 ¹⁰ →	£889-15-9 →	£906-7-2 ⁸ →
<u>Tullibardine</u> <u>money</u> meal & bear	£284-16-10 ⁴ →	£280-18-10 ⁴ 24B @ 9/-ster 36B @ 9/6ster	£282-11-0 24B @ 9/- 36B @ 10/3	→	→	→
<u>Bisset's</u> <u>District</u> ^a <u>money</u>	£1611-0-3 ¹¹	£2871-19-4 ¹	£2931-16-2	£2935-6-1 ¹	£3021-11-7 ⁷	£3073-15-0 ⁷
<u>Harrison's</u> <u>District</u> ^b <u>money</u>	£1690-11-3 ⁹	£1738-15-6 ⁸	£1744-13-1 ³	£1755-17-9 ⁶	£1771-3-1 ⁶	£1774-3-3 ⁶
<u>Whole</u> <u>money</u>	£3301-11-7 ⁸	£4610-14-10 ⁹	£4676-9-3 ³	£4691-3-10 ⁷	£4792-14-9 ¹	£4847-18-4 ¹

^afrom 1758 includes Nairne (Strathcord) & Stanley.
from 1761 includes Kincaigie and Glenalbert.

^bfrom 1758 includes Hosefield.

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	<u>1763</u>	<u>1764</u>	<u>1765</u>	<u>1766</u>	<u>1767</u>	<u>1768</u>
<u>Blair</u> money meal & bear	£906-12-10 ⁸ →	£911-17-8 ² →	£915-2-0 ¹⁰ →	£919-13-0 ⁶ →	£925-10-3 ⁴ →	£889-1-2 ¹⁰ 30B @ 12/10
<u>Tullibardine</u> money meal & bear	→	£282-14-10 ⁸ →	→	£283-8-7 ⁸ →	£292-4-7 ⁸ 24B @ 11/- 36B @ 12/-	→
<u>Bisset's</u> <u>District</u> ^a money	£3080-19-9 ¹¹	£2389-13-6 ³	£2384-18-11 ⁷	£2410-0-1 ⁷	£3154-12-3 ⁴	£3095-8-5 ⁹
<u>Harrison's/</u> <u>Urrard's</u> ^b <u>District</u> money	£1894-19-4 ¹⁰	£2594-8-6 ⁸	£2598-12-11	£2608-9-7 ⁴	£2630-9-3 ⁶	£2779-8-1 ⁸
<u>Whole</u> money	£4975-19-2 ⁹	£4984-2-0 ¹¹	£4983-11-10 ⁷	£5018-9-8 ¹¹	£5785-1-6 ¹⁰	£5874-16-7 ⁵

^afrom 1764 altered to: Strathord (Nairne) & Stanley, Falkland, Ochils, Tullibardine, Balquhiddar, Glenalmond.
from 1767, after death of Dowager Duchess, also includes Huntingtower & liferented parts of Falkland.

^bfrom 1764 Stewart of Urrard's District: Lighwood & Forest of Cluny, Dunkeld Braefoots & Drumbuy, Rotmell, Dowlay(Dowally), Guay, Kilmorich, Tullimet, Hosefield, Dalcapon, Pittagirr Pitcastle & Ballagowan, Ballachandie, Lettach, Mouline & Bellafuirt, Ballgowan, Blair Strathtummel & Bunnarnoch, Drumachine, From the Head of Glenlyon to Logierait, Wester Kinmaird, Kinraigie and Glenalbert, Ballalochan & Haugh of Newbigging, Dalmarnock, Inchmagranach, Inver & Torrivald, Ladywell & Little Dunkeld, Constabulary of Kinclaven, Strathardle.

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	<u>1769</u>	<u>1770</u>	<u>1771</u>	<u>1772</u>	<u>1773</u>	<u>1774</u>
<u>Blair</u> <u>money</u> meal & bear	£895-6-5 ⁷ →	£905-10-10 ⁷ →	£915-16-11 ⁷ →	£923-1-6 ⁷ →	£952-12-4 ² →	£953-12-11 ³ →
<u>Tullibardine</u> <u>money</u> meal & bear	£297-1-8 ⁸ →	£299-19-7 ⁸ →	→ →	→ →	£302-9-7 ⁸ →	missing
<u>Bisset's</u> <u>District</u> <u>money</u>	£3311-18-3 ¹⁰	£3431-17-5 ⁸	£3468-19-3 ²	£3502-13-5	£3540-17-8 ⁴	£3589-5-7 ⁹
<u>Urrard's</u> <u>District</u> ^a <u>money</u>	£2815-2-1 ¹	£2855-4-11 ⁹	£2886-14-9 ⁵	£2880-19-5 ⁵	£2999-3-5 ³	£3060-11-3 ⁵
<u>Whole</u> <u>money</u>	£6127-0-4 ¹¹	£6287-2-5 ⁵	£6355-14-0 ⁷	£6383-12-10 ⁵	£6540-1-1 ⁷	£6649-16-11 ²

^afrom 1774 also includes Littar & part of Cairdneys Lands.

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	<u>1775</u>	<u>1776</u>	<u>1777</u>	<u>1778</u>	<u>1779</u>	<u>1780</u>
<u>Blair</u> money meal & bear	£964-13-5 ⁹ →	£968-18-0 ³ →	£906-15-6 ³ →	→ →	£916-11-2 ¹ →	£910-19-5 ⁶ →
<u>Tullibardine</u> money meal & bear	£301-9-7 ⁸ →	→ →	→ →	£301-12-7 ⁶ →	→ →	→ →
<u>Bisset's</u> <u>District</u> ^a money	£3566-13-2 ¹	£3567-16-10 ¹	£3574-5-2 ¹¹	£3577-12-7 ¹¹	£3584-18-9 ⁴	£3683-15-6
<u>Urrard's</u> <u>District</u> money	£3116-6-1 ⁹	£3126-2-5 ⁷	£3065-9-11 ⁷	£3075-19-10 ³	£3149-4-6 ⁵	£3165-10-9 ²
<u>Whole</u> money	£6682-19-3 ¹⁰	£6693-19-3 ⁸	£6639-15-2 ⁶	£6653-12-6 ²	£6734-3-3 ⁹	£6849-6-3 ²

^afrom 1780 also includes Wester Dollarbeg.

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	<u>1781</u>	<u>1782</u>	<u>1783</u>	<u>1784</u>	<u>1785</u>
<u>Blair</u> money meal & bear	£913-1-5 ⁶ ————→	£916-13-11 ⁶ ————→	£920-1-2 ⁶ ————→	£921-4-5 ⁶ ————→	£937-1-7 ————→
<u>Tullibardine</u> money	————→	————→	£382-2-4 ⁴	£383-2-4 ⁴	£388-2-4 ⁴
<u>Bisset's</u> <u>District</u> ^a money	£3699-11-11 ⁵	£3729-7-11 ³	£3910-6-11 ³	£4087-16-4 ⁵	£4452-7-11 ⁹
<u>Urrard's</u> <u>District</u> ^b money	£3179-17-11 ⁶	£3241-3-10 ¹⁰	£3305-7-8	£3306-1-3 ⁸	£3469-16-11 ⁸
<u>Whole</u> money	£6879-9-10 ¹¹	£6970-11-10 ¹	£7215-14-7 ³	£7393-17-8 ¹	£7922-4-11 ⁵

^afrom 1784 also includes Easter Dollarbeg.
from 1785 also includes Kinvaid.

^bfrom 1783 also includes Killiechangie.
from 1785 also includes Soilziary.

APPENDIX 4

Extract from Unsigned Memorandum, Tullibardine 1746.

Having so many things to remember I shall jot down what occurs to me both about this place and Glenalmond so far as I can see by any papers I have look'd over. I cannot find any exact accompt of the money that my Ld laid out in reparations and building, but by all I can judge and what he told me at different times I have reason to believe it was about £500 over and above what he was allow'd by his brother. The kain, cater corn, carriages with the improvements he made in the rents he thought answer'd near to the interest of that sum, besides the profits he made of the parks. The parks when we came here were in very bad order and out of heart, as the custom had been for several years before to till them three years and only rest them other three years, so that by continueing in this method and never laying any manure upon any part, I have no skill in them things, but if that method had been long continued of three years in and only three years out, I shoud think the parks wou'd have been soon run out so as not to have pay'd the rent. Ever since we came excepting what has been manur'd every second year, the other parts have been let out for six or seven years and laid out as smooth as coud be. As to the west park which was in half lee in 1733 so that the grass cou'd be of no great value is now in much better heart, the one half has been always in grass, and the other half only three crop was taken off these twelve years, and it has now been several years in grass. I have often heard my Ld say that cou'd it be divided into inclosures of about 24 acres (and of which he had laid down a plan) and lim'd and manur'd, so that each of these inclosures after taking up so many crops of them in their

APPENDIX 4 CONTD.

turn as wou'd have pay'd the expence and then laid them down with grass seeds, the rent of that park wou'd have been doubled, but this wou'd have required time and a considerable outlaying. As it was I have often heard him say that there was £12 additional rent laid upon that park after he had made a bargain for it, yet he was no loser by this park. The thought indeed that the old parks were rented to the full, for all the arable land upon them pay'd at the rent of about ten shillings the acre. But take the whole parks as they are at present being in good heart as having been long in grass, I imagine they are in better condition than when we came to them. I have also heard my Ld say that there was £5 yearly allow'd for the Ward out of the rent, but it was never allow'd him. The former tennants had also allowance for the gates and keeping the dikes. As for the tennantry here there was considerable arrears oweing by them, I cannot remember how much, but my Ld took that from Mr Alexr Murray [Duke of Atholl's factor] as so much money. I remember he told me he never took entrys from the tennants, he us'd to say that the money they gave in entrys very often run them into debt, whereas if it were laid out by them in things for their labouring, they cou'd pay a small addition yearly much easier than an entry. The augmentations will be seen by the difference in the rentals. The tack of the miln expir'd about two years ago, and as the tennant was dead long before, and his children infants, a new tennant was got, but as my Ld had found the inn and little town was very inconvenient so near the House, he propos'd seting them at the miln, and therefore only set about four acres to the tennants who took the miln, reserveing the remainder of the land for to set in acres to trades people and an inn-keeper, and as he agreed for it I

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think M250 of entry for the miln, he built a lint miln and made an expensive cast of a water lead through it. The miln was finish'd and some time after it was burnt, either through neglect or by some malicious person, yet what remains of it is of more value than the entry paid for the meal miln, and it can be easily made up agen. I have often heard my Ld say that he wou'd never put out an old resider in any room that was out of tack except he was either a broken tennant or bad man. There was one put out at the Middle Thrid who was wrong in the head and woud pay no rent, and that place was join'd with the other half of the room; so that the whole makes a good room, and much more valuable than when it was set to two, yet the tennant has fallen in arrear, and it is said he spends his money in a wrong way. There was a place call'd the West Mains that paid £40 Scots, the tennant in it fell so much in arrear that he gave it up and got a pendicle, and as I remember he had pay'd an entry and the half of the term being expir'd, my Lord paid him the half of his entry back, tho it was several years before his coming to this place that he had got his tack and paid his entry, this room with the Levrockland and pendicles near them, with the land possessd by the inkeeper (who has ever been a troublesome tennant) and another small one, my Ld designed to have enclos'd, which wou'd have been done so soon as the inn and the town has been remov'd to the miln, and I heard him often say that it wou'd be as valuable as the west park, which wou'd near double the present rent of that ground, he propos'd one wall north and south to the west of John Hallys room, and the other all the way through the moor till it join'd the south west corner of the west park. I believe John Hally is longer in arrear than any other of the tennants, and have

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ever been in arrear, he had a life rent tack before we came here. I have often heard my Ld say that he knew he cou'd have got about half a chalder of victual yearly more for the room in easthill than it pays, the tennant whenever he heard that my Ld was coming to this place went to Mr Alexr Murray and got a nineteen years tack for which he only gave ten guineas, and that was after my Ld had made an agreement as he told me for this place. Upon the whole I think by the augmentations with the kain carriages and cater corn my Ld thought he made about £25 sterling which paid the interest of the monèy he had laid out over and above what he was allow'd, and this besides what he cou'd make of profit of the parks. There was always formerly allowance for timber and other renovations for tennants houses, but as this was not the practice of the neighbourhood, my Ld at his first coming held a court and got an act made to oblige the tennants to uphold their houses at their own expence, this was very inconsiderable to them, but in the whole was a yearly deduction to the Masters rents and had always been allow'd, which with Factors Sallery came to a considerable diminution of so small a rent, since we came here nothing of this kind has been ask'd, and the whole rents as sign'd by the minute have been pay'd without any deduction but the publick burthens. Upon the whole reckoning the addition that my Ld pay'd of more rent than the estate and parks pay'd before, with the deductions for tennants houses and factors fee, with the rents that are now pay'd, the Duke of Atholl will find himself the gainer of about fifty pounds sterling yearly by our being here, this besides house and gardens.

AM 51.V.13.

APPENDIX 5

• Extract from Letter

Thomas Bisset to Duke of Atholl 15 Feb 1742

As I wrote in my last we found matters with the tennents be west the pass better than we expected But it is not so below the pass all is in great confusione there haveing been no clearance with the tennents for some years past and only partiall receipts given from time to time for what money was payd so that neither Factor nor tennents could know how their accounts stood we find some of them for eight or nine years back without a clean discharge and Saturday last we had a case wher three tennents succeeded one another in the same roun without any discharge but only partiall receipts This puts us to immense labour But we have resolvd upon a scheme which we find verry necessary We are oblidge to make a long state of ane accompt with every tennent and to charge them backward untill the date of their last discharges and to give men credit for all their partiall receipts which we take up from them giveing them full discharges in as far we find they have payd up and the ballance resting by them we draw out in our book of clearance in two columns one containing the rests of cropt 1740 and proceedings the other of Mr Murrays Intromissiones with cropt 1741 and for instructing that these ballances are justly made out for every artikle we have the stated account with every tennent and those partiall receipts to produce and for instructing that no more are in arrears but those we give in we have every rentall so that no single tennent can escape us we have only done this last week...and I reckon we will take two days more to compleat the same. This not clearing yearly with the tennents hath been the occasione of so many insolvent

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tennants since before the Factor could know their circumstances they would be past recovery and their goods --?-- by their other creditors Ane other verry great Error was that the roums were not purgd from time to time of idle lazy bankrupts and good tennants put in their place I see severall of the verry best roums possesst by such bad tennants who if removd sufficient tennants coud be had that would not only pay the rent well but likeways pay good grasums and if any of your Graces possessiones are presently in bad order it is not because they are overhigh in the rent but owing to some mismanagement or other as I shall demonstrate to your Grace when you examine the state we are makeing up.

AM 46 (15) 18.

APPENDIX 6A

Valued Rents of Parish of Blair Atholl & Strowan 5 June 1744

<u>Heritor</u>	<u>Valued Rent Scots</u>	<u>Sterling</u>
James Robertson of Lude	£600	£50
Alexander Robertson of Strowan	£270	£22-10
George Robertson of Faskally	£304-13-4	£25-17-9 ⁴
Duncan Robertson of Auchleeks	£80	£6-13-4
Patrick McGlashan of Lambtenn	£20	£1-13-4
James Robertson of Blairfeity	£120	£10
John Stewart of Bonskeid	£120	£10
Patrick Robertson of Trinifuir	£64-8-9	£5-4-0 ⁹
Charles Stewart of Bohaly for Portnellan	£21-4-11	£1-15-4 ¹¹
David Robertson of Kinraigie	£127-13-4	£10-12-9 ⁴
James Robertson of Kindrochat	£35	£2-18-4
Donald Robertson of Pitagowan	£45	£3-15-0
John Stewart of Fincastle for Carrick	£7	11/8
John Stewart of Urrard for Tennandrie	£147-13-4	£12-6-1 ⁴
Duke of Atholl	£2121-19-7	£176-16-7 ⁷

SRO CH2/106.

APPENDIX 6B

Valued Rents of United Parishes of Blair Atholl & Strowan anno.1781

	<u>Sterling</u>
Duke of Atholl including Kincaigie, Faskally, Bohespick & Lambtown	£216-9-1½
Lude including Toldunie & Kirktown of Strowan	£55-17-6½
The Annexed Estate of Strowan	£22-10
The Annexed Estate of Lochgarrie	£16-13-4
Urrard for Tenandrie	£12-6-1¼
Bonskeede	£10
Blairfettie	£6-13-4
Auchleeks	£6-13-4
Trinifuir	£5-7-4¾
Rienacoillach	£4-3-4
Kindrochit	£3
Bohally for Portnellan	£1-15-9¾
Fincastle for Carrick	11/11¼

SRO GD132/732.

APPENDIX 7

Testament of Alexander Robertson of Faskally

Died 27 July 1731 Registered 15 August 1732

Imprimis There is given up belonging to the said Defunct time
forsaid of his deceass the goods and gear underwritten of the
avails and prices following Vizt eleven Oxen good and bad overhead
valued in all att one hundred and sixty five pound Item two Oxen
two year old valued att ten pound pr piece Item one Stot valued
att six pound Item five Cows with Calf good & bad overhead valued
in all att seventy pound Item four Queys¹ three year olds valued in
all att fourty pounds Item two Ditto two year olds valued att
eight pound pr piece Item one Ditto one year old valued att six
pound Item six old Working Horses valued att ten pound per piece
Item one old Rideing Horse valued att twelve pound Item two
Rideing horses valued in haill att seventie two pound Item two
Mares and one foal valued in all att fourtie eight pound Item the
Number of Sheep young and old valued in all att Eighty five pound
Item ane swine valued att three pound Item Thirty four Bolls
Seed Victuall valued att six pound per Boll Inde Two Hundered and
four pound Item in the Yellow Room a Standing Bed hung with yellow
A Table with a standing Mirrour six single Chairs Bufft² ane armed
Chair a Grate for the Chimney and a Closs Stool all valued att
Twentie four pound Item In the Dineing Room Two Tables Twelve
Single Chairs and two Armed Ditto a trible Violine and a Bass all
valued att twentie four pound Item in the blew Room a Standing Bed
of Gray Camblet six Bufft Chairs & a hanging Mirrour a Table a
Stander a Senitore ane old Charter Chest a Closs Stool and a pair
Tongs and Shovell all valued att eight four pound Item in the
Nursrie Two Standing Beds Two Box Beds and two Cradles all valued

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att eight pound Item in the Ladys Closet a Standing Bed hung with
blew and a Closs stool all valued at ten pound Item in the Ladies
Room a Standing Bed hung with a purple calimanky six single Chairs
one easie Ditto a Round Table and a Tea one a Table Mirroure a Chest
of Drawers and a camblet two Chairs a stander with a Drawer in it
a Closs stool with a pair of Tongs all valued att twelve pound
Item in the Garret three old Standing Beds for servants valued att
two pound Item in the Cellar or Pantrie and Trance³ or Vestibule
a beef salting Tub ane old Chest two old Tables ane old Press and
two Armed Chairs all valued att four pound Item in the Brewhouse a
Coppar Cauldron a Coppar Still a Mash Fat⁴ a Gyle Fat Three Stands
two shald Coolers ane two handed Vessell a Wort Stone Three little
ale Barrells a Wort dish a handed Bucket and a pair Gantrees all
valued att one hundered pound Item in the washing house a Copper
Kettle a Table and a Mangle three washing Tubs a Stand for Steeping
Linnen and a Barrell for sour milk all valued att fourtie eight
pound Item in the Grainery house three Locked large Chests a Wooden
Bame a Box and a Broad for weighting two Stone one Stone ane half
stone four pound two pounds all Iron meall Weights and valued att
Twelve pound Item Fourtie one dozen and ten bottles six salts
Twentie drinking Glasses big and little all valued att Twentie four
pound Item of Silver work Two Tumblers one Dozen of Table Spoons
one Swerving Spoon six tea spoons and a Tea Tongs a dozen of Forks
a dozen of silver hafted Knives All valued att Two Hundered and
thirty one pound Item of Peuther vessels four Dishes and four
ashets⁵ four dozen & ten plates and one broken Plate four box pans
ane old Tankard ane Chamber pott one porringer and one Basine all
Peuther valued in hail at Thirty six pound Item in the Kitchen

