



X after death of Charles I v p. 53

INTRODUCTORY NOTE

THE following History of the Macdonalds—of which both the beginning and the end are obviously wanting—is attributed to Hugh Macdonald, a Skye seannachie, and is said to have been written in the reign of Charles II. That it was certainly written after 1628 is apparent from the reference on p. 31 to Patrick, Earl of Tullibardine, whose patent is dated 30th January 1628. X As the period which it covers extends roughly from 1100 to 1500, it has not the authority of a contemporary record, and in many places it is inaccurate in detail. But it is of great value as embodying and preserving the traditional beliefs current some three hundred years ago among the Skye Macdonalds with regard to the history of their race. Partly printed for the Iona Club it is generally recognised as an authority, and is used as such by Mr. Gregory himself, and by subsequent writers. From such things as his reference to Camden