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five Iron Potts a pair of Raxes one Speet one Iron dropping Pan
ane Iron Frying Pan a Grid Iron Two Branders of Iron a Copper Oven
and a Copper Sawspan Ane old brass pan and a pint pan a Coppar
Tankard a Tongs two Clipses⁶ or Bools⁷ two Crooks two water old
stoups six wooden dishes eight bickers a milk Sylding dish ane
other Syldish four small butter Casks and a Standing bed a dozen
hom Shafted Table Knives a dozen of Ditto Forks and five small
ditto Knives att sixty pound Scots Item ten Cups and Saucers China
a China Treek pott⁸ a China sugar Box a Milk Pott Ditto a Stone Milk
Pott Three Delft Saucers a Tea Coppar Kettle ane leam Ashet Eleven
Table plates leam a possat Kan a Little stone Boull a leam Porrenger
four leam Chamber Potts and three leam Basines valued in haill att
six pound Item five Feather Beds three old Feather Beds five Chaff
beds thirteen Fedder Bolsters Ten feather pillows Seventeen pair
Marled Blankets ten single Blankets one Cradle Blanket one Smoothing
Ditto and Twentie six pairs Course Blankets all valued att ane
Hundered and thirty two pound Item two pair Holland Sheets four
pair small Linnen Ditto Eight pair Courser Linnen Ditto Two pair
half bleached Ditto Two pair unbleached Ditto Three pair Servants
Sheets One pair Course Twidling⁹ Ditto Twenty four Pillowbers fine
Linnen six Courser Ditto seven Diaper Table Cloaths one Cupboard
Ditto one Dozen pictured damask table Napkines four dozen fine
Diaper Ditto Nine Dozen and three burdseye Ditto and one Dozen half
bleached Ditto valued in haill att one hundered and Twentie pound
Item of Stable Furniture and Garden Tools Two Racks and two Mangers
two Sables for Men two Bridles a Curry Comb and brush two Box
Barrows Ane Garden red and pen Iron Three Garden Spades of Iron

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three Iron Shovells Three Puks three Iron hoes a garden Rake a Garden line a ten foot Rule or Rod a wooden lavelle three boring Sucks all valued att six pound scots Item three Bee hyves valued att ten pound scots Item ane old Carabene two fouling Pieces a Broad Sword and a silver hilted Sword with a pair of old holster pistoles all valued att twentie four pound Item three Lint Spinning Wheels Three woolen ditto and a Chack Reel valued in all att three pounds scots Item nine Brass Candlesticks and three pair Snuffers valued att two pound Item a pistle and Morter valued att one pound four shilling Item two Pleughs with their Materialls seven harrows four pair Cart wheels without Iron on them Two parchment sieves for meall Three Canvasses and six old Sacks all valued att six pounds scots Item a Large house Bible in folio The works called the whole dutie of Man in folio Jeremy Taylors holy Liveing and dying in 8vo Three Latine Authors in 8vo Vizt Virgill Cicero and Buchanan Psalms all valued att Fifteen pound scots Item thirty six Elns threed saline att one pound per eln Item two Spynell Linnen yarn valued att sixteen shilling per Spynell.

¹ queys=heifers

² Bufft=buffet, a low stool or chair

³ Trance=passage

⁴ Fat=Vat

Gyle Fat=brewing vessel in which wort is left to ferment

⁵ Ashet=a large flat plate on which meat is brought to the table

⁶ Clipses=an adjustable curved iron handle for suspending a pot over the fire

⁷ Bools=hinged handle of a pot

⁸ Treek pott=tea pot

⁹ Twidling=a strong twilled woollen cloth

APPENDIX 8

Testament of David Stewart of Kynachan

Died 1746 Registered 12 Dec. 1750

Imprimis There is given up pertaining & belonging to the said Umqu[hi]le David Stewart... Five pair of bed sheets vallued at three pounds scots per peice Inde fifteen pound Three Table Cloaths with three Dozen nepkins vallued at twelve pounds Scots each Table Cloath and an Dozen small nepkins Inde thirty six pound Item twelve pair blankets vallued att two pound eight shilling each pair Inde twenty eight pound sixteen shilling It: six feather beds with pillows & bolster three whereof vallued att twelve pound each and the remaining three at six pound each Inde fifty four pound It: in the Dineing room one Dozen Chairs and a Table The Chairs vallued at one shilling sterling each and the Table at three pound Scots Inde ten pound five shilling It: in the west room the bed stead & six chairs the bed stead at one pound sixteen shilling and the chairs at six shilling each Inde three pound twelve shilling It: in the lower East room the bed stead & old curtains or hengers vallued at thirteen pound It: Ditto Room six chairs vallued at eight shilling each inde two pound eight shilling Item in said Room a broken Chest of Drawers at nine pound It: another Screwtore quite broken in the Mid room at one pound ten shillings It: a Clock in Mrs Stewarts room vallued at sixty pound It: a Corner Cupboard chaltered & Brock by soldiers vallued at five pound scots It: books to the vallue of five pound sterling Inde sixty pounds scots It: in Mrs Stewarts room a Table vallued at two pound eight shilling It: the Kitchen two pots & half a Kitchen Table at six pound eight shilling It: pewther to the vallue of nine pound It: two cart wheels broke by the soldiers when building the bridge of Kynachyn

APPENDIX 8 CONTD.

vallued at three pounds Scots each Inde nine pound It: in the Stable a horse manger at twelve shilling It: two large broken Graintells [meal chests] at six pound It: the half of two Iron Harrows and plough irons at three pound It: a broken stand att Twelve shilling It: To thirteen Cows with their Calves sold in May 1746 at eighteen pound per peice Inde two hundred and twenty four pound It: seventeen Cows & Stots sold Martinmass thereafter at sixteen pound per peice Inde two hundred seventy two pound It: six sheep with their Lambs sold Ditto year at four Merks per Sheep & Lamb Inde one hundred & sixty pound It: kept by Mrs Stewart the Defuncts relict said year for her own use Twenty sheep & Lambs at fifty two pound It: sold in May 1746 six goats & kids at four Merks per Goat and kid Inde one hundred twenty nine pound six shilling eight pennies It: more five Cows detained unsold vallued at eighteen pound per peice inde ninety pound It: twenty six year old black Catle vallued at six pound per peice Inde one hundred and fifty six pound It: two old horses at ten pound per peice Inde twenty pound It: a Bull vallued at eighteen pound It: twenty hill or wild horses kept in the wood of Kynachyn at twelve pound each Inde two hundred and fourty pound silver hafted knives & forks & spoons with three casters at one hundred and fourty pound Item eight bolles victuall at fourty two pound thirteen shilling four pennies All Scots money

APPENDIX 9

Hearth Tax (deponed 26 Feb.1694)

Parish: Blair in Atholl

List Marques of Atholl

	<u>Hearths</u>	<u>£ s</u> <u>(Scots)</u>
Jon: Mcbeith, Jon: Mcvarlich, Alexr McKeill	3	2-02
Geo: Suit & Johne Suit, Jon: Stewart, Do: Stewart	4	2-16
Duncane Robertsonsone, Cristane Stewart, a Kill	3	2-02
Don: Stewart, Dav: Ritchie, ane Kill	3	2-02
Rot Stewart and Don: Stewart ane Kill	3	2-02
Jon: Mclauchlane, Dun: Camron, Don: Robertsonsone	3	2-02
Alexr McFarland, Alexr Freser, Dun: McBeithie	3	2-02
Neill McMullione, Jon: Moon, Alexr McGlashan	3	2-02
Jona: Stewart, Jon: McGlashane, Jon: Stewart	3	2-02
Tuo Kills, Jon: Gow, Jon: McMullwne	4	2-16
Grisall Stewart, Jon Robertsonsone, Do: Claser	3	2-02
Jon: Gow, Jon: Mcleirane, Jo: Mcinlaone	3	2-02
Dun: Ritchie, Betrix Stewart, Neill Fergusone	3	2-02
Colline Rosse, And: Suit, Geo: Moon, Jon: Ritchie	4	2-16
Jon: Moon, Pat: McGlashane, Dun: McGlashan	6	4-04
Alexr Robertsonsone, Jon: McMullione, Jon: Stewart	3	2-02
Alexander Moon, In the Mans	3	2-02
Robert Stewart, Do: Stewart, Alexr Mckerra	4	2-16
Jo: Stewart, Jon: Mcbill (or McKill), Alexr Fleming	4	2-02(sic)
Alexr McGlashane, Ja: Stewart, Do: Stewart	3	2-02
Alexr Toshuch, Jon: Stewart, Jon: Fergusone	3	2-02
Jon Stewarts relict, Jon: Stewart, Jon: Fergusone	3	2-02
Jon: Caldell, Alexr Scott, Geo: McKeiracher	3	2-02

APPENDIX 9 CONTD.

	<u>Hearths</u>	<u>£ s</u> <u>(Scots)</u>
Jon: Camron, Duncane Fergusone, Do: Robertsonsone	3	2-02
Neill Stewart, Jo: Stewart, Wm Robertsonsone	3	2-02
Cristane Stewart, Jon: Stewart, Jon: Allan, tuo kills	5	3-10
Don: Robertsonsone, Alexr Toish, Do: Mclauchlane	5	3-10
Alexr Stewart, Alexr Cuthbert, Jon: Stewart	4	2-16
Margrit Hay, Jon: Stewart, Alexr Stewart	3	2-02
Paul McGlashane, Dō: McOllvoir, a Kill	3	2-02
Alexr Campbell, Do: Mclauchlane, Jon: Mclauchlane	4	2-16
Jon: Mclauchlane, Robert Stewart, ane Kill	3	2-02
Jon: Stewart, Jon: McFarland, Jon: Toish	3	2-02
Alexr Mclauchlane, Alexr Toish, Neill Mcdonald	5	3-10
Alexr Bowie, Wm Tait, Wm Mclarane, Geo: Moone	4	2-16
Tho: Robertsonsone, Don: Campbell, Robert Stewart	3	2-02
Cristane McFarland, Jon: Robertsones Relict	2	1-08
Jon: McMairten, Ja: Stewart, Janet Stewart	3	2-02
Cristane McGlashane, Dunc: Conocher, Jon: Stewart	3	2-02
Jon: Fergusone, Do: Mcbea, Do: Stewart	3	2-02
Do: Robertsonsone, Do: Roy, Two kills	4	2-16
Do: Stewart, Do: McFarland, Alexr McUll	3	2-02
Jon: Gow, Dunc: Cuthbert, Ja: Baine, ane Kill	4	2-16
And: Robertsonsone, Alexr McGlashane, Jon: McGreigor	3	2-02
Don: Stewart, Alexr Robertsonsone, Robert Robertsonsone, a Kill	4	2-16
Don: Robertsonsone, Jon: Robertsonsone, Wm Catenach	3	2-02
Jon: & Donald Mcbaes, Do: McVarlich, a Kill	4	2-16
Dun: Alexr & John Calmunuchs, Do: Toish	4	2-16
Don: McIndivie, a Kill, Tho: Calminuch	3	2-02

APPENDIX 9 CONTD.

	<u>Hearths</u>	<u>£ s</u> <u>(Scots)</u>
Jon: Bain Gorm, Do: Camminuch, Du: Robertsonsone	3	2-02
Dunc: Camahasich, ane Kill, Jon Robertsonsone	3	2-02
Alexr Robertsonsone, Wm Stewart, ane Kill	3	2-02
Alexr Stewart, Neill Stewart, ane Kill	3	2-02
Alexr Cuthbert, Neill McGlashan, Alexr Calminuch	3	2-02
Alexr McAldine, ane Kill, Jon: Dowglas	3	2-02
Ja: Dowglass ane Kill, Jon: Stewart, Jon McIndrows a Kill	5	3-10
Duncane Robertsonsone, Charles Robertsonsone, ane Kill	3	2-02
Alexr & Jon: Stewarts, Wm McMairten, Ja: Lyone	4	2-16
Charles Lyone, Wm McMulane, Jon: Mcthomas mull	3	2-02
Ane Kill, Charles Stewart, Do: McGilanders a Kill	4	2-16

SRO E.69/19/2.

N.B. The name Robert & Robertsonsone has been written out in full though abbreviated in the original. 'Kill' means a kiln - c.f. Wight, "At Blair of Athol it is in such plenty [lime], that every farmer has a little kiln of his own for burning it." (p.163)

After spending weeks trying to decipher the above list I discovered it had been transcribed in the book Monumental Inscriptions in North Perthshire by Jon Fowler Mitchell (SRO T.192.06). I do, however, disagree with some of his readings, so the reader will find discrepancies between my list and his.

APPENDIX 10

Testament of Donald Stewart in Shennavaill

Died March 1762. Registered 4 Jan. 1763.

IMPRIMIS There is given up pertaining and belonging to the said Umq [uhi] le Donald Stewart the time foresaid of his decease the goods & gear following as roused on the twenty second day of September last by John Robertson of Balnakeilly in virtue of the said Commissary his warrant of the sixth of the said Moneth and bought by the Persons aftermentioned at the Rates underwritten Vizt Ane ax by James Mackenzie in Afleitt(?) in Glenisla att six shillings Item Tongs by Ditto Item a Pott by said James Mackenzie at eight pounds thirteen shillings four pennies Item ane ambry by sd Thomas McDonald at six pounds Item a Plate and two cups by Ditto att four shillings six pennies Item a plate and two cups by Balnakeilly att ten shillings Item a pann by the sd Thomas McDonald att one pound ten shillings six pennies Item a spoon creel and four old spoons by Angus Robertson in Mortcloich at four shillings It: by the sd Thomas McDonald a Lye dish att one shilling Item a water stoup by Ditto att eighteen shillings Item a Table by John Wighton att Edenaighy att one pound five shillings Item a Seatt(?) by James Mackenzie att three pound Item a basen by Thomas McDonald att one pound five shillings Item a Suine(?) Boatt by Ditto att eighteen shillings Item a Milk Boatt by Elspeth McDonald relict of the defunct att eighteen shillings Item a Hammer by the said Thomas McDonald att one shilling Item a Chack reel by the relict att four shillings Item a Lint wheel by Ditto at two pound Item ane wool wheel by Ditto att sixteen shillings Item a chest by David Melville in Brae of Bleatoun at fifteen shillings and six pennies Item twin(?) Shiveles

APPENDIX 10 CONTD.

by the said Thomas McDonald att two shillings six pennies Item the pleugh and pleugh greuth¹ by Ditto att two pound Item a Meale sieve by Patrick Robertson in Brae of Dounie att eighteen shillings Item a chest by the sd Thomas McDonald att one pound six shillings six pennies Item a womble² by the said Thomas Wighton att one shilling six pennies It: three strathers(?) by the said Thomas McDonald at ten shillings six pennies Item a Tub by Ditto att nineteen shillings Item a chest by the Baillie at twelve shillings Item a Brander by the said Thomas McDonald att thirteen shillings Item a wheel Barrow by Ditto att eight shillings six pennies Item a Door by Baron Reid at six shillings Item a Door by the said John Wighton att thirteen shillings Item a candlestick by the said Thomas McDonald att two shillings Item a foot spade by the said John Wighton att four shillings six pennies Item a grape³ spade and shovell by the foresd David Melville at four shillings six pennies Item by the relict a wand⁴ Bunk⁵ att two shillings Item a quey being Naughty not sold at the Roup but afterwards at Alyth mercat att five pound fourteen shillings Item a horse of twenty three years old to John Fleming in Cultalong att two pound two shillings The Corns whollie being late and green to John Robertson of Balnakelly att five pound ten shillings per Boll without any deduction for shearing to be cast by a corn caster was on the twenty day of December last cast to the proof by William Robertson in Middle Dounie Common Corn Caster amounting to seven bolls fifteen pecks per his attestation is fourty one pounds thirteen shillings two pennies all Scots money

¹ greuth=equipment

² womble=an auger, gimlet

³ grape-garden fork

⁴ wand=wicker

⁵ bunk-a chest which serves for a seat

APPENDIX 11A

That the Bearer hereof Donald Steuart in Riechapel above Blair Atholl is come of honest parents a married man free of all publick scandal or church censure having behaved honestly & civilly hade his Barn and all his corn and most parts of his bed cloaths lying there in that large Barn burnt up quite by accidental fire at the dead time of the night by accidental fire carried thither by violence of the storme of wind on Wednesday night the sixth of this current moneth, By which loss he is rendered a great object of pittty & charity of all tender hearted Christians who may know that he is an honest tenent, But of no considerable stock almost his all being lost, except the persons in his family is given from our kirk session at Blair the 10th of November 1723 and in want and vacancy of this place of a minister is attested by the Heretours Elders Gentlemen & Clerk under subscribing (Signed by Thomas Gilbert Session Clerk, John Steuart Elder & 3 others)

Dunkeld Novr 13th 1723

In regaird of the petitioner's great loss we allow him twelve pound scots out of his duty payable at Martinmas last

ATHOLL

To William Murray our Chamberlain

APPENDIX 11B

Unto an high and mighty prince John Duke of Atholl - The petition
of John McIntosh younger smith in Logyreat

Humbly Sheweth

That wheras the scarcety and dearth of victuall this last year and
the death of my wife having four young children and two nurishes
[nurses] to maintain made me consume my heall substance and occa-
sioned my running fourty pound Scots in Arrears to your Graces
chamberland who has therefor cawsed poynd my whole working tools
with some of the bead clothes wher my sick children should lay them
being ill of the small pox and no Life Expect for them so that now
I and my children most stearved with hounger and could unless your
Grace shall order to restore the poynd and shall willingly give your
Grace bill for the said fourty pound payable against the Market of
Mullion next till which time I shall work both day and night till
such time as I shall satisfie your Grace

May it therefor please your Grace to have compassion upon the poor
petitioner and he shall ever pray long life and prosperity to your
Grace and to your noble familie

Dunkeld 21st Decr 1723

If what is represented be matter off Fact, we allow you to take the
petitioners bill payt at Moulin Mercat and we shall receive the said
bill as an Instruction in your accompts. And take off the poynding
in the mean time.

ATHOLL

To Commissar Bissat our Factor for Logyrate

AM 46 (18b) 11.

APPENDIX 11C

Unto His Grace the Duke of Atholl
&c &c &c The Petition of Alexander
Gorrie Tennant in the Ground of
Stanley Aged 68 years

Most Humbly Sheweth

That the petitioner was born in Middle Benchil also in the ground of Stanley That when grown up to a man became tennant of half a room of land for seven years - from which I removed to part of the marle land at Nairn where I continued five years and lived comfortable and paid £10 of yearly rent

From which I removed to be tennant of the half of the Mains of Nairn and paid £35 and odd, of yearly rent twentie two years and had a considerable good stock and lived comfortable

But my wife Dying and several changes happening me I found my circumstances on the decline and having entred into a second marriage I still found my circumstances to be worse so that I was obliged to give up the possession and call a roup to clear off my creditors - and was reduced to a smal possession in Westofts where I now live the rent of which is £2-5-7½ - 3 firlots meall and 3 firlots bear all which rents I have paid duey excepting for the crop 1772 being the above £2-5-7½ and farm

And the petitioner has no pay to pay it unless I shall sell my smal cropt which will do little more than pay the above rent and farm; and the petitioner will be rendred to extream poverty considering my old age not being able to work much and a smal family of seven children of whom three in infancy and the other four not able to serve other people

APPENDIX 11C CONTD.

It would be imprudent and unbecoming
for the petitioner to make a demand
upon your Grace -

But with all humble submission your
Grace's petitioner most humbly begs
your Grace will consider my indigent
condition and of your Grace's good and
charitable disposition do with me what
shall seem good to your Grace and the
petitioner shall ever pray &c &c

The truth of the above is
attested by us neighbour
tennants

(5 signatures appended)

Dunkeld 27 Decr 1773

Upon the petitioners paying this years rent punctually when due I
forgive him the money rent for 1772 but upon no other condition and
if he fails of this he is to be liable to both years rents

ATHOLL

Dunkeld 2 March 1774

Received allowance from the Factor of the within money rent cropt
1772 Being two pound five shillings seven pence half penny sterl

APPENDIX 12

The accident described in the following poem occurred in early March 1767. The River Garry was very high and the ferryman was reluctant to take any passengers though he finally agreed. It appears that when the passengers leapt onto the boat the force was enough to overturn it and some eighteen people were drowned.

Oran Air Call Bat Ionarghairridh Le Alastair Caimbeul

Song on the Loss of the Boat of Invergarry by Alastair Campbell

Feasgar la Fheill-ma-Chalmaig	On the evening of Feill-ma-Chalmaig
Bu mhor earchall na feille,	The great tragedy of the festival
Chailear Bat Ionarghairridh	occurred -
Mu am dhol fodha na greine;	The Invergarry boat was lost
Ach a dhaoine' thugaibh aire	About the time of the sun setting.
Cha 'n 'eil mearachd no breig	But oh people pay heed
ann	Make no mistake about it
Am bas a dh'orduich an Triath	The death that the Lord has ordained
dhuinn,	for us
Cha ghabh e siacha no leumadh.	Cannot be avoided or escaped.
A Rìgh mhoir th'air a chaithir,	O great King who is on his throne,
'S a tha feitheamh gu leir	And who is waiting for all of us,
oirn,	Who took the men from their houses
'Thug na daoine o'n taighibh	To the pleasure of the festival;
'Dh' ionnsaidh aighir na feille;	You gathered them from every place
Chruinnich thus as gach ait iad	To face death since it was inevitable.
Thun a bhais o'n 's e b' eiginn,	And when they went into the boat
'S 'nuair a chaidh iad 's a	They succumbed immediately.
bhata	
Cha robh dail dhaibh ach	
geilleadh.	
O bhothu! a dhaoine,	Alas my people
Nach fuaight an Saoghal rinn	Aren't we all entwined with the world
uile,	Why shouldn't we regard it as trivial,
C'uim' nach cuireamaid faoin' e,	Since no man remains for long.
'S nach 'eil aon neach a '	Though we should own the world,
fuireach;	When the officer comes with the
Ged bu linne an saoghal	summons,
'Nuair thig am maor leis an	He will not give us a night's respite
t-suman,	After the date that has been appoint-
Cha-n fhag e sinn oidhche	ed.
'N deigh na troisde chaidh	
chumadh.	

APPENDIX 12 CONTD.

O'n bha 'n uair air a cumadh	Since the hour was ordained
'S nach b'urraim duine dhiubh	And not one of them could turn back
'tionnadh	
'Sior iarguin na dh'fhuirich	Sad was the journey of the widows
Bu truagh turas nam banntrach;	And the keening of those who remained.
'Nam taice nan traithean	When it came to meal time
Bhiodh na paisdean a drandail,	The children were wailing,
Iad a 'g eigheach 's a ranaich	They were sobbing and crying
Mar uan 's a mhathair air	Like lambs with their mother lost.
faontra.	

Mar uain gun mhathair air	Like lambs whose mother was lost,
faontra,	
Gheibhte clann 's iad gun athair,	Children would be found without a
	father,
'S iad gu latha an criche	And until the day of judgment
Daonan dhi am fear taighe;	They will always lack their man of
	the house.
Cha tog aighir gu dilinn	Mirth will never gladden their hearts
Na ni chi iad ri'n latha,	Nor anything they see in their time,
'S cha tog fiodhal no <u>music</u>	Neither fiddle nor music
Tuilleadh 'n inntinn mar bha i.	As once it used to cheer them.

Tha na mnathan fo chradh dheth,	The women are tormented because of
	it,
'S beag na t-ioghnadh dhoibh	And truly it is no surprise.
cinnte,	
A Rìgh buin rinn gu baigheil	O Lord deal with us kindly
'Nuair thig am bas nach gabh	When death comes irrevocably;
piltinn;	
Gleidh ar n-anamana priseil,	Preserve our precious souls.
'S ann aig bàt Ionarghairridh	Truly the Invergarry boat
'Bha 'n uair chabhagach chriche.	Came to a sudden end.

'S ann 'bha 'n iolaich 's a	There were great shouts and cries
ghlaoidhich	
Da thaobh Ionarghairridh	On both sides of Invergarry,
'S iad ag amharc nan daoine	As they watched the men
Anns an fhaochaig ga 'm fairig;	Being engulfed in the maelstrom.
'Nuair a ghairmeas am maor sinn,	When the officer calls us
Cha-n fhaodar fuireach aig baile.	We cannot stay at home.
Aig ceann mu dheireadh ar	At the very end of our life
saoghail	
Ar 'n athair naomha 'bhi mar rinn.	May our Holy Father be with us.

APPENDIX 12 CONTD.

Bha na Stiubhartaich speisealt,	The Stewarts were comely,
'S bha greis diu' 's a bhàta;	And one of them, a hero,(?) was in the boat.
'S olc an treubhantas duine	It was a terrible thing that the brave man
Chuir an cunnart a bhathadh;	Was in danger of being drowned.
Nam bidh fios mar a thachair	If only they had known beforehand
Mu'n do sgoilt e na chlaraibh,	That it would shatter into boards,
'S mor a bheireadh iad seachad	They would have given anything
'Chionn air talamh 'bhi sàbhailt.	To be safe on dry land.

Bha caithris là agus oidhche	The heir of Fincastle
Aig oighre Fionnchasteil,	Was awake day and night,
Ga 'n sireadh 's na bruachaibh	Searching for them about the banks,
Is e fliuch fuar ann na chaiseart.	And he cold and wet in his footgear.
Thoill e beannachd na tuatha	He deserved the blessing of the tenantry
Agus fhuair e gu pailt e,	And he got it abundantly.
Gu 'm paigh' an Rìgh math na dhuais e	May the good Lord reward him amply -
'S geal a chluasag 's a leabaidh.	Pure is the pillow in his bed.

Tha Heiri mòr Stiubhart	Big Henry Stewart has
Lan musgainn gun chadal,	Sore sleepless eyes.
Cha d'fhag e caislig no luban,	He hasn't left a stream or little pool,
No grunnnd puill gun dheadh bheachdach;	Or muddy bank unsearched..
Le dubhanan dubailt	With double hooks
'G iarraidh grunnnd na dubh-aigein,	Sounding the black depths of the abyss
Agus mordhanan dubhghorm	With dark blue fishing spears
'S croinne ghiubhais gam brogadh.	And probing with pine poles.

APPENDIX 12 CONTD.

'S ann an sid bha na bradain	It was there the salmon (the lost heroes) were
Air a aigeal nan sineadh,	Lying in the very depths,
Gun an duil ri dhol dhachaidh	Without hope of going home;
Dh'fhag sid reachd air an dilsinn;	Leaving their relatives heart-broken.
Gun toir Ni-math dhuinn smuaineach	May Providence like a good trustworthy shepherd
Mar shar bhuachaille cinnteach,	Cause us to make sure
Bhi mu thiomchal ar cuairte	That we are going about our business (properly)
'Nuair a bhuailear a' tiom sinn.	When we are snatched from time.
Cha b'ann fo eunlaidh an t-sleibhe	It was not for birds of prey
Dh'fhag Heiri 'chuid daoine,	That Henry left the bodies.
'Nuair a fhuair e ri cheil iad,	When he found them together,
Bha eibhneas 'us aoid air;	He was grateful and glad.
Rinn e 'n ruidh 'us an caramh	He arranged them and laid them out
Mac an aigh cha robh foill ann,	A valorous honest fellow,
'S chuir e gearrain 's na tarnaibh	And he put garrons in the drawing chains
'Nuair a dh'fhail'nich air daoine.	When he was short of men (to help him).
'Nuair bha 'n cuirp air a chlodach,	When the bodies were on the shore,
Bha iad dochart ri ghiulain,	They were difficult to carry.
'N sin chaidh cairtean nan siubhal,	Then carts went to get them,
'S cha-n aithnichte bruthach seach urlar;	So that a brae seemed no steeper than level ground.
Cha robh baigh ri mac laire,	There was no respite for the ponies,
Ga 'n cuir do Bhlar chum na h-urach -	Taking the bodies to Blair to the grave.
Cha-n 'eil e beo de Shiol Adamh	There is no living person of the seed of Adam
Neach thug barr ann an iuil ort.	Who could have arranged things better.

APPENDIX 12 CONTD.

Bu tu seise na'm banntrach,	You were the widows' support,
Agus ceann nan diol-deirce,	And the prop of the poor.
'S tric a bha iad mu d' <u>chitchin</u> ,	Frequently were they about your kitchen;
Cha d'iarr thu idir an treigsin;	You never wished to abandon them.
Faotainn càl agus aran	Getting greens and bread
Mìn 'us bainne le cheile -	Meal and milk together -
Cha ghabh e innseadh no labhairt	It cannot be told or related
Na rinn thu 'chaitheadh ri feumnaich.	All that you spent on needy folk.
Tha Oighre Fonnchastail	The heir of Fincastle
Gu h-artneulach brònach,	Is heavy-hearted and sad,
An ti chunnaic 's nach fhacadh,	Whether you saw it or not.
Bha dhuais aige 's bu mhor e;	He got a tragic reward:
Dh'fhag e 'Bhaintighearna thlachdmhor,	He left his lively lady
Gun tinn, gun eas-shlaint, gun leonadh,	Without illness, without bad health, without wound,
'Nuair a thainig e dhachaidh	When he came home
Fhuair e paisgte air bord i.	He found her enshrouded on the table.
'S mor a ghabh e de mhulad	It was great, his burden of grief
'Us na chunnaic e 'dhoruinn;	And he experienced much anguish.
'S ann a thaisg e 'chlach-bhunait,	He placed the foundation stone (i.e. Christ)
'Steach fo dhuileag a chota;	Beneath his coat;
Leag e 'n eallach bu truime	He laid the heaviest burden
Air an Ti a b'urrainn a chomhnadh.	On the One who could help him.
'S 'nuair thig am maor leis an t-shuman	And when the officer comes with the summons
A Rìgh glachd uile mar Iob sinn.	O Lord find us all (righteous) like Job.

APPENDIX 13

Cumha Dhuibhc Atholl

Lament for the Duke of Atholl

Trom ilain uilain

Trom ilain eile

Trom ilain uilain

Oro ilain eile

Trom ilain uilain trom ilain eile

Trom ocha 'n soraidh

'S ochain oudh mar tha sinn.

(Meaningless Chorus)

Chualas neachd sa t searmaid

'S bu shearabh é re eisdeachd

'S cha neil neach an a 'Nalabin

Nach bhear leish na bhreig é

Mu 'Nuachdaran chliutach

Thuit 'sa Ntsrudh 's nach drin
eiridh

Bhi ga iarriadh sa 'Nlinn

Le geidhs bhiorach is leusibh.

We heard the news in church

And it was bitter to listen to

And there's not a man in Scotland

Who can believe it

About the noble lord

Who fell in the torrent and did not
rise again

And was sought in the pool

With sharp hooks and lamps.

'S bochd a neachd re airidh

T'aotin baite sa 'Nabhin

'S gu 'N taic bhi laidh ruit

'N dol abhan air a Bhalladh

Bu lionar do chairdibh

Chumadh naird ú le 'N lamhadh

Ge do bha 'n srudh laidir

Mo chradh doll tharad.

It is a sad story to relate

That you were found drowned in the
river

And that there was no one there to
help you

As you went down over the wall

You had friends in plenty

Who would have kept you up with their
hands

Although the current was strong

Alas! as it went over you.

APPENDIX 13 CONTD.

'S lionbhor Diubhc agus Iarla Many are the Dukes and Earls
Tha fuidh iarnha 'N drasta Who are in turmoil just now
Na meruineach re cheile Or distractedly (conferring?) with
Thun a' Ntesain as airde one another
Sgeul duilich gu leir dhuin Up to the highest rank.
Gun ú fein bhi sa pharti It is a sad tale altogether for us
Fhir bhu bhriail comhrle That you yourself are no longer
'Sa ghleadha gnouch a'Ghalaibh. amongst us
And who would protect the customs of
the Highlanders.

S tha do Chinneadh mor uasal And your great noble family
San gruaman 's cha nar dhaibh Are in dejection and it is no shame
'S thu theasadh re 'n gualin for them;
Nam bualadh a Namhaid You would stand by their shoulder
An a' N cogadh ne 'n sidh When facing the enemy;
Bu chint U a taite In war or in peace
'S ge do mhuite no Ridhidh You were sure of where you stood
Cha diobradh gu bradh thu. And though kings should change
You would never forsake them.

'S mo thruaidh a Bhanridh And alas for the Duchess
O' baiste bhi sa 'Neillan Who was formerly in the Island
Tha taic air a fagail Her support has left her
'S a Clan a ranich gun bhedar And her children are crying cease-
Tha do ghillean gun aite lessly.
'S Iaid a n' drast an'sa reasdal Your lads have no place
Tha sinn gun Bhailidh And they are now at the mercy of
O tha thu dar neasuibh. fortune;
We are without a magistrate
Since you have departed from us.

APPENDIX 13 CONTD.

'S ge do tha mé re ciùlan	And although I am attempting a song
'S beag 's iùla dhamh labhar	I hardly know how to speak
No chuir ana cuimhne	Or how to preserve the memory
Mu'n Diubhc sa bhair Atholl	Of this Duke who was in Atholl,
Fhuair Onoir le duchas	Who received hereditary honour
Bhi na Chrunair air Manna	As Sovereign of Man
Ge do dhealich a'Nuir sinn	Though we have been sundered
Leish a bhurn a bha'n Tadh.	By the depths of the River Tay.

Tha do sheonraichibh ùlaidh	Your fragrant rooms
Gun aon surd air luchd ealaidh	Have no joyful musicians
Cha neil caire le durachd	There is no enthusiastic noise
No aon uraidh do Thalladh	Or even a prayer in your hall;
Cha do Thealach stiuradh	Your family has been directed
As a' N' Duich car tamull	Out of the country for awhile,
'S tha sinn dhe cuirte	And we are tormented
O dhuin aid thu 's tallamh.	Since they have buried you in the earth.

Dhas Taitridh aogidh	Your dwelling has become sepulchral
O chaochil do ghrasadh	Since your gracious ways have de- parted;
'S iomadh neach gun a shaoil leish	There were many who thought
Nach traoibhte gu bradh air	That it would never be drained of life;
Be 'naire.thaolte	It would be a shame to see its hospitality
Gun a chaon ach ri ratas	Resembling that of a ruin,
Ac mothruaidh Mac bhaoilain	But alas for MacMillan
Gur fhaoin dha 'n drasta é.	It is a vain thing for him now.

..... indicates uncertain reading

APPENDIX 13 CONTD.

'S a fhear a t f buis a taite	And the one who took your place
Gu mo slan thig é dhachadh	May he come home safely
'S na bheil beo ní aid gaire	And those living will laugh
Tha 'ndrasta fuidh rachdadh	Who are now in sorrow
Bhi faicinn do shraidibh	When they see your roads
'S do phaircicibh glaisdadh	And your enclosed fields
Mar eidhal ga smaladh	Like a flame that has been smooored
Bhi cur dail an a lasadh.	And has had its lighting delayed.

'S ged tha sinn uille dhedh bronach	And although we are all sad as a result of it
Bu choir a bhi fearrail	We ought to be brave
Agus Urrard a chonidh	While Urrard is in residence
Cumail ordugh air 't fhearán	Keeping your estate in good order;
Cha neil neach sa 'n rídh norpe	There is no one in Europe
Bheir a choir dhedh le fennadh,	Who can extort from him his rightful dues.
'S cha dean lesach a' Noir	And the amassing of gold
A chuir oirleach a merachd.	Will not tempt him an inch.

Trom ilain uilain
Trom ilain eile
Trom ilain uilain
Oro ilain eile
Trom ilein uilain
Trom ilain eile
Trom ochan 'soraídh
'S ochan oudh mar tha sinn.

.....indicates uncertain reading

APPENDIX 14

Failte Adhoill

Salute to Atholl

1781

I.

Nuair thig gaoth-a-tuath na deannaibh	When the north wind comes in
'S ghlaiseas cuan fui leacaibh gloine ^a	force When the oceans surge in glassy
Seoluidh 'n Eala 'n diaidh na Greine,	walls, The Swan will sail after the sun,
Teachd air cheilidh dh'Albainn alloil	Coming to visit brave Scotland;
Teichfidh 'n gabhlan gaoithe speurach	The swallow of the sky will flee
Roimh ghath loisgeach greineag geur- ruidh	Running before the burning shaft of the sun
Sheilg ghrad dhranntruich feadh nan speur, 's ni	And swiftly with whirring wings seeking his prey throughout the skies
Nidein ebhinn re scath talla.	And he will make a happy little nest by a sheltering house.

II.

'S amhuil Astruich' buailte, sgithicht'	Just as travellers who are
Le teas greine 's meileach sine,	stricken and wearied
Cunnart cuain is grodachd tire,	By the heat of the sun and the
Teachd d'an Ghaeltachd rimhich fhallain.	cold of the weather, The dangers at sea, the harshness of the country,
Teichimse an gabhlan diblidh	And they come to the beautiful healthy Highlands.
O eoin ghionuich 's aile millteach	I the timid swallow shall flee
'S nim mo ^b nidean fui bhruaich dhionuich	From the birds of prey and from the wasting climate
Neid nam Fir-eun a tha 'n Adholl.	And I shall make my little nest under the protective edge
	Of the nests of the eagles who are in Atholl.

^a'geala' ("white") given in margin

^b'dhileis' ("faithful") given in margin

APPENDIX 14 CONTD.

III.

Mile Failt' ort, Adhoill bhoidhich!	A thousand salutes to you beautiful Atholl!
Miann nam binn-bhard is na ceolrai;	The delight of the sweet bards and muses;
'S truadh gun Mhacnus-meinne 's gloire gu d'	It's a pity that I do not have imagination and language
Mhais 's do shogh a chuir an rannaibh.	To portray in verse your beauty and your abundance.
'S cruaidh dhamh gun a chumhachd neimhidh	It's hard for me that I do not possess the divine power
A bh'aig Oisein binn na Feinne,	That sweet Ossian of the Fian had
Chuir do Bhuidhidh ard an ceill, gu	To extoll your great virtues
Croidhe ebhinn thoirt do d'Chlannaibh.	To give your children joyous spirits.

IV.

Tha thu d'luidheadh 'm meadhon Albainn,	You lie in the middle of Scotland,
D'aile fallain, d'uisge meinneach,	Your air is pure, your water is fast flowing,
Blasta, soilleir, clannach, toirmneach;	Sweet, clear, rippling, murmur- ing;
Teas cha mharbh sinn, 's cha mhuch gaillinn.	The heat will not kill us, nor the blizzard smother us.
Tha do shrathaidh taitneach, tarbhach,	Your straths are pleasant and productive,
Sgeaduichte le feur 's le arbhar;	Clad with grass and corn;
'S treudach, tainneach, graidheach, sealgach	Full of flocks and herds, studs of horses, and game
Beannta garbha 's cluana Adhoill.	Are the rugged mountains and the meadows of Atholl.

APPENDIX 14 CONTD.

V.

'S lionmhor Elid is Damm siubhlach Le 'n laoi' bhreach ad choiribh ^a sugh-mhor;	Plentiful are the hinds and the swiftmoving stags With their speckled calves in your luscious corries;
'S lionmhor Boc is maoilseach luth'or Cuir re sugradh feadh do bhádan.	Plentiful are the agile bucks and does Sporting through your thickets.
'S lionmhor coileach-duibh re dúrduil, 'S coileach-ruadh air sleibte du-ghlas, Lachag riabhach ach geadh re sgiuchan,	Plentiful are the black cocks calling And the moorcocks on dark grey moors, Brindled mallards making plaintive notes
'S eala cheuil air linn nam brádan. ^b	And musical swans on the salmon pool.

VI.

'S aite leinn d'ur choilte cumharai, 'S milis eoin ag gabhail ceuil annt'; 'S caomh am fascath dhuinn re dulachd, 'S maith an dubhra fuar re teasbhachd. 'S neonach ard fiadh chluiche Dochuis! Gleannta cumhaing, Easa buirach, Beannt' ag bagr' air speur le 'n stucaibh 'S Coill' ag lub' thair mhalaibh chragaidh.	We delight in your sweet fresh woods, Sweet are the birds who sing in them; They provide gentle shelter for us in the winter blasts, Good is their cool shade in hot weather. Rare and noble are the tradi- tional deer hunts! There are narrow glens and roaring waterfalls, Mountains threatening the sky with their peaks And trees bending over craggy brows.
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^aalternative reading 'fhrídhíbh' ("deer-forests")

^balternative reading 'nan ealtaibh' ("in flocks")

APPENDIX 14 CONTD.

VII.

'N sgeaducha do Bhailte 's Luchairt,	In the adorning of your towns and mansions
Ealuinn ta ag strith re duchar;	Art vies with traditional methods;
'N grinn thig Bhlair ta mais is ionmhus	In the fine house of Blair there is beauty and wealth
Ag toirt cliuth do Thriathaibh Adhoill;	A credit to the Lords of Atholl;
Gharrana ta arda, duibhreach;	Its walls are high and shady;
Gharadh blathach, measach, cumhra;	Its garden is full of blossom, produce, fragrance;
Uisge iasgach fionn-fhuar, siubhlach,	Its water full of fish, cool running,
'S e gu ol is ionnluid faillain.	Good to drink and healthy to bathe in.

VIII.

Na cheann eil tha craobhach stucach,	At its other end there stands with trees and pinnacles,
Sean Ard-Bhaile Choille dunach;	The ancient capital of Dunkeld [lit. wooded fort];
'S dearbh nach breugaich ainm, is Diucoidh	Truly its name is no lie
Ga shir dhumhdachadh le crannaibh. ^a	Since dukes continually cover it with trees.
'S lionmhor Teach Deagh Uasail Fheilidh	Plentiful are the houses of good generous noblemen
Air do shruthaibh clannach, geimneach,	Upon your rippling babbling streams,
Leanas dian an samhla gleusta	Who will eagerly follow the clever example
Thug deagh Sheumus le ard Mhathaibh.	Which good James gave with his high virtues.

^a alternative reading for the 2 lines:
'S dearbh nach searg a mhais is Diucaí'
Ga shir urachadh gach lathadh.
It is certain that its beauty will not wither
Since Dukes renew it continually each day.

APPENDIX 14 CONTD.

IX.

'N sith 's an cuim's tha Tamh do dhaoine;	Your people live in tranquility and sufficiency;
Struthas agus sith an cuinnadh';	They put by in times of such peace and plenty;
Mathas ac ann aite faoineis;	They have good things instead of junk;
Cuimheas foghlum is e fallain.	And a sufficiency of sound education.
D'ur`al tha ag gealtuin eibhnis	Your new generation are promising to give pleasure
D'an deagh Righ 's an tir le cheile;	Both to their good king and to their land.
Na raibh sliochd air leis nach caoimhe	May he not have heirs who value them less
Iad na caoirich thig o ghallaibh. ^a	Than the sheep which comes from the Lowlands.

X.

Sona sinn! a bhith gun eolus	Happy are we in our ignorance of
Air droch bheusaibh Bhailte-mora	The bad customs of the cities,
Samhla 's comhairl chiontach bronach	What causes them to be in pain and to lack sleep
A bheir doruinn orr' 's dith coduil:	Is the example and advice which induce guilt and sorrow:
Sona! nach bheil daoine gorach	We are happy that misguided people do not
'G earail bharaile nach coir oirn,	Foist improper ideas upon us,
Chosnadh molaidh dhaibh is storais, ^b	Which would win praise and wealth for them
No chuir cleo air an droch coguis.	Or to salve their bad conscience.

^a alternative reading 'leis na Gallaibh' ("owned by Lowlanders")

^b alternative reading: 'G iarraidh 'n moluidh fein &c'
"In order to win praise and wealth for themselves"

APPENDIX 14 CONTD.

XI.

Cuidicheadh an t-ard an t-iseal	Let the person of high rank help the lowly
'S caidricheadh fui sgiathaibh mine,	And let him be nurtured under gentle wings,
Gus am fàs a calma fineant,	Until he becomes strong and brave,
'S gu cum sogh is sith na thalamh.	And until he entertains plenty and peace in his land.
Faicimid gach sochair rimheach	Let us observe every refined advantage
Tha sinn mealtuinn ann san tirse;	Which we are enjoying in this land;
Bithmid buigheach is beus-liomha,	Let us be thankful and well- mannered
Suntach, miogach mar meannain.	Spirited and light-hearted like young fawns.

XII.

Mar sud Iolair threun nan iarmhailt,	Similar is the strong eagle of the skies,
Cuiridh aird air blas is biatachd ^a	She will devise a way of obtaining warmth and hospitality
D'alach maodh nach fhead ach sianail;	For her fledgling brood who can do no more than cry;
'S bas le pian doibh bhith gun chabhair;	It is a painful death for them to be without sustenance:
Altrumta le geinteir liath-ghlas,	Reared by the light grey parents,
'S giulainte air neart a sciathan,	And carried on the strength of their wings,
Fasaidh calma luth-mhor rioghail,	They will grow strong, vigorous, regal,
'S glanaidh 'n tir do fhiaich 's chlamhain.	And they will clear the land of ravens and buzzards.

^aalternative reading 'Solaraidh si' blas is biatachd'
"She will search for warmth and hospitality"

APPENDIX 14 CONTD.

XIII.

Gluaisemid an ceimnibh ciatach	Let us march in the excellent steps
An ard uasail a's deagh Thriath dhuinn,	Of the worthy noble who is our good Lord,
'S biaidh sinn meas'radh, crodha, ciallach,	And we will be moderate, brave and sensible,
Iochd-mhor, fialaidh ris gach uiridh.	Merciful and generous to every deserving person.
Biodh mar shamhla-beus 's gach ni dhuinn	As a moral example in everything to us,
Réult na mais', na stuaim' 's na mine,	May there be this star of beauty, modesty and gentility.
'S ch'an fhag greannmhorachd ar nianag	And the comeliness of our young ladies will not leave
Croidh' an cliabh fir sam bi anam.	A heart in the chest of any living man.

APPENDIX 15

Oran Air Naimhdin Na Tuatha

Song on the Enemies of the Tenantry

Le Alastair Robertson a Botheaspuc

By Alexander Robertson in Bohespick

A Rìgh gur goirt am bruidhean
A chuala mi o'n de;
O Thighearnaibh gun truacanachd
Bu thuataidh leinn an sgeul;
A Rìgh gur goirt am bruidhean
A ghluaisid mi gu h-eug,
Cuir gearsam air luchd teanantri
'S gu 'm b'ain-ìochdmhor an sgeul.

O Lord! painful are the troubles
Which I heard just yesterday;
From nobles without mercy,
Base the news was to us;
O Lord! painful are the troubles
Which move me to anguish,
Imposing a grassum on the tenantry
And what a cruel tale it was.

A dhaoine glacaibh firinn
Ann bhur 'n inntinin gu leir,
Is feuch nach toill sibh dìoghaltas
Da'n linn a thig bhar diaidh;
Ch'n 'eil neach ga bheil e
ghnàthacha'
Gné àiteach aige féin,
Nach fhodh'n do cheird 's do
chracaireachd leis
Gearsam bhi 'na bheul.

Oh People (the nobles), face the
truth
In the entirety of your minds,
And be sure not to earn vengeance
Upon the generation that comes
after you;
There is no one who is accustomed
To have some arable for himself,
Who does not find it sufficient
for his craft.and.conversation
To have a grassum in his mouth.

A dhaoine 's éiginn éisteachd ris
Gach sceul tha tighinn mu'n cuairt,
A liud fear 'tha ga shàrachadh
Re h-anranaich bhochd thruadh;
Mar shoitheach an dà èarraich
'S a chrìos air failing uaidh,
'Nam faighteach gun a charachadh
Gu biodh e tamul suas.

Oh people (the nobles) you must
listen to
Every story that is doing the
rounds;
So many people are being drained
By poor miserable wretches;
Like the vessel of the two ends
Whose middle hoop has given way,
If it could only be left undis-
turbed
It would stay upright for awhile.

.....indicates doubtful translation

APPENDIX 15 CONTD.

'S ioma fear tha bùrach agus Braid an cùl a chinn, 'S mairg a chuireadh dusgadh air No thogadh pluc d' a ni; Biaidh ainmheach agus pàistin air 'Gan àrachadh ro chrion, Nam faighteadh gun an carach' Gus am biodh gach caluin dioilt'.	There's many a man who is ploughing With a yoke upon his shoulders, Deplorable the person who would disturb him Or who would lift a sod of his property; He will have a needy (wife) and children Rearing them very sparingly, If only they could be left un- disturbed Until every little bit was paid.
Sin mar bhios na h-uailsin 'Nan crua-chàs air an tìr, 'S iad mar gharadh Pharraais No laethe blàir na thim; Ach mar teid bhar bàthadh air Muir shaile no air tìr, 'N uair thig oirn laethe bhreitheamhnais Biaidh pian ag feithidh dhuibh.	That is how the nobility Are an oppression upon the land, They are like the garden of original sin Or a day of battle in its time; But whether you meet your death Upon the sea or on the land, When the day of judgment comes upon us Punishment will be in store for you.
'N uair theanaileas sibh re cheile Bu daingeann treun bhur bann, Mu'n fhearann chuir an daoirid Air na daoine bochd a th'ann: Cha 'n éisteadh sibh re truacanachd Bu tuaitidh leibh s' a' chainnt, Mu'n toir sibh fabhor uaire dhoibh Biaidh 'n Scuabach air na th'ann.	When you (the nobles) gather together Strong and firm would be your accord To increase the rent of the land For the poor people upon it; You would not listen to mercy You would consider such talk worthless, Unless you give them an hour's respite The Clearances will come upon them all.

APPENDIX 15 CONTD.

'N uair bhitheas sibh ag éirghidh	When you get up early in the morning
Le 'r léinteagaibh gu moch,	In your shirts,
'N uair tharlas ribh an drama	When you happen to take a dram
Is bhur lamh bhi ris a'chup;	And your hand is at the cup;
Biaidh sibh do thaobh nàtuir	You will be by your very nature
Ag sàrachadh bhur stuic,	Oppressing your stock (tenantry),
Cha ghabh sibh cunnbhail suasa	You cannot be maintained
Gun an tuath a chuir nan druid.	Without keeping the tenantry in subjugation.
Rìgh, cuidich clann na tuathadh	Lord, help the children of the tenantry;
'S ioma tuar a tha nan diaidh,	There are many spectres chasing after them -
Tha tighearanan is uachdarain	There are lords and landlords
Gach uair ag dol 'nan ni;	Forever seizing their possessions;
Tha gaibhnin agus muilleirin	Smiths and millers
Gle ullamh gu'n cuid cìs,	Are eager for their share,
Tha ceaird is baird is baigeirin	There are tinkers and bards and beggards
'S an calcadair so shios.	And the caulker down the road.
Tha por beag eile fasd ann	There is still another little gang
Ni agartas ro gheur,	Who will make a very sharp demand;
Cha chuir an saor an cearcal duinn	The joiner will not drive the hoop for us
Mur gleidh sinn do fiodh caoin;	Unless we keep good wood for him;
Tha notairin is bailidhin	There are notaries and magistrates
Le 'm paipeiribh ro dhaor,	With their expensive papers;
Cha tig am fear a's measa	The worst fellow of all will not come
Gus an laethe 'n tig am maor.	Until the day that the bailiff comes round.

APPENDIX 15 CONTD.

Tha greasaichin is tailleirin
Tric sàitheach air ar cuid,
O 'n fhigheadair cha 'n fhabhar
dhuinn
'S e ni ar snath a plud;
Thuir Mac Thomi Bhata
Far sin 's breugach dhuit,
'S mar faigh an criarair paigheadh
uainn
Gu leig e chath 'nar cuid.

Tha iolairin is eunlaidhin
Ag raitheadh oirn gu moch,
'S ma 's e gille martuin is
Fhearr fabhor leigeadh duit;
Na cromanan 's na eunlaidhin
Cha téirneadh uainn graidh luch,
Gach beodhach a ta glusad
A muich air uachdar sluib.

'N uair thoisicheas na grùdairin
Le 'n sùthan anns gach ceirn,
Biaidh iomadh bonn ga chuntadh
dhoibh
Gun chuntas thoirt ga cheann;
Mur bhiodh gu bith na gaidseirin
Ag raitheadh os an ceann,
Bhiodh iadsa da nar friothaladh
Mar thighearn anns gach ball.

There are shoemakers and tailors
Often keen to get at our portion;
We need not look for a favour
from the weaver
He makes yarn from old blankets;
The son of Tommy of the Boat said
It is dishonest for you to go
beyond the limit;
And if the winnower doesn't get
payment from us
He will let the chaff go into our
grain.

There are eagles and birds
Threatening us early in the day,
And if it is a fox after you
You are the better for a respite;
The kites and the birds
Would not let a single mouse
escape from us,
Nor any animal that moves.
Out on the surface of the moor.

When the brewers set to work
With their stills in every corner
(of the land)
There will be many a coin counted
out for them
And no receipt given for it;
Were it not for the excisemen
Keeping a watch over them
They would strut among us
Like a lord in every way.

McLagan Collection No.137(c).

TGSI Vol.24 (1899-1901), pp.161-
164.

APPENDIX 16

Copy made in March 1734 of a letter then being circulated written by Rev. Ebenezer Erskine to the Rev. John Maclaren, Edinburgh, after a meeting at Bridge of Gairney in the winter of 1733 and sent to the Duke of Atholl by Alexander Murray.

R: & D: S: I would have write to you before this time But deferred it till I had some thing material to impairt, since I saw you my Colleagues have taken their turns with me as before, but what they will doe afterwards I know not when they come to know the step which the four who are separated from their Brethren have taken this last week, which I now impairt to you as a piece of News whether you'll approve of it or not I know not, but I am hopefull wee have the countenance of our great master in it; Upon Tewsday last week at night wee mett at Garnie Bridge contiguous to Portmoak as the most centricall place to the four My Brother Ralph and Sir Thomas Mair being with us wee spent all Wednesday and till two of the clock Thursday in prayer for the Lords Counsel and conduct anent that way wee were now to take, when out of ministeriall communion with the Established Church, the Lord in Concequence to the Commissions sentence and our own Session [i.e.secession] from a prevailing party in the Church cleard us to constitute our selves into a Presbetry: The only Question on the carpet before we came to this was, whether it was Expedient to take that step presently or deferr it for some time, after reasoning and prayer wee came to an unanimous resolution to doe it presently Reasons that Weighed with us were these among others, -

1mo Wee were shut out of Ministerial Communion with the Established Church and consequently did not belong to any particular Church upon Earth till we Constitute and made a Church among ourselves and others that would adhere to us

2do Wee were cast out in the Name of the Lord whereby we thought that Name profaned and wee Judged it proper to sanctify that Name, by Constituting and casting our selves under its protection as to our strong Tower to which wee Fled for safety, and accordingly in that Name sett up our Banners.

3tio The promise of his presence to two or three mett together in his name and wee judged that our Constitution in his name, for the use of the Keys, gave us a better claime to the promise, than when in a Vague Constitute Condition

4to Wee judged that the Testimony which the Lord putt into our hands required a present Constitution that in his name we might further enlarge and display it in oposition to the prevailing defections of our day.

5 Wee were affraid if we mist the present opportunity of Constituting, the Lord might be provoked never to allow us another, whatever thy hand inclines to doe doe it with all thy might and wee could see nothing to hinder it from being our duty now as well as any other time, If it were not prudential considerations and carnal reasonings drawn from Events the Like which we were affraid savoured of the Flesh

6 The danger of entanglements and Snares from men

7 The Necessity of the Lords oppressed heretage that Remnant we judged had a Loud cry to come over difficultys and help them by taking up the keys both of Doctrine and discipline ordained for their use.

8 Since we are still Ministers of Christ our Enimies themselves being Judges wee see no reason why wee should not imediatly without delay avow ourselves to be a Court of Christ since wee made a Competent Number.

9 Our Enimies reproach us independents and our Constituting into a Presbetry is the most practicable demonstration of the Contrary to the world.

10 The Established Church are Hastening to ruin a Covenanted Worke of reformation, and therefore wee judged that the Lord called us in our present situation to make hast and sett up a Standard for it in the Name of the Lord.

Upon the Consideration of these and others wee did upon Thursday last at two of the clock solemnly Constitute a Presbetry and Consecrate our selves to his oppresed Church in that Capacity.

The 3 Brethren that live contiguous are appointed to prepair the grounds of our Cession and Constitution against next meeting in order to their publication to the world, the name wee take is, the Presbetry of the Apostate Ministers &c: its true our beginnings are small but if he in whose Name we are Constitute take us up, our Letter end shall greatly increase, its all one for him to worke by many or by few, one handfull of Corn watered by the Holy Ghost will shake like Lebanon and then the City of the Church shall flourish like blades of grass for multitudes and shall revive as the Corn and grow as the Vine and our Scent shall be as the Vine by Lebanon, wee Lay our Account, not only with worke but with hot warefare, but if the Lord of hosts be with us, our Bow shall abide in strength.

APPENDIX 17

From John Swinton Jnr, Edinburgh, to Rev. Mr. Steuart,
Minister at Blair 7 Aug 1756, enclosing copy of Quarter
Session Minutes

At Edinr 23rd July 1756

The Committe appointed by the Quarter Session in May last to meet
at Edinr for considering of and digesting a plan for the proper &
effectual maintenance of the poor within their respective parishes
having mett accordingly

Sederunt

The Lord president of the Court of Session Preses

Mr Patrick Haldane

Mr John Cragie

Mr David Moncrief

Mr David Graeme

Mr John Mackenzie

Mr John Swinton Sheriff Depute

The Sheriff depute laid before the Committee the resolution of the
Quarter Sessions in May last together with the state therein-men-
tioned of the whole poor & poor's funds within the shire & the
Committee considering that the shire was grievously infested with
vagrants and sturdy beggars & that the realy indigent & necessitous
poor were not properly supplied and maintained but were allowed to
beg over the whole shire by which means many of them perished for
want, their children were brought up in Idleness, Vice & Wandering
which early evil habits they could never leave off, the work of many
usefull hands were lost to the publick & a heavy & grievous Burthen
lay upon the shire, therefor the Committee came unanimously to the
following resolutions & appointed them to be reported as their opinion
to the Quarter Sessions Viz.

1mo That from and after the (blank) day of (blank) all stranger poor
who belong to other shires & all Vagrants, Sturdy Beggars & idle

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Persons shall be banished from the shire.

2do That the truly indigent & necessitous poor should be maintained in the respective parishes where they have been Born or where they had their cheif resident & resort for the three last years.

3tio That in such parishes where the Interest of the poor's stock & the Collections & other casualities are not sufficient for the support of the whole poor the Heretors the Minister & Elders should meet & either stent themselves in such further sums of money or meal as may be necessary one half on the Heritors and the other half upon the Inhabitants in terms of Law: Or if the said Heritors, Minister & Elders shall think it unnecessary to lay on the sd stent they may allow their poor to beg within their own parish only such poor receiving a Leaden Badge from them having the name of the parish stampt upon some conspicuous place of the outside of their cloaths and that none should receive such Badge who are able to work.

4to That after the said (blank) day of (blank) all Beggars whatsoever who shall be apprehended without the limits of their respective parishes shall be held to be Vagrants and be carried befor the nearest Justice of Peace or the Sheriff or his substitutes & there fed on small allowance of meall and water & otherwise punished according to Law and thereafter be sent back to their respective parishes or banished the shire & conducted to the limit thereof.

5to That all persons who shall give alms to such vagrants or to any poor not wearing a Badge or to any who tho they have a Badge are without the Limits of their respective parish shall be fined as the law directs.

6to That the freeholder should impose upon the county such a sum in name of Rogue money as shall be sufficient for apprehending maintain-

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ing & prosecuting all Vagrants and other idle beggars & for all the contingent expences of this scheme & shall instruct their collector to pay the same.

7mo That one or more constables should be appointed in every parish for apprehending & committing all such Vagrants according to the Instructions to be given them and that such constables for every Vagrant they shall apprehend shall be allowed out of the Rogue Money the sum of (blank) as a premium together with three pence for each mile they shall carry the prisoners and the expences of maintaining them with Bread & Water while on the road as also expences of assistants.

8vo That in respect it appears by the report made to the sheriff of the state of the poor and their funds in the different parishes of the shire, That in the thirteen following Highland parishes to witt Ballquhidder, Killin, Kenmore, Fortingall, Weem, Dull, Blair Atholl, Moulin, Logierait, Little Dunkeld, Kirkmichael, Callander, Comrie, The number of the poor is very great and the funds of their maintenance very small & that at first the Burden of their maintenance in terms of Law will be grievous, That therfor for encouraging the sd thirteen parishes & for assisting them towards the support of their poor, The Quarter Session should recommend for this year to the other parishes in the shire who will therby be relieved of a considerable burden to make a Voluntar Contribution in proportion to their valuation or in any other way they shall think proper betwixt (blank) to be paid to the Collector of the Land Tax provided always that such only of the thirteen parishes as shew a proper disposition for the charitable maintenance and relief of their own poor shall have the benefits of this contribution.

APPENDIX 18

Rules to be Observed by the Heritors, Minister and Elders, at Parochial Meetings for the Mantainance of the Poor (6 June 1775)

1mo That previous Notifications be made at the Kirk of each Parish from the Readers Desk to the Heritors, Minister, & Elders of the Parish to Meet together at the Parish Kirk upon a day Certain, in order to make up lists of their Poor, and to provide for their Mantainance as the Law directs; and this Notification ought to be made on the two Sundays immediately preceeding the day of Meeting.

2d At the said Parochial Meeting, any Number of Heritors, Minister & Elders present, May & ought to proceed to Bussiness, and for order's sake should first Elect a preses and Clerk to the Meeting.

3d That the said Meeting shall make up a List of Roll of all the Poor, young & old which have either been Born in the Parish or have had their cheif Residence and Resort therein for the last three years.

4th That the Meeting shall Compute and Estimate what sum may be Necessary for the Mantainance of each Poor Person, whose name shall be entered upon said List According to their Different Necessities untill the day of and shall then cast up or sum up the Quota Which shall be found Necessary, for the Mantainance of the Whole.

5th That the Meeting shall call upon the Minister and Elders of the Parish to lay before them, a State of the Funds Mortified to the Poor of the Parish and of all sums belonging to the poor, and that the yearly Interest or income of such Funds be in the first place appointed for answering the Quota or sum found necessary for the Mantainance of the Poor of the Parish as above.

6th That the half of the Weekly Collections shall from time to time be paid in to the Collector to be named by the Meeting and that the

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same be applied for the Mantainance of the stated or listed Poor of the Parish and that the other half of the said Collections shall be left in the hands of the Kirk session, as a Fund for answering such occasionall Charities as may occur within the Parish.

And in order that such Voluntary Contributions may go as far as Possible in Mantaining the Poor on an Equal Footing, the Meeting shall order application to be made to all Heritors who do not Reside within the Parish and to all Parishioners who have no Opportunity of Contributing at the Kirk doors To Contribute towards the Mantainance of the Poor; And the Contributions so given shall be Disposed of in the same Manner as those Gathered at the Kirk doors.

7th That if these two Funds shall not be sufficient, for answering the Quota ascertained for Mantainance of the Poor then the Meeting shall proceed to cast the one half of the sum Deficient upon the Heritors of the Parish, According to the Valuations of their Respective Lands within the Parish, and the other half upon the House holders within the Parish, according to their Circumstances and substance without Partiality.

8th That the Meeting appoint an overseer or collector to Receive the said Mantainance for the Poor from the Kirk session, Heritors, and Householders Liable therein and that Weekly, Monthly or Quarterly, as the Meeting shall appoint, and also to Distribute the said Mantainance to the Poor, According to the Proportions that shall be appointed to them by the Meetings And the said Meeting may likewise (if they find it Necessary) Appoint an officer to serve under the Overseer for in bringing of the Mantainance, and for Expelling stranger Poor from the Parish, and the fee of this officer, Together with the expence of sending Vagrants to Gaol & Mantaining them there

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and of transporting them to their own Parishes or to the Verge of the County shall be stented on the Parish as the Mantainance of the Poor is stented.

9th That all Ministers and Heritors, or any of them, shall give timeous Notice to the Justices at their Quarter Sessions and to the Sheriff Depute or his Substitutes, if the Parochial Meetings, or the Heritors or the Householders, have failed to Perform their duty, That so the Justices of the Peace or the Sheriff may without delay, Proceed to Execute the Law against all such as shall fail in this important and Christian Work Viz. by Fining the Heritors, Minister & Elders who shall meet and provide for the Poor as aforesaid, in the sum of Two hundred pounds Scots, one third to the Informer, and the Remaining two thirds to the Poor of the Parish. And that monthly Toties Quoties as they shall fail in their duty and by Fining the Particular Persons who shall fail to make payment of the sums for Quotas assessed upon them, in the Double of such Quotas.

10th In order to Lessen the Expence of Mantaining the Poor the said Meeting are authorized and Required to put such of the Poor of the Parish as are able, to work according to their Capacitys either within the Parish, or in any adjacent Manufactory as they shall think Expedient.

11th That the Parochial Meetings for making up Lists of the Poor, and Providing for their Mantainance shall in all subsequent years be held upon the day of and of of which Notifi- cation shall always be given from the Readers Desk as aforesaid, and upon those days Consult & Determine upon the aforesaid Matters Re- lating to the Mantainance of the Poor for every ensueing half year,

APPENDIX 18 CONTD.

and shall make such alterations upon the Lists of the Poor, and assessments for their Mantainance as the Change of Circumstances may Require.

SRO JP20/2/2.

APPENDIX 19

Extract from SSPCK Minutes 7 August 1718

The Committee informed the Society that there had been a Memorial laid before them, Representing That, by a gift under the privy seal dated the 29th February 1696, King William assign'd and perpetually doted an hundred and fifty pounds sterling yearly, out of the Rents & Casualtys of the Bishoprick of Dunkeld to be paid to John Lord Murray now Duke of Athol, David Lord Ruthven, Sir Patrick Murray of Auchtertyre, Thomas Hay of Balhousie now Earl of Kinnoul, William Drummond of Megginch, John Mcfarlane of that Ilk and Stewart of Ardvorlich, who, or any three of them or their successors in their Estates were thereby appointed Trustees for recovering & applying the said sum to the following uses Vizt 1mo for erecting schools and schoolmasters houses where wanting within the bounds of Perth, Stirling and Dumbarton Shires. 2do To the provision of Masters and Teachers settled in the said schools. 3tio To the making such furder provision for the Masters and Teachers of the schools already erected as the Trustees shall judge needfull, and the said Trustees are thereby declared accountable to the Lords of His Majestys Treasurer and Exchequer; And the said Lords are directed to do all things necessary for making the said appointment effectual. In anno 1700 John, then Earl of Tullibardine, the Earl of Buchan and Laird of Megginch gave Bond to the Exchequer to apply the said yearly allowance, and to be accountable for the same to the Lords of the Treasurie in the Terms of the Grant; Clerks and Collectors to be employed by them in making it effectuall being allowed reasonable Sallarys out of the same. It appears that some of those Trustees did act by appointing schoolmasters and granting them sallarys, but no account of their

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proceedings appears in the Exchequer, or how far these have discharged their Trust. The Rents of the said Bishoprick at the time of the Grant were sufficient to have answered the Mortification: But in Anno 1704 The Duke of Athol obtained a grant of nine Chalders of Victual, or nine Hundred Merks per annum out of the Teinds and Fue dutys of the parish of Meegle for a stipend to the Minister of Dunkeld, whereby the subject became deficient and its probable this may have occasioned that no regular or exact method has been kept, by the Trustees, or their proceedings, and has given rise to such Difficultys as has rendered the Trust uneasy and impracticable.

SRO GD95/1/2.

APPENDIX 20

SSPCK Schools and Schoolmasters in Atholl lands compiled from Dunkeld presbytery, Auchterarder presbytery and SSPCK records (N.B. If a particular school is not shown for a particular year this does not necessarily mean it did not exist, merely that it was not recorded.)

<u>Glenalmond (Monzie parish) Salary</u>			<u>Trochry (Little Dunkeld) Salary</u>		
1731	Duncan Drummond		1731	George Park	
1732	" "		1732	" "	
1733	" "		1733	" "	
1734	" "		1734	" "	
1735	" "				
1736	" "		<u>Innerchadden (Fortingal)</u>		
1738	" "		1735	George Park	
1739	" "	£5-10	1736	Robert Man	
1740	" "	"	1738	" "	
1746	" "	"			
1751	" "	£7-10	<u>Strowan (Blair Atholl)</u>		
1752	" "	"	1731	Donald Robertson	
1753	" "	"	1732	" "	
1754	" "	"	1733	" "	
1755	" "	"	1734	" "	
<u>1756</u>	" "	"	1735	" "	
1774	Donald Campbell	£7	1736	" "	
			1738	" "	

Auchlich (Fortingal)

1732	Hugh Cameron
1733	Daniel Manzies
1734	" "
1735	" "
1736	" "
1738	" "

<u>Kilchonan (Fortingal)</u>		<u>Salary</u>	<u>Glenlednock (Comrie)</u>		<u>Salary</u>
1731	John Menzies		1738	John Campbell	£5-10
1732	" "		1739	" "	"
1733	" "		1740	" "	"
1734	" "		1741	" "	"
1735	" "		1746	" "	"
<u>1736</u>	" "		1747	" "	"
<u>1759</u>	James Mcpherson	£10	1751	" "	"
1774	George Menzies	£8	1752	" "	"
1775	" "	"	1753	" "	"
1777	" "	£10	1754	" "	"
1778	" "	"	1755	" "	"
1779	" "	"	1756	" "	"
1780	" "	"	1757	" "	"
1781	" "	"	1758	" "	"
1782	" "	"	1759	" "	"
1783	" "	"	1760	" "	"
1784	" "	"	1761	" "	"
1785	" "	"	1762	" "	"
			<u>1763</u>	" "	"
<u>Foss (Dull)</u>			1780	Hugh Cameron	£16
1731	John Forbes		1781	" "	"
1732	" "		1783	" "	"
1733	" "				
<u>1734</u>	" "		<u>Ochtermuthil (Muthil)</u>		
1769	Alexander Macdougall	£10	1741	John Robertson	£12
1770	" "	"	1746	" "	"
1771	" "	"	1747	" "	"
1772	" "	"	1751	" "	"
1774- 1778	(School moved to Glen of Fincastle)		1752	" "	"
			1753	" "	"
1779	Patrick Stewart	"	1754	" "	"
1780	" "	"	1755	" "	"
			1756	" "	"
			1757	" "	"
			1758	" "	£6
			1759	" "	"

<u>Glenshee (Kirkmichael)</u>			<u>Salary</u>	<u>Strathtummel (Blair Atholl)</u>			<u>Salary</u>
1769	Alexander	Robertson	£12	1769	Donald	Brown	£8
1770	"	"	"	1770	"	"	"
1771	"	"	"	1771	"	"	"
1772	"	"	"	1772	"	"	"
1773	"	"	"				
1774	"	"	"	<u>Cluniemore (Blair Atholl)</u>			
1775	"	"	"	1774	Alexander	Mcintosh	£5
1777	"	"	"	1777	"	"	"
1778	"	"	"	1778	"	"	"
1779	"	"	"	1779	"	"	"
1780	"	"	"	1780	"	"	£8
1781	"	"	"	1781	Duncan	McIntyre	£10
1782	"	"	"	1783	Duncan	Robertson	"
1783	"	"	"	1784	"	"	"
1784	"	"	"	1785	"	"	"
1785	"	"	"				
				<u>Tennandrie (Blair Atholl)</u>			
<u>Moness (Dull)</u>				1769	John	Gregory	£5
1769	George	Menzies	£8		(on condition that parents give £5 more)		
1770	"	"	"	1770	"	"	"
1771	"	"	"	1771	"	"	"
1772	"	"	"	1772	"	"	"
				<u>Kindallachan (Dowally)</u>			
<u>Amalrie (Dull)</u>				1769	Alexander	Duff	£5
1769	Murdoch	Mackenzie	£6		(on condition that Duke of Atholl's factor & the minister give as much)		
	(on condition that parents give £6 more)			1770	"	"	"
1770	Hew	Fletcher	"	1770	"	"	"
	(Same condition)			<u>1771</u>	"	"	"
1771	"	"	"	1777	"	"	£10
1772	"	"	"	1778	"	"	"
1774	Duncan	McGibbon	£10	1779	"	"	"
1777	"	"	"	1780	"	"	"
1778	"	"	"	1781	"	"	"
1779	"	"	"	1782	"	"	"
1780	Duncan	Drummond	"	1783	"	"	"
1781	"	"	"	1784	"	"	"
1782	"	"	"	1785	"	"	"
1783	"	"	£12				

<u>Drumour (Little Dunkeld)</u>		<u>Salary</u>	<u>Edradeynate (Logierait)</u>		<u>Salary</u>
1774	Patrick Stewart	£9	1777	Donald Stewart	£10
1775	" "	"	1778	" "	"
1777	Hugh Cumming	"	1779	" "	"
1778	" "	£10	1780	Donald Fleming	"
1779	" "	"		moved to <u>Fundeynate</u>	
1780	" "	"	1781	" "	"
1781	Patrick Mcpherson	£10	1782	" "	"
1784	Alexander Duff	"	1783	" "	£11-10
1785	" "	"			

Auchgoil (Blair Atholl)

<u>Roro (Weem)</u>					
1777	Duncan McArthur	£3.	1778	Duncan Ferguson	£10
	(+ 100 merks mortification)		1779	" "	"
1778	" "	£5	1780	" "	"
	(+ same)		1781	" "	"
1779	" "	"	1783	" "	"
1780	" "	"	1784	" "	"
1781	" "	"	1785	" "	"
1783	" "	"			
1784	" "	"			
1785	" "	"			

APPENDIX 21

Recruiting Proclamation

Gach Dhuin-uasal treuch leis an Ionsadh sheirbheis a dheanamh d'a mhorachd Ri Deorasa, ann san Dara Reisimeid hair a Daichead, no an Reisimeid Rioghail Ghai'ealach fo Cheannsail an ard Uasail onoirich Moireir Jan Muirrea, & ann Cuideachd

Thigeadh e dh'ionnsuidh m'aite cohnuidh sin aig suaitheantas. Far am Faigh e Guinea Earluish & crun a dh'ol Deoch-slaime an Righ, Peighear & Cearthanan saor o sho suas; Far an sgeaduihear e o mhullach gu Bonn 'san tshean Earra ghai'leach, anns gach gne airm & Ball eile bhuineas da.

Gu'n gleitheadh Dia an Righ.

Is i sho, a Dhaoine-uilse, a Chead Reisimeid ghai'ealach a bh'ann riamh & an aon Reisimeid ghai'ealach anois air Dohmhain; a ta fhios aghaibh uile gu do Chumadh an tus i Choimhead & a Dhionadh na Rioghachd sho Amhain, far 'n do Chomhunnich iad iomad Bliadhna gu sona bhar measg. A ta na gniohara gaisgeil rinn iad d'an Righ 's d'an Duthaich o dh'fhag iad sibh, & an Onoir 's an Cliuth a choishin iad d'Alb fa leath Re da Chogaidh fhada fhuilteach, Co Iomraiteach feadh na Rainn-Eopr' & America uile as gur beg nach Diomhaoin damh an airish. Aig Fontenoy, Hulst, Dort L'orient, Bergen op zoom, Ticonderoga, ann doll sios Eassa St Laurence & gabhail Chanada uile; ann toirt Guadeloupe fo gheill, ann cuir Mhartinique fo Chis, ann Cuairteachadh & an gabhail Iomraiteach Havannah, a measg nan Cinneach Coilteach (Inniseach) am Fasaichibh (Di-threabhaibh) America, an Cath Cruaidh Bushi-run a bhris meisneach nan Inniseach, & an Imid air eil' a b'fhada r'an luaidh, Bha 'n Giulan treuch Co Sunruighte 's gu do thilg e onoir air gach Duine rugadh ann Alb,

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agus gu 'm b'i Toil mhaith an Rìgh an sunrugadh amach leis an Ainm Chliuiteach sho, an

Reisimeid Rìoghail Ghàì'ealach.

Ach, a Dhaoine-uailse, Cho' fheadagh na gaisgich shin mairsin daonan, Chios uigheadh moran diubh le Lotaibh Cliuiteach & fhuair iad an Tuarasdal bu dual (a thoill) d'an sheirbhis dhileas, agus dh'Eug moran Eile dhiubh gu Glormhor g'ar dìonadhsan & bhar Nith & ag Cuir Ducha ùr fa Chis dibh; Chuireadh mise, air an abhar sin a thogbhail Urachadh ghaisgeach nan aite sin. Cho tainig mi, Fhearsa, a thogbhail Dhaoine Coitchionn (Cumanda) dh'aith-lionadh na Reisimeid, gheabhaimid gu leor dhiubh shin, Is an a thaine mi dh'iarruigh Dhaoine sam bheil Beoghalachd & Tréuntas, a ta deonach & Comasach air aite nan Daoine bha rompa Sheasamh & onoir is Cliuth a choisneadh do Thir bhar Duchchais.

Ma ta Duine bhar measg, a Dhaoine-uailse ag mianughadh na h onoire sho, thigeadh e da' m'ionnsuidh sin, no dh'ionnsuidh m' Armuinn, neach a bheir Dearbh Chinnteachd dha, gun Cuir ear gach Comhara Cliuiteach air & gu faigh e gach Ardughadh Inbhe ris am fead Duil a bhi aige a Mhuintir a Dhucha & o Cho-shaideiribh fein.

A ta'n Reisimeid an tras air Cheireannan 's an Bhaile Iomrais-teach shin Baile-Cliar an Eirin, 's am bheil gach gne Phailtish (shaimh) & Sholais air bith, Far am faigh sibh Failte Chroidheil o bhar co-dhuchasaich fein & Muirn o na h Ianagaibh Eirinneach.

APPENDIX 22

Láe Cheann Loch-Fine, Le Alastair MacDhioncha
Mhic Thearlaich Robertsoin, am Boheusbuig

The Day of the Battle at the Head of Loch Fyne by
Alexander Robertson son of Charles Robertson in Bohespic

Chorus

Láe Cheann Locha-Fine	On the day of the Battle of Loch Fyne
'S sinn nar sìn' air an leacainn	When we were stretched across the slope
Ar Comandair ag amladh	Our commander restraining us
Dh'inn ar naimhdin a ghlacadh	From seizing our enemies;
Thug sinn seachduin gar 'n eansach	We spent a week being trained
Dol a dh'ionnsuidh Ghileaspuig	To attack Archibald {Campbell}
'S an oirne bha'n t angar	We were blazing with anger
Nuair a theantadh sinn dathigh.	When we turned for home.

1.

Na'm biodh sinn uile cho deonach	If only we had all been as willing
'S bha Mac-an toisich* an toiseach	As Mackintosh* was at first
Nuair a rainig e an garadh	When he reached the wall;
A Rìgh bu laidir a sheasamh	O Lord how strongly he stood!
Nuair bha trup nan each bana	When the troop of white horses
Tei'n' a nairde o'n chaisteil	Was advancing from the castle
Bha MacCoinnich ag griosadh	Mackenzie was cursing
Fhir ud shios fan air ais uainn.	You fellow down there keep away from us.

2.

Tha MacCoinnich na Dalach	Mackenzie of Dull was
Gle thoileach san uair sin	Very willing at that time
Air a chloidheamh a tharraing	To draw his sword
Dol a bhuidhin a chruadail	And join the tough company
Le shaighdaire laghach	With his fine soldiers,
Air taghadh mu'n cuairt do	Hand picked, about him
Dheanamh fuil air MacCaillein	To draw blood from Campbell of Argyll
'S a thoirt scaradh bochd truadh air.	And to bring a sad sore torment upon him.

*from Mar (note in margin)

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3.

Bha Fear Inbhir-slanai	The Laird of Inverslany
Air a ghainbhich na sheasamh	Was standing in the sand
'N diaidh a ghuna a thaomach	Having discharged his gun
Ann an eadain na'm marcach	In the face of the cavalry.
'Sciath bhallach air uileann	He had an embossed shield on his elbow,
Claidheamh fuileach na dheas- laimh	A bloody sword in his right hand,
Paidhir dhag air a chruachainn	A pair of pistols on his hips,
Dol a bhualadh Ghilleaspuig.	Going to strike a blow at Archibald.

4.

Bha MacUilleam Mhic Sheumuis	Son of William Son of James
Lan ardain is tailceas	Was full of wrath and contempt
Nach dfhuair e gu raidhe	That he did not get to capture
Earra ghaèl a ghlacadh	The ranks of Argyll.
Na'm faigheadh e gu chomhairl	If he had got his way
Dhe anta gnothach am fheascar	The business would have been over in an evening.
Chuireadh saighdeire maim orr'	Soldiers would have routed them
Gun chomandair gun chaiptein.	Without commander or captain.

5.

Na'm biodh agam an t aite	If I had had the status
Bh'aig na staitich bu treasa	That the strongest leaders had
Chuirin saighdeirin eatrom	I would have deployed light soldiers
Air an scaoil' air an leacainn	Spread over the slope;
Bhiodh sciath air gach taobh dhiubh	They would have had a flank on each side of them
Nach fheite dhol as doibh	From whom there could be no escape;
Bhiodh trup nan each mainmneach	The troop of the spirited horses
Cuir nan eanchainean asta.	Would have dashed their brains out.

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6.

Na'm bu mhise b'fhear ordu
 Air luchd nan goiseidin glasa
 Dheanuinn croich & cord dhoibh
 'S bheirinn ordu bho'n Mharcus
 Chuirinn facall comandair
 An laimh an Aonghuis* bu ghlaise
 A cheann e chuir air an fharadh
 An fhir a's aird' thug dhuinn
 masladh.

If I were the one who gave the orders
 To the company of the grey cuirasses
 I would make a gallows and a cord for
 them
 And I would give an order on behalf of
 the Marquis.
 I would give a commander's order
 In the hand of greyest Angus*
 That he should put his head on the
 [same] gallows
 As the man who caused us the greatest
 disgrace.

7.

Ach a heanileir Buchainn
 Bh'ann ar cuideachd san am sin
 Chuir e scaoil' ann san lae
 'S thug e reabha d'an traitear
 Chuaidh Litir a mhillidh
 Leis fein do Dhuneideann
 An lamh a scriobh i le peana
 Mile beanachd uam fhein d'i.

But O General Buchan
 Who was in our company at that time -
 He caused the day to be a rout
 And he gave the warning to the
 traitor;
 The letter which destroyed him
 Went by his own hand to Edinburgh.
 The hand which wrote it with a pen
 A thousand blessings from myself upon
 it.

8.

Bha sinn uile nar luaine
 Dol a thualag air cais-bheart
 Sinn nar luigh air anleacainn
 'S sinn ag feitheamh na marcach
 Bha sinn ullamh gu teine
 'S gu iomairt nan glas-lann
 Fios a thaineadh mu dheireadh
 Dol gu 'r ceirinnin dathigh.

We were all in a state of uncertainty
 Going to loosen our footgear;
 We were lying on the slope
 And we were waiting for the horsemen;
 We were ready to give fire
 And to ply the grey swords;
 Word came at last
 To go to our home quarters.

*The Provost (note in margin)

APPENDIX 23

April 28, 1760 - Unto the Sheriff of Perth, the Petition of Humphry Harrison, Factor to His Grace the Duke of Atholl, Donald Seaton, one of his Grace's Tenents at Pitdornie, and Beatrix Seaton, spouse to the said Donald Seaton, Donald McDonald, servant to John McLauchlan in Strathgrarrie, and the said John McLauchlan, - Humbly Sheweth, - .That John Stewart of Bonskeid, lately appointed an Officer in His Majestie's Service, having for some time past been employ'd in recruiting in the Country of Atholl, the several Recruiting parties acting under the Direction of the said John Stewart, and by his authority, have committed diverse and sundry acts of violence and outrage, to the great oppression and terror of the Country in general, and the great Hurt and Danger of the Lives of such Individuals as have been the objects of such violent proceedings. And particularly upon the night betwixt Sunday the twentieth and Munday the twenty first of Aprile current, at Dead hour of night, James Stewart and Donald Cattenach, servants to Donald Stewart of Shierglass, and Malcom McMillan and Donald Seaton, two Recruits, all persons commissioned by the said John Stewart, did in a most illegal manner assault the house of the said Donald Seaton when all the family were in bed, and having broke upon the door of the said house, and entered the same, all and each of them were guilty of the greatest Barbarity exercised upon the person of the said Beatrix Seaton, who was thrown on the ground with such violence and trampled upon that three ribs of her right side were broke, and she received several other wounds and contusions upon other parts of her body, to the effusion of her blood and imminent danger of her Life, as she has been and still lies dangerously ill ever since. And the said James Stewart and his other associates were guilty of the most shocking Barbarity to Patrick

APPENDIX 23 CONTD.

Forbes, an infant grandchild to the said Beatrix Seaton, who was put in great terror and danger of his Life by their thrusting drawn swords thro' several places of the bed in which the Infant lay. And the said James Stewart, and his other associats before mentioned, after having committed sundry other violence within the dwelling house of the said Donald Seaton, did in a most illegal manner sease the said Donald Seaton himself, carry him by force to a considerable distance from his house & keep him in custody till an opportunity offered for making his escape. And sicklike the said James Stewart and Donald Cattenach, Malcom McMillan and Donald Seaton, upon the morning of the nixt day, the twenty first current, did in a violent and forcible manner enter the dwelling house of the said John McLauchlan by breaking in at a window while the family were in bed, and carried off Donald McDonald, the said John McLauchlan's servant, as their prisoner, and endeavoured to force him to list. And as these are only some instances of the many violences which have been committed on the country, where an universal terror has diffus'd itself, and people's servants abscond for safety. It is absolutely necessary for the quiet and peace of the country that a check be put to such violences.

(A note following this states that the case was brought before the Sheriff, who decided against the defendants, and awarded £2 damages to Seaton, and 10/- to McLauchlan, with £4-16 costs.)

Chron., III, pp.459/460.

APPENDIX 24

Recruiting Instructions for the 3rd Regiment of Foot Guards 8 July 1772

You are not to Inlist for or assist any other Regiment or Recruiting party.

You are to Inlist no man above twenty five years of age, Nor any man above twenty one who is under 5 feet 8 inches high without shoes, Men under that age 5 feet 7 inches & upwards.

No Recruit will be approved of who is not perfectly well made.

You are to Inlist no Man who has not a good Character, born in Britain and a Protestant. He must be known in the Country where you Inlist him, he must never have been in the service before Militia excepted, unless he was Discharged at his own Request have a good Character from the Regiment he served in and the place where he had since lived, his former Discharge must be sent to the Regiment.

You are to Inlist no Recruit till he has been examined & certified for by a Creditable Surgeon of the place where you Inlist him that he is every way fit for service; after he has joined the Regiment one month should he then prove to have tells(?), Sore Legs, to be ruptured, to have had any other Illness, before the Time he was Inlisted, which must render him unfit for service, he will still be looked upon the same as a man rejected at his first joining the Regiment and all Expences Subsistence &c, will fall on the Recruiting Officer, The Surgeon's certificate to be transmitted with his attestation to the Regiment.

You are to Inlist no Man whose time is unexpired in the Militia, Nor any apprentice whose master will not give up his indentures.

You are to discharge no man who has been duly Inlisted. The money paid by those men who Inlist hastily and afterwards Recant, is to be

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accounted for on your first Return to the Regiment.

You are to give every Recruit the sum of Two Guineas, and to the person who brings him half a guinea, you are not to give Mor or Less to any Recruit whatever.

You are allowed to charge to the Regiment all necessary expences, and what Losses you may meet with by Sickness, death &c or by desertion if you can satisfy the Commanding that the man who deserted was of the country where you Inlisted him, and that in general he bore a good Character.

It is recommended to you not to suffer any Recruit to be attested till you have seen him and examined into his character which should not be taken but from persons of credit and reputation.

It is also recommended to you not to suffer any unfair means to be used, nor to approve of any Recruit who is not perfectly sober, and to inform him yourself what money is allowed by the Regiment.

You are to send to the Regiment the 25th day of every month an account of the money you have drawn for and mark expedit, In the same account a Return is to be made of all the Recruits you have Inlisted who have not joined the Regiment, with the age, descriptions, and dates of their Inlisting.

You are to provide the Recruit with proper necessarys out of his Bounty money. You are to write to the Regiment when you change your Head Quarters.

One guinea will be allowed by the Regiment to the party for every Recruit approved of by the commanding officer. An extraordinary allowance will be made as an encouragement to their dilligence and attention to the service of the Regiment, and as a means of repaying

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the officer any money he may have advanced for them.

AM Bundle 270.

APPENDIX 25

The Athole Highlanders' (or LXXVII Regiment's) Triumph, or General Murray and Colonel Gordon's Lamentation

The twenty-seventh of January,
The year seventeen hundred and eighty-three,
The Highland boys would not agree
To ship for Colonel Gordon.

CHORUS:

Charley are you waking yet?
Or are you sleeping, I would wait;
The Highland drums to arms do beat,
Will you go on board this morning?

To the East Indies we were sold
By Murray for a bag of gold:
But listen a while and I'll unfold
How he did blast his glory.

At Portsmouth we were shipped to be,
To serve the East India Company;
But the Highland lads would not agree
To go on board that morning.

Were it to fight 'gainst France and Spain,
We would with pleasure cross the main,
But like bullocks to be sold for gain
Our Highland blood abhors it.

Charley appeared upon the plain,
And thus he did address his men;
"The first that refuses shall be slain,
To go on board this morning."

The Highland boys did him deny,
Said, "We will fight until we die,
But you and Murray we defy;
We'll comb your hair this morning.

"To the East Indies we won't go
To join Eyre Coote or Hector Munro;
Our time is out, and home we'll go
In spite of all your saying no."

The name of Murray I do suppose
Should stink in every Scotsman's nose;
To king and country they were rogues,
As witness traitor Geordy.

Your father commanded in Forty-five,
The young Pretender could not thrive,
As witness many men alive,
How treacherously he sold them.

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Our fathers you sold at Culloden field,
The Isle of Man you up did yield,
But the 77th have hearts of steel,
Go ask it of Colonel Gordon.

As witness bears his bloody head,
I would not wish the poor wretch dead;
But when my grinders can chew bread,
The Murrays I abhor them.

If writing keeps his memory,
His deeds shall not forgotten be,
It makes my blood run chill in me
To think on Murray's roguery.

But upon the earth short shall he dwell,
But like all traitors go to hell,
Who thought the 77th to sell,
But God detect's his roguery.

Then General Smith came to the plain
And ask'd him where was his men?
"The pox on me if I do ken,
They comb'd my hair this morning."

Our Major, like a soldier bold,
He said, "My lads, you shan't be sold,
For of your hands I'll take a hold
And bring you off this morning."

Sir Robert Stewart of birth and fame,
And long may he maintain the same,
To be an honour to the name,
May all that's good come o'er him.

Messrs Vinner and Maitland too,
To them our hearty thanks is due;
Our cause they stood to, firm and true,
In spite of Murray's roguery.

When the news to London went,
Lord George Gordon down was sent
To look upon the men's complaint,
How they were used that morning.

Lord George Lennox, a soldier brave,
How generously he did behave,
His word of honour to us gave,
That we should not be sent away.

Lord George Gordon should not be forgot,
Who is a true and trusty Scot,
But may damnation be their lot
Who approves of Murray's roguery.

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Now to conclude and make an end
Of these few lines that I have penn'd.
May peace and plenty be the end,
God bless our own King Geordy.

The India captains they did cry:--
"Where are our men that we did buy?"
Then Murray said: "If they should die,
They'll go on board this morning."

They cried to Murray: "Where's your men?"
He cried and said: "I do not ken,
But they have alter'd all my plan,
As they would not ship this morning."

The price was struck at a right rate,
The bargain struck without debate
That Athole men to India be sent
To stop your Hyder Ali.

May Sir Eyre Coote and brave Munro
Make that savage villain know
That Britons are his mortal foe,
And let them twist him fairly.

We Athole men go home to rest,
For sure we are we've done our best,
But her nainsell has been opprest
By Murray who fairly sold us.

There have been traitors you may see
In Forty Five and Eighty Three,
But let Murray still branded be,
And all good men abhor him.

Thy father, Murray, died in disgrace,
And now his son fill'd up his place:
Judas and Murray got yon place
Where gold cannot restore them.

Now, dad and son, I am to end
This new song that I have penn'd.
May all the traitors high be hanged,
For Athole men abhor them.

Reprinted in J.M. Bulloch, The Mutiny of the Atholl Highlanders and an Account of the Sheelagreen Gordons (privately printed, Buckie 1911), pp.17-20, from J. Maidment, Scottish Ballads and Songs (1859).

APPENDIX 26

Letter from John Dowglass, a soldier stationed at Plymouth Dock Barracks, to his father David Dowglass, flaxdresser, High Street, Perth, 2 May 1771.

Dear Parents I am very glad to hear that you are all well, & I am very well my self in Health thank God for it, & I should be very glad from the bottom of my Heart to be out of the Army, But to think of getting my Discharge without Purchase is the thing they will not do; for they have Discharged all the old men att the last Reducment, but they will be very sorry to Discharge the young men especially they that keep themselves clean and likely, as I do keep my self clean alwise, & free from trouble; I should be very glad if you could gett me off, but I would not have you to straitten your selves so much for me, but if I was once off, I assure you I would never list any more in the Kings Army, I believe that our Regiment is grown one of the strickest & worst Regiments under the Crown within this six months on account of a bad Major we have gott, his name is Major Talemash, & our Collonel's name is Smith but he has not been att the Regiment yet he is still att London so the Major commands att the Regiment att Plymouth, & the Dock too, where there is four companys ----ing, & our Company is one of them now, I believe we shall lye where we are till we go abroad which will not be long by all accounts. Andrew Kettle's son is very well, He is serjeant but not Serjeant Major. I would be very glad if you could make Interest & get me off & I would come home, & either work att my own business, or any thing you please, so you may write me & let me know if you can gett my Discharge or not, & let me know if you & my sisters & all my well wishers is well, you may write me the answer of this as soon as you please, & Pay the Postage of it, I received one of the Letters which

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you payed the Postage a long time ago, one of our Captains brought from London where you directed it to the care of Messrs Induct & Porter Parliament Street London. I ad no more att present but

remains . Your Loving(?) & affectionate son John Dowglass
P.S. Direct for me in Captain Whiteway's Company att Plymouth Dock
Barracks Legioners Square

Petition David Dowglass 1771

Unto His Grace the Duke of Atholl The Petition of David Dowglass,
flaxdresser in Perth

Most Humbly Sheweth

That your Petitioner haveing ane only son, bred him att Perth to the Bussiness of a Founder, and after his apprenticeship went to Edinburgh for perfecting his Education But scarce three weeks there (being in the Spring of Youthhood) when he was decoyed by a recruiting party of the Sixth Regiment of Foot commanded by Collonell Smyth, and att present in his absence by Major Talmashand in Capt Whiteways company stationed att Plymouth.

That immediately on his enlistment he was hurried away to the Abbey and from thence putt aboard a ship and so carried off, without the least Respite even to acquaint your Petitioner or any of his friends to procure his releasment, which they were willing att any charge as he had a prospect of a small heritage upon your Petitioner's Death.

The tyme of being enlisted happened in Harvest 1769 ever since greiff has so taken hold of his Mother, that's now likely to throw her into a consumption, and nothing but the hopes of Releasment can

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give her any comfort while your Petitioner in her disconsoled circumstance must condole with her, and the more racking her grief that the son repents to them his folly and an Earnest desire of Liberation

These stroaks incessantly moved your Petitioner to seek a way of relieff, and to your Grace cheifly can he only make application, as your Petitioner is descended of respectful parents whose predecessors have been tennents in this Ground of Nairn tyme out of mind, and all his nearest Relations live there in the character of tennents under your Grace

May it therefore please your Grace and from all circumstances considered to interpose for his liberation and discharge out of the Regiment, and your Petitioner shall every pray &c

AM 55.V. 6 and 7.

APPENDIX 27

Bond to the Commissioners of Justiciary 1697

Be it known to all men be these presents Mr
Forsuaemeikleas by the laws and acts of parliament made for suppress-
ing of depredations reif thift receipts of thift or other crymes quich
were ordinarily committed in the highlands It is statute and ordained
Thatt all heretors baylies landlords lyfrenters wodsetters and the
heads and Chiftains of Clans should find cautione for their Vassalls
men tennents and servants and induellers upon their lands rumes and
possessions Lykeas by severall acts of Counsell it is appoynted that
branches of clans and heids of families should lykewayes find cautione
for their men tennents and servants and those of their name descended
of their families Therfor I as principall and as cautioner
for and with me bind and obleidge us conjunctly and severallie our
airs executors and successors quhatsoever that I the said my
haill men tennents and servants and the persons of my family quher-
ever they dwell shall comitt noe murder reif thift depredationes
deforcements open and avowed fyre raisings upon deedly feud or anie
other fact or deed Contrary to the acts of parliament under the
penaltie of Besyde the redressing and repaireing of all parties
skaithed And farder that I shall exhibite befor the Commissioners of
Justiciary appoynted for secureing the peace of the highlands or any
other of his Majesties Justiciars haveing power for the tyme anie
of my men tennents and servants or those of my name descended of their
family quhen I shall be called or lawfullie cited for that effect
under the penaltie forsaid attout the implementing the premisses as
also to give in yearly lists to the said justiciar or his deputies
as said is of the haill persons names recideing within my boundis

APPENDIX 28

September 23, 1719 - Att Logyrate, Given the following Indictment to the prisoners afternamed to be tried at Logyrate Oct. 8th, 1719, wherof the tenor follows: - Donald Cameron, Duncan McDiarmid, Ewan Robertson, and Hugh McDonald, prisoners in the prison of Logyrate, you are Indited and accused at the instance of James Stewart in Drumachurn, Alexander McKendrick there, Patrick Hutcheon in Craigtown, Katharene Taylor there, and Donald McLaren there, and James Robertson, pro[curator]r Fiscal of Court, in manner following. Forasmuch as by the law of God, and the laws and constant and daily practise of this nation, all thefts, depredations and hereships are most strictly prohibited and discharged, and the committers of such atrocious crimes (especially when accompanied with the circumstances and aggravations aftermentioned) are punishable by death and forfeit their moveables, and by the late act of his Majesty's current parliament, intituled Act for the Securing the peace of the Highlands, the using and bearing of armes is expressly prohibited and discharged under severe penaltys, Notwithstanding wherof, it is of verity that you and every one of you, shaking off all fear of God and regaird to his Majestys laws, Did upon the fifteenth day of September current, or one or other of the days of the said moneth, theftuously steall and away take from the said James Stewart ane black mare, and from the said Alexr McKendrick ane other black mare, long tailed of 12 years of age, and ane horse, black colloured with a white bald in his face, & whyte betwixt the nostrills, long tailed and of 6 years of age, And from the said Patrick Hutcheon 2 black cows & 1 black stirk, and from the said Katharen Taylor one breaked humble cow, and from the said Donald McLaren one black cow 4 brown cows and 1 black calf, All which Bestiall belonging to the persons above named, and being

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in their possession, were most unwarrantably & theftuously seized, apprehended, stoln and away taken and retained by you and every one of you untill you were overtaken and apprehended, with the said bestiall in your custody and possession, as you were driving the same to your own country, in the most masterfull and violent way with guns, swords, pistols and other wapons in your hands which you bore and used contrary to the said late act of parliament. And so you and every one of you are guilty art and part of the forsaid crimes of theft, depredation and Hereship, accompanyd and aggravated by these circumstances, viz., 1stly, Repeating the forsaid crime of theft in a very few hours or days above 3 or 4 severall tymes, and 2ndly, In doing the same so openly and masterfully, having swords, guns and pistols and other offensive wapons, with which you did threaten to kill or doe mischief to any who came near you, and did actually fire your guns at some of the country people who were in quest of their Bestiall, and 3dly, In doing so at a tyme when these thefts, depredations and hereships are become so frequent and manifest, to the great prejudice of the Government and every particular subject, and in this Kingdom and country where such thefts, depredations and hereships are so frequently committed; and 4thly, That all the proprietors of the forsaid Bestiall are but poor indigent people, and particularly the said Catharen Taylor, her circumstances challinges the greatest pity and compassion, as being a poor widow having 5 young orphans, wherof one blind, and no other bestiall but the said one cow stoln by you, the want wherof must render her and her children in a very miserable condition; and therefore the premisses being of verity, and found so by the verdict of ane Assyse, you and every one of you ought and should be punished

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according to Law and dayly practise of this nation, and ordained to repair the proprietors damages.

(Followed by list of witnesses)

Chrons.II, Addenda pp.xcviii-ix.

APPENDIX 29

Letter from David Butter, Dalnabo, to James Murray, Huntingtower,
21 May 1724.

Sir, - According to His Grace's orders given me, I went to visit the
widdow [Janet Duff] of Balintuim, & found her self & Daughter [Jean
Stewart] sitting by the fire; the widdow with her arms buckeld with
clouts & a plaister applyed to it, but I could perceive no hurt nor
harne about it, but only I could perceive it a little swollen (wch
the buckling about it might occasion). I did serriously & dilligintly
enquire of the mother & Daughter how they came be it, when they told
me they did Receive some stripes from John Hill in Dunkeld; the
widdow reported her arm was brok. I enquired if she could lift her
arm or move her fingers. She Replied she did not lift her arm nor
move her fingers since she Received it, & denyed, said she was not
able to move on[e] of her fingers; but I did take them finger by
finger & made her move each finger & her arm as formerly; she did it
as well as ever. But their Reply was, that John Hill in Dunkeld came
to their door, it being shut, chaped at the door, some qt Rash (they
wer afraid it had been some soliders, because they saw them pass by
that same day), made him no answer, he chaped the second or third
time, cryied if there was any body within, they att length answered,
what he was or what he wanted, that he Replied he was creaving old
debt, they answered what debt he was creaving of them, that he enqui-
red if there was any old carlins their that would sell any gray hair,
& that but few words had passed betwixt them at that time. The
Daughter did own she did take it somewhat hot that he sought so
Rashly old gray hair of them, & cal'd her mother old carlin. He
went in to John Douglasses house in the town, & they to their own
house, & that they came forth again, & also they did own they gave

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him Ill Language again, & did lett some stons after him, but did not touch him, & that he bad the Daughter go hang herself "Glengore bitch", & that she did indeed scold him then, & he letts a ston at the Daughter & lighted on her & did hurt her, & then the mother griped his hair, & that he lifted the staff in his hand to give the Daughter athort the head, & the Mother in defence of her head lifted her hand to kep the stroak, which she got twice on the arm, which did brake her arm as she said. The Daughter ouns she Ran off with his wallat the time that he & the mother were fast. The mother sayes she got such a pelt on the side of the head with his hand that dang her to the ground. Then I enquired if there was any witnesses to what above had hapened, they both denyed that they saw any, but at length the mother ownd she saw John McLaren, younger of east haugh of Dalshien, standing by.

After I enquired of them what satisfaction they would have, they will Referr that to His Grace's pleasure & to what the crime merits, but, by what I learnt after their discourse, John McLaren of East Haugh, younger, & John Douglasses wife in Ballintuim were witnesses to the whole matter, who will give His Grace the true information of the whole matter if examined. Signifying that I can give no better information but what is ther laid down, but only the neighbours tells me the matter is not so bad as they say. Therefore His Grace may take the best method that he thinks properest.

APPENDIX 30

Extract from Document titled 'Information Concerning the Manslaughter
said to be Comited by Niel Stuart in Bonrannoch' (December 1735)

Niel Stuart in Tullichrosk in Bonrannoch of the Family of Shierglass having in Spring 1734 sold a Cow to James Roy Stuart Tennant in Kinnachan The said Jame gave back the cow to Niel to be Grassed and in Harvest last both that Cow and ane other Cow belonging to Niel himself were stoln from him And after a Diligent and Expencive Search he received sure Intelligence that one Duncan Bane son to Donald Bane Begg alias McGrigar in the Clown of Lawers [Cloanlawers] in Breadalbine had stole them and its to be observed that this Duncan, his Father and Brother have been actually the Most Notorious Thievs and Depredatours in the Highlands of Scotland and have been now for many years a plague to all the Neighbourhood and tho most of the other thievs in the Highlands have since the Independent Companies were last set up given over thieving This Duncan Bane continued all alongs to steall as much as formerly Its true My Lord Breadalbine and his Doers ordered him, his Father and Brother to be Banished his Country and accordingly they for some years past lived in the North but they have returned again to Breadalbine where they are taken no notice off but suffered to harrass and plague the Neighbourhood as formerly.

Upon Niel Stuarts receiving Intelligence of Duncan being Stealer of the two cows he and the said James Roy Stuart went both of them the beginning of Janry last to Lawers and called for Duncan Bane to the House of one William Man who keeps ane Ale House there and there, after having comuned for some time with him about the Cows He finding that their Intelligence was so good that they cou'd fix the theft

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upon him He therefore woud not take Guilt so far upon him as to promise to make satisfaction himself but gave private Commission to William Man the Land Lord who accordingly did compound with Niel and promised to pay him fourty pound Scots for the two Cows Thereafter He demanded a Botle of Aquavite for his good Office the Botle of Aquavite was called for and Drunk and Niel argued that Duncan should pay for it since he allowed him but the simple Value of his Cows without any Damnages or Expences yet notwithstanding Niel did yeeld to pay for the Botle of Aquavite and it being by this time about Eleven aclock at Night and the Ale house not being proper for lodgeing Duncan Bane invited Niel to go allongs with him and that they shoud both lodge together that Night in the House of the said Donald Bane Begg Father to Duncan. James Roy Stuart Niels Companion asked the favour to be allowed to go allongs with them but Duncan by no means woud allow and said that none shoud go with him but Niel alone accordingly Duncan and Niel left the House together very good friends and they were but a very short space from the House when James Roy Hearing some noise run up to them when he found them both lying on the Ground struggleing together and the Night being very Dark he coud not perceive them Distinctly but thinks Niel was undermost when he advanced to them they both got up and fell aBoxing one another which they had done but for a very short time when he saw Duncan Bane run off towards the Door of William Mans House and there falling to the Ground Crying out that he was Gone. The Landlord William Man his Wife and servants thereupon run out with lights and found Duncan Bane Bleeding and Expiring of a wound he had received in the Stomach and Nighby they found a Bloody knife. Niel Stuart might easily have made his Escape but did not attempt it on the Contrary he stood

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unconcernedly by and went into the House with the rest of the Company Denying his being anyways accessory to the Killing of Duncan Bane who died before he had time to tell who had done it to him and there being two or three souldiers of the Independant Companies in the Neighbouring House they were sent for by the people of the House and when they came they seized Niel Stuart and carried him prisoner to My Lord Breadalbines Prison of Killin where he continued.

AM 46 (9) 4.

APPENDIX 31

Letter from Earl of Kinnoull, Dupplin, to Duke of Atholl 25 Jan.1773

My Dear Lord Duke Your Grace will have been informed of the riots we have had in different parts of this countrey, which at last rose to an alarming Height, the pretence was scarcity of Meal, as the first attempts were to stop the Exportation of Barley. As to the former allegation, the Magistrates of Perth have been so far inattentive to the Markets, that there was a want of meal for one or two Days but not more; as to the other, the countrey bordering upon Tay can annually export Wheat and Barley to the amount of 20 thousand Bolls and upwards, but there is a deficiency of betwixt 30 and 40 thousand Bolls of oats, and oat meal, for the supply of the inhabitants in the low country, and the Highlands. There is good Reasons for the general suspicion of the gentlemen in the countrey that the Brewers of Perth were the Instigators, that they might buy Barley at a low price, and before next harvest, export it as Malt at great profit; and in fact since these Tumults they will not give near and the current price for Barley. The first Rising of the Mob was at Newburgh, where they unloaded a Vessel that was loading Barley, and afterwards searched after vessels upon the River. This passed without Notice. They then rose at Perth on December 30th and boarded a ship that was loading Barley; the Magistrates sent for the Military and the Rioters dispersed, but in the night they reassembled, broak open the House of one Scot a Baker and pillaged it. Cn Grant of the Artillery (who had patrolled the streets with some of his men) took two Men in the Act of Theft with not only Bread and Meal, but Money, and carried them to one of the Magistrates who committed them. On the 1st of January they rose in great numbers and with Bludgeons,

APPENDIX 31 CONTD.

and having prepared a Magazine of stones, and demanded that the prisoners should be released; they attacked the soldiers, pelted them with stones, and the Provost deserted by the other Magistrates was unwilling to take upon himself the Consequences of ordering the soldiers to fire, especially as a number of women and children, and other innocent persons had mixed with the Mob upon the street. On Monday the 4th the Sheriff-Substitute called a meeting of the Neighbouring Gentlemen to consider of supplying the market. We found, as I before mentioned, that there had been scarcity of Meal for one or two days; that day of our Meeting the Market was fully supply'd, and has been so ever since. Mr Robertson of Tillybelton gave strong Reasons to induce us all to suspect that the Brewers were at the Bottom of the Tumults; being unwilling that the dealers in grain should have the profits arising from the Exportation of Barley which they before wholly enjoyed - I should have mentioned before in the Course of my Narrative that the Provost for the Reasons above stated on Friday the 1st at night released the Prisoners; whereupon the Mob proceeded in Triumph to Elcho, to the house of Mr John Donaldson tenant to Mr Charteris, who is a great Farmer, and a great Dealer in grain; there they rifled the House, and entirely destroyed all the Furniture, he and his family having escaped a few Minutes before upon notice given him of their coming, for they proclaimed in the streets where they were going - at our Meeting on the 4th having assured the Provost of our best endeavours to assist in supplying the Market, we recommended to him effectually to suppress the Mob. As soon as we left the Council Chamber which was about noon, the Council met, and published through the town a very proper Order, signifying

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that measures had been concerted for a regular supply of the Market, whereby all pretence for the riots was taken away, therefore requiring all other inhabitants to keep within doors, demanding the assistance of the well intentioned burgesses in case the Mob did again assemble; setting before the Innocent Multitude the penalties they would incur if they mixed with the Rioters, and declaring the Resolution of the Magistrates to repel Force by Force. Notwithstanding this Proclamation, the Mob assembled that very Night, paraded about the Town in Triumph, marched to Bathgick [Balthayock?]; and tho they committed no plunder there, in their return, they used one Hood a Farmer ill, beat him, and took what he had. And they went, and returned, unmolested and unresisted. The next day a Troop of Dragoons, in Consequence of an application from the Provost, marched into town where there were before four companys of Foot. The arrival of these Dragoons was opportune for that very night the Mob from Newburgh was to have joined the Perth Mob, and to have plundered several Gentlemen and Farmers in this Neighbourhood on both sides of the Earne, for they now thought their power was uncontracted and began to be intoxicated with it. After the Mob at Perth, the Mob at Dundee sifted a ship; opened the public storehouse, and scattered 400 Bolls of Barley about the streets; they then proceeded to Millfield where they utterly destroyed the furnishing, and every kind of furniture belonging to Mr Mill a Gentleman who bears the most worthy character and is remarkably benevolent to the poor. But Col Duncan rang the parish Bells, assembled a Body of Farmers, attacked the Mob returning with their spoils, and took 15 of them, which Mr Graeme of Fintry and other Gentlemen with a party of Farmers conducted to Perth; where

APPENDIX 31 CONTD.

they were joined by the Sheriff-Substitute, and a party of Dragoons and Foot, who proceeded with them to Edinburgh. Some of these prisoners upon their examination at Edinburgh impeached the ringleaders, and instigators at Dundee, who are since taken up and imprisoned. During all these Transactions, the Rioters at Newburgh were not inactive; they visited several Farmers near the Tay as far down as the passage to Dundee, and all round Coupar in Fife, and pillaged their Barns; lastly they went to a Farm of Donaldson's near Abernethy, took some Bolls of Barley from him, and another Farmer, ordered the Miller at Abernethy to grind them, and then sold the Meal at their own Price.

All this while no Measures at all were taken by the Sheriff of Fife to check these Rioters, nor did the Magistrates of Perth enter upon any Enquiry, or apprehend any of the Rioters. However the crown lawyers being informed of these proceedings by Ld Gray, Mr Oliphant and others of the countrey who are at Edinburgh sent very strong admonitions to the Sheriff of Fife, and to the Magistrates of Perth. Mr Swinton had been detained at Edinburgh by a severe distress in his Family, one of his daughters lying so ill of a dangerous fever that her death was daily expected, and Mrs Swinton very near her Time. However he came over on the 18th, called the Gentlemen who were immediately in the neighbourhood to a Meeting on the 19th, where the Resolution, which he has sent to your Grace, were prepared by the Sheriff, and agreed to by all present. For my own part, I had been for some days clear in my opinion, that a general plan of defence was become necessary, which opinion I had communicated through Mr Oliphant to the Justice Clerk by a letter dated the 17th and I had before sent round to my own tenants to make common cause and that I

APPENDIX 31 CONTD.

would send them all the assistance in my power - the Plan the Sheriff had concerted agreed entirely with mine; and I happened accidentally to see him as soon as he arrived on Monday the 18th in the morning, and to have an opportunity of conversing with him. If those who were at a distance should think that we have given too much importance to these Mobs, and treated them with too great solemnity, I would, to any who entertain these sentiments, offer the following considerations - these measures appeared to me wisest which tended most effectually to suppress and subdue the spirit of Rioting - the Mob thought themselves thro' forbearance masters, became insolent, issued Menaces, and would (as always is the case when not confronted in the Beginning) have shifted their object, and no one could say where the mischief would have stopped - the Farmers and Merchants were all intimidated, and the necessary supply of oats and oat meal would not have been imported, but there must have been a scarcity which would have been felt first in the Highlands, who draw their supply from the Tay - the spirit was spreading, and began to appear in different parts of the countrey - Mr Swinton took precognitions concerning all the Riots within this county, apprehended those he could find, but many had fled, and he sent an Express to the Sheriff of Fife to apprehend those in Fife against whom Proof came out in his precognitions. The Magistrates of Perth alleged that the Reason of their Delay in taking the Precognitions that there was to be a Charge of the Infantry, the Regts of which the four Companys have been for some months at Perth, being ordered to Ireland but Col Skeene had taken care that two Companys of another Regt should march into town before they left it. There are now at Perth three companies of Foot,

APPENDIX 31 CONTD.

and a Troop of Dragoons. And as the Riots began at Newburgh, and the spirit prevails strong in that countrey, a Troop of Dragoons, and two Companies are quartered at Coupar in Fife and at Newburgh. The Magistrates are now taking precognitions, and have imprisoned several persons. But the chief offenders ran away during the Interval, and particularly a desperate Fellow who recruited for E. India Co, one MacDonald, who headed the Mob, was caught robbing Scot, the Baker, imprisoned and released. I have troubled your Grace with a long letter, but I thought it proper to give you an exact Narrative of the Facts, and to explain those motives which induced those who are upon the spot to concur in the Resolution, that if your Grace approve of them you may justify the Conduct of the Justices to the Government. I assure your Grace that for some days a General Confusion of Plunders, and Rapine was to be apprehended. I hope it is now over, if they rise again, they must be arrested at all Events.
(short personal section at the end not transcribed)

AM 54 (4) 16.

APPENDIX 32

Accompt of Expences laid out in getting Information trying guarding
and having the sentence of Hanging execute upon Macklavandick &
Macklachlan Thieves 1736

Sterl

1735	Imp: For Mentaining Donald Mackdonald alias Mackilvandich and Alexander Macklachlan from 12 October 1735 to the 2d day of January 1736 when they were execute at 3d. per day each is	2-1-0
	Itt For mentaining John Toshach while in prison being from 23d November 1735 to the 28 Febr 1736 when he was liberate at 3d. per day	1-4-6
	To the Guard that attended the above persons as per particular account	8-7-2
	To Ten Weeks mentainance to Two Wittnesses in prison of Dunkeld at 3d. per day Inde	1-15-0
Nov 21	To Expences for mentainence to six men & James Robertsons & Wages that went to Logyrt from Dunkeld to guard the said wittnesses at the Tryals of Mackildonach & Mackildonich	14-8
	Expences when holding the court on sd Macklachlan and to the Assysers	16-8
Decr 5	To Expences at John Owers Tryal	5-10
	To Expences for mentaining 6 men & Robertsons that guard- ed the wittnesses from Dunkeld to the said Tryal & their wages	10-0
1736		
Jan 2d	Expences the day of Execution	6-8
	To mentaining Thomas Garland Staffman of Sterling while at Logyrait	3-0 $\frac{1}{2}$
1735		
Sep 20	To an Informer called John Coval concerning the Thievs that stole His Graces Catle	10-6
	To the Officer of Blair paid to the severall partys who at severall times brought in Thievs	2-6 8-7-0
Nov 21	To the Wittnesses that came out of Baddenoch	5-0

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	To the Informer 5 Guineas and 2½ guineas more	7-17-6
	To Two witnesses	2-0
27	To Donald Murray officer for Glenalmond and the party that went to Sterling for Hangman	1-1-0
	To Mackfarland officer sent to Glenalmond and who went with the party	2-0
	Stampt paper to write a Bond to the Toun of Sterling	7½
1736		
Janr 2	To Donald Murray to pay the Hangman a guinea and a half and half a guinea to the Town Clerk of Sterling and Retire my Bond	2-2-7½
	To Donald Murray and the Guard who carry'd back the Hangman to Sterling	1-1-0
	To Horse hyre	10-0
	To Mackfarland officer	2-6
Janr 17	To Mr Mercer masson for mending the prison of Dunkeld	3-9½
	To John Clark Smith for making Bales for the prison door of Dunkeld, Fetters for the prisoners and new locks thereto as pr Act	19-6
	To Acct of Intertainment furnished by Patrick McGlashan to the partys at several times that brought on Thieves that stoll my Lord Dukes catle pr account	3-19-0½
	To making the Gallows that hangd Mclachlan & Mcilvan-dick per acct	2-2-6
	To Robert Man Wryter being imploy'd by the Bailie to plead for the pannells	10-0
		<hr/>
	Summa	£46-6-1¾

APPENDIX 33

Account of His Grace the Duke of Atholl's Forests, how they are
divided, their bounds and what sheallings are contained in each
Forest Blair Castle August 4th 1712

- 1 The eastmost is the Forest of Clunie, The Deer haunt
Forest of only there in winter and Patrick Stewart wadsetter of
Cluny a Bog milne is appointed Forester thereof, The Bounds
whereof is from Cochrage on the east (Glasclunes march)
to Lochbroom on the west which is in length twelve
miles and in breadth from Drumbuy on the south to
Corriecharras (Ashintullies March) on the north which
is seven miles

- 2 The next is the Forest of Friecrombie, the marches
Forest of whereof without Beaniglo Extend in breadth from the
Friecrombie south syde of Beanivurich on the south, to Lochanian
on the north, which is six miles, and in length from
the southeast of Beanivurich to the Doualdanmoir on
the west which is eight miles

the present Forester is

Beaniglo with the Corries belonging thereto is eight
miles in length and twenty miles in Circuit, whereof
Innerslany is Forester

- 3 The third is called the Forest of Tarf which lyes
Forest of betwixt Tilt and Coachanaluib and extends in length
Tarf from Polltarf on the east to Coachanaluib in the head
of Glenbruar on the west which is eleven miles, and in
breadth from the south side of Beanachatt on the south
to the head of Leadnatovan on the north (which marches
with the Duke of Gordon's Forest) which is ten miles

APPENDIX 33 CONTD.

4 The fourth Forest is a part of the Forest of Glengarrie lying betwixt Bruar on the east and Edintun with the Grains thereof to the marches of Badenoch on the west which is eighteen miles in length, and from Badenoch on the south to Stuckcorrychuirn on the north is eight miles in breadth, whereof James Robertson in Clunie is Forester

5 The fifth Forest is a part of the Forest of Glengarrie Forest of Glengarrie betwixt Edintun to the west and of Lochgarrie where it marches with Weem about eight miles of length And from Corrieleannie on the south to the head of Camichorrie on the north about seven miles of breadth whereof Blairfetic is Forester

Forest of Shealings in the Forest of Clunie

- Clunie (1)
- 1 The Caple presently possesst by the tennants of the Barronies of Gay and Killmorich
 - 2 The Cross of Coupar of Garrumeall possesst by the tennants of Tullimett
 - 3 Badnaird possesst by Lord James Murray
 - 4 East side of Loch Broom possesst by the tennants of Logieraite
 - 5 The foot of the meadows possesst by the Baron McLaren but is prejudiciall to the Forest in respect it is the pass betwixt the Forest of Friechromby and the said Forest of Cluny

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Sheallings within the Forest of Friechrombie excluding
in Frie-
chrombie
excluding
Beaniglo

(2)

- 1 Sronduisg presently possesst by Straloch but was
thrown down by the Marquis's order by Balenacraig
whereof one half is Bienacloick presently possesst
by Faskally and the other half by Orchill beg
- 2 Craggangorm possesst by Lude
- 3 Rienahelarig possesst by Lude's tenants
- 4 Keanacoillie formerly possesst by Lude but now
waste
- 5 Goillan possesst by Lude's tenants
- 6 Leaknadiallie possesst by Lude's tenants
- 7 Lomadias possesst by Lude
- 8 Rienasliadh possesst by Lude
- 9 Rienagoy contraverted by the late Marques and
thrown down by his Lordship's orders now possesst
by Lude
- 10 Baddintibart possesst by Dalvorist and Achmarkbeg
- 11 Fioneal possesst by the tenants of Achagouall
which is wadset to Innerslany

Sheallings near the head of Glenfernat

- 1 Tomvorair possesst by Derinanean but formerly
possesst by His Graces Grandfather
- 2 Rionabodach being a part of the Camchorrie was
formerly possesst by James Murray when in Tullimett,
but now by His Grace's Tennants of Strathgroy. It
paid of old 12 lib but now eight lib only

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- 3 The north syde of the Camchorrie possesst by
Rettinay and payes yearly six wedders of ----?---
- 4 Rienamarich at the foot of Glenord now lying waste
- 5 Riemorefealair possesst by Ballechan
- 6 Tulliehbreck possesst by Ballechan payes 24 lib
- 7 Rienaraloich upon Leakois possesst by Innerslany
- 8 Garran in Beaniglo over against Baddintibart
possesst by William Stewart in Croftcrombie who
payes therefor

Sheallings in the Forest of Tarff beginning at the
head of Glentilt on the east syde of the Forest

- 1 Attanloa(?) possesst by Lord James Murray of
Doually
- 2 Rionduin possesst by the tennants of Craigorg
- 3 Rionruih possesst by the tennants of Dealginross
and Campsie
- 4 Rienachrochie possesst by the tennants of
Dealginross
- 5 Alovean possesst by the tennants of Innerslany

Beginning on the west syde of the same Forest

- 1 Aldphoaikcan(?) possesst by the tennants of Blair
- 2 Aldnanderrak possesst by the tennants of Ardkincaill
and Drumnairoich(?)
- 3 Riodocruikbeg possesst by the tennants of Urrard
mor and Balouans
- 4 Coachannaluip possesst by Killihuntly
- 5 Rionagoy possesst by His Grace's wedders

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- 6 Rioriach possesst by the tennants of Blairuachdar
- 7 Riochlacrie possesst by Patrick McGlashan
- 8 Carnderag possesst by Robert Stewart in Ardkincaill

Sheallings
in the
fourth
Forest
(4)

- Sheallings in the fourth Forest being a part of
Glengarries beginning at the west end
- 1 Cullies possesst by Blairphettie
 - 2 Sroinphatruik possesst by James Robertson Forester
 - 3 Glaschorrie possesst by the said James Robertson
 - 4 Badnabiast possesst by Foss
 - 5 Baddeneath possesst by the tennants of Tennendry
 - 6 Aldavuilin possesst by the tennants of Granuik
and Grossad
 - 7 Rienrioch possesst by the tennants of Tomintianda,
Balenabotach and Chamberbane
 - 8 Riovald gleusachan possesst by the rest of the
tennants of the total(?) Land of Strathtummell
 - 9 Moalruy possesst by Tulloch and Innervack
 - 10 Riehaill easter and wester possesst by Fincastle
 - 11 Aleannaloavy possesst by Bonskeid
 - 12 Kerries possesst by Shierglass and Strathgarry

On the west syde of the water of Bruar
 - 13 Culdamuik possesst by Thomas Stewart in Urrard
begg and pays therefore yearly -----
 - 14 Riederuhmore(?) possesst by Urrard begg

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Sheallings in the fifth Forest or part of the Forest of Glengarrie (5)

Sheallings in the fifth Forest being a part of the Forest of Glengarrie beginning on the south syde

- 1 Corrileanny possesst by the tennants of Over Bohespick whereof Alexr Ro [bert] son has a wooded Right
- 2 Dalinlongard, Fenairt, Dalinspidall, and Brayduaig possesst by Achlean in which Bound he has Liberty to Grass Lowland oxen and payes yearly - - - - -
- 3 Aldvaick possesst by Blairphettie and payes yearly - -
- 4 Rinastalker possesst by Blairphettie
- 5 Cullie possesst by Blairphettie

AM 44.III.A.3.

(See pages following for Map)

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Notes Regarding Map of Forest of Atholl

Names not within round brackets are from AM 44.III.A.3.

Names within round brackets are from the Ordnance Survey 1" 'Popular Edition'; where two forms are given, the one in brackets is the modern equivalent.

Figures 2-5 within square brackets refer to the sections of the Forest as numbered in the document.

No.1, Forest of Clunie, is not shown on the map.

APPENDIX 34

Extracts from Report Made by James Murray Re the Coal of Blairingone 1740

After they had mounted the level over the Rock they came in a short time to their designed place the sink Number 1. Where they wrought for severall years, having but six Fathoms of wall betwixt the Dipp and their sink; and six Fathoms betwixt the sink and cropt.

But thereafter the said side level stop'd at the said Rock (or some other place) and restagned the growth of water in the coal work as is to be seen this day, and consequently lost a great dale of the coal wall but recoverable afterwards when a New Level comes up.

This Sink Numr 1 served only 4 or 5 years because the field of coalls that was before them was but Narrow having the Dipp head rounne on their Right hand & the cropp on their left, being about 12 or 14 Fathoms.

The 2d sink...was sett down by David Craich in the year 1715, N:East 76 degr: from the first, distant therefrom 49.3 Fathoms on the East side of the Road at the East end of the coalhewers houses. In the Midle betwixt Dipp & Cropp and served very well to gett out all the coalls betwixt both, and served betwixt 4 and 5 years till the year 1719. And the deepness of it, was about 7 Fathoms.

The 3rd sink...was set down by one John Christy then Tacksman in the year 1719, bearing N: & 78 degr: from the 2d distant 84 Fathoms, and deepness 9 Fathoms, In the N.E. corner of a piece Muire ground, situated very well for both dipp and cropt.

The 4th sink...was set down in...the year 1723, bearing S:E: from the 3rd sink 82 deg: Distance therefrom 61 Fathoms deepness 12 fath. (It is called likewas the Round Sink because it is built from

APPENDIX 34 CONTD.

the Rock to the Grass with Hewan stones). It was very well situated for Dipp and Cropt, only the cropp turn'd much longer and broader than formerly, And about a year or two before this sink was left, the levell Roume took a turn to the S:E: 45 degrees from its common course which made the bearers road long and far to bear, dipping now to a Fathom of Five, This sink served till the years 1729 & 1730, being about 6 or 7 years.

The 5th sink...was set down by the said James Murray in the latter end of the year 1729 and beginning of the year 1730, bearing due E: from the 4th sink at the distance of 83 Fathoms, & deepness from Grass to pavement 12 Fathoms. It was considered at setting down this sink that the level roume, and the cropt was taking two contrarie courses, The levell roume going S.E. and the cropt extend it self N:E: and consequently a large field of coall betwixt them, and that one sink would not serve to bring in the whole field, because it would bee too far bearing from the Levell Roume considering the steepness of it, dipping a Fath. of 5. And therefore it was thought proper to sett it in such a place that it might serve to bring in all the crop coall, and if any were left betwixt the Levell Roume and the Crop, to leave it on the body of the Coall Near the Levell roum. This sink served till the year 1737, being about 7 years.

In the 3d years working in this sink the coalhewers came upon a bodie of Leppy coals, 20 or 24 Fathoms broad, And in Length the whole breadth of the coall work from crop to dipp, lying N.E. & S.W. which body of Lipps was not worth the working, as was known by Experience by puting several roumes thorow them, and found the Expence of doing it far above the values of the coals that was wrought in the said Roumes, and so was obligd to leave the said body

APPENDIX 34 CONTD.

of Lypps, knowing what coals was on the South E: side of them, would be wrought some time or other by another sink.

About two years before this sink was left it was not possible almost to bear the coals from the Roums near the Levell, the road being so long and steep, altho the coalhewers allowance was augmented 2d each load upon the account of the bearers. A New Levell Rounge was allowed in order to bring in all the crop wall, and to leave a little field of coalls between the two Levell Roums lying upon the South side of the Lypps.

So they continued working the Crop roums till Candles would not burn with them for longness of the way (I mean at the face end of the Rounge where the Hewers were working) and haveing a prospect of a field of Good Coalls be for them another sink was allow'd to be sett down in the most proper place to bring in and work all the Crop wall first.

The 6th sink...being the present sink was sett down by the said James Murray in the year 1737, bearing S:E: from the 5th sink 46 Degrees, Distance from the same $85\frac{1}{2}$ Fathoms. Its deepness from grass to pavement about 8 Fath.

This sink being very well sett down air'd and stair'd very right, and the workmen and bearers working at a great field of crop coals as wee imagin'd betwixt the new Levell Roum and the Crop, which wee supposed would last us for several years as other sinks did, But to our great surprise, as two or three Roums was working down on the N:E: side of the New sink, the Crop appeared to the workmen and so the crop came round about upon the side of the New Sink, Then seeing all this come to pass within a year after the sink was sett down (which no human creature could forsee) wee was obliged to run a Mine from

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the west side of the New Levell Rounge towards the S:W: Fathoms
and then turn to the N:W: Fathoms, untill wee came to the West
of the old Levell, And then wee began to bring forward the old Levell,
and the field of Coalls which before was left behind is now to be
wrought, and what coals is on the S: side of the said New Mines
betwixt the old diphead Rounge and the Cropt on the East side of the
New Sink, and what coals are betwixt the Lipps and the said New Mines.

So that if the crop continue its course by coming about on the
East side bearing S:W: and the old Levell Rounge bearing S:E: they
will meet in two or three years time, or thereby and this present
old Levell will be done and then no more coalls until the New Levell
be brought forward to the field on the west side of the New House of
Blairington.

But its thought (and hop'd) when the cropt is wrought down below
the brow of the field on the south side of the New Sink, that the
cropt will take a turn to the eastward again whereby the field of
coall will turn larger and wider again. The reason of this conjecture
is, When working on the south side of the New Sink wee came to a litle
down dyke, which when put thorow, the coal wall turned the same way
as before.

AM 71.I.A.3.

APPENDIX 35

Queries About the Coal at Blairingone & Answers by the 2 Mr Robertsones
22 Dec. 1740

2d Considering the present Mettle and Demensions of the Levell what may be a reasonable price for the fathom and whether a fathom might not be wrought by tuo Miners in six working days Supposing they be tuelve hours in the twenty four, in the mine, and will it be proper to continue only six hours of the tuelve at once - it is to be observed that only one man can work at a time so they relieve one another alternatively and consequently each man has but three hours working in the six hours

- As to the second it is thought that four pound scots might work & bear the fathome of the Levell while the thin seame of coall continued in it for a help to the working of it, but it cannot now be positively determin'd, if the price should be upon so litle knowledge of the mettalls that have come in since the coall went off, and so of what may be wrought in the week, but it is more certain that the way of working it should be, either by tuo men coming in at a time and continuing there for tuelve hours space working by turns, not coming out till they are releived by other tuo acting the same part. Or by one man at a time, he continuing at close work for the space of eight hours till he is releived by a second man doing the same the second eight hours, and he by a third man the last eight of the twenty four hours.

3d As at present in the Manner the coall work at Blairingone is managed and untill the new Levell be brought up there is not sale or consumpt for more coals than what the present coall hewers there can hew and bring up to the Hill in three weeks of four all the year round, whether then they may not be oblided to work one week in four

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takeing it tuo and tuo by turns in the new Levell at a reasonable price for each fathom which price to be referred to people skilled in these works

- As to the third, seeing that coalyeors are to have their bread at working ston in the Levell, as well as working wall in the heugh, they can be obleiged to the one as well as to the other, all underground work belonging to the coalyeorie being properly to be wrought by the coalyeors

4th How may load of coals at tuelve ston per load may it be supposed a coall hewer can hew and send up to the coall hill taking it for granted, that the coall is from five to six foot in thickness The cynks from eight to fourteen fathoms deep and from one to sixty or eighty fathom at furthest from the bottom of the cynk to be carried below ground, each day and how many hours in the tuenty four may the coall hewers be oblidge to work

- It is impossible to answer the first part of the fourth question without a perfect knowledge of the nature of the coall. But as to the last part of it, use and custome should certainly be the rule, which is for ordinar ten or tuelve hours working in the tuenty four.

5th What is the method to regulate the proportion that the coall hewers should be payed for each load of coalls. At present they have fourteen pennys scots per load which they are very well pleased with but then, they send up to the hill very few of the small or Lime coall and as that coall gives a very inconsiderable price what should be their proportion of it and how be oblidge to bring it up to the Coall Hill, tho there should not even be sale for the whole of that small coall

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- As to the fifth and last question In a wall of so long standing as that of Blairingone is, It must certainly have been found out long before this time, what ane industrious man of an ordinary strength is able to gain in the week for his own work and two bearers at the rate specified, and if it exceed four pound scots for ten or twelve hours working each day, the price should be reduced, but if it does not come up to three pound scots after a diligent weeks work, then it should be augmented. And by proportioning the coalyeors price or allowance for hewing and bringing up the small coall in or with respect to the great coall, they may be brought to bring up what quantity of small coall is desired, But we can see no need for laying out money for bringing up more of it than can be sold.

AM BUNDLE 27

APPENDIX 36

List of the Duke of Atholl's Vassals that have been in the
Rebellion Sent to Brigadier Mordaunt, May 16 1746.

John	Campbell	of Glenlyon
Peter	Butter	portioner of Easter Dunfallandie
James	Ferguson	of Dunfallandie
Thomas	Ferguson	yr. of Balyoukan
Robert	Murray	alias McGregor, of Glencarnock
Patrick	MacGlashan	of Lambtown (Baluan)
John	McKenzie	} of Rinakylach
Thomas	McKenzie	
Donald	McDonell	of Lochgarrie
Thomas	Ogilvie	of Rinavey
Alexander	McDonald	of Dallchosnie
John	McDonald	his son
Angus	McDonald	of Kennochknock
Neil	MacGlashan	in Clune
Charlotte	Robertson	Lady Lude
Donald	Robertson	yr. of Kinraigie
James	Robertson	of Blairfeaty
David	Robertson	of Easter Bleaton
Charles	Robertson	yr. of Balnaguard
Duncan	Robertson	of Auchliex
James	Robertson	of Balnacree
Charles	Robertson	his son
James	Robertson	of Killychangie
John	Robertson	of Bohespick
Robert	Steuart	yr. of Ballechin
John	Stewart	of Findynate

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Robert	Stewart	of Killychassie
William	Stewart	of Garth
James	Stewart	yr. of Inchgarth
David	Stewart	of Kynachan
Neil	Stewart	of Temper
Charles	Stewart	of Bohally
Henry	Stewart	of Fincastle
John	Stewart	of Croftmore
Patrick	Stewart	of Innervack
Gilbert	Stewart	of Wester Kinnaird
John	Stewart	brother to Alexander Stewart of Easter Kinnaird
James	Stewart	wadsetter of Pitdornie
John	Stewart	of Ledcrich

Chron., III, pp.307/8.

APPENDIX 37

Extract from Letter from Thomas Bisset to Duke of Atholl 29 July 1746

I received the plan of the Battle of Culloden which appears to be a pretty genuine one, I see he reckons the Atholl Brigad at 500, which is not far wrong, it did indeed consist of 400, and not above that; how it came to be called the Atholl Brigad, was; The M: of Tullibardine proposed to raise 3 regiments which wou'd have made a brigad, one regiment to be commanded by L: George Murray one by Lord Nairn and one by Mr Mercer of Aldie, he once by force and otherways got together near 1000, but they deserted him to such a degree, that he could not bring but about 250 or a little more into England (your Grace remembers when you left this country about the end of August last, you gave strict orders to keep your men from joining the Rebels, and to enjoin them to desert as oft as they were forced out, which your Graces property obeyed pretty well, and even most of the Vassalls and their Tennents, for of 120 Vassalls there were but 14 that join'd the Rebels) The Marquis of T: finding his brigad thus reduced, he got Menzies of Shians Regiment Robertson of Strowans and the Macklauchlans join'd to his men, and ever since they bore the name of the Atholl Brigad, and at Culloden deducting the Menzies's Strowan's and the Macklauchlans, the real Atholl Men at the Battle of Culloden wou'd not have exceeded 200 or 250 at most, and even in that number are included Robertson of Faskeily and Spalding of Ashintullies men, together with all the low country gentlemen their retinue and servants that join'd the Marquis of Tullibardine, such as Lord Nairn, Mr Mercer of Aldie, Blair of Glasclune, Steuart of Gourdie &c. Your Grace may believe that at the Battle of Culloden, the number that was out of your Graces property did not exceed 40 which were mostly loose people that listed for listing money.

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(For abbreviations used see Vol.I, p.v.)

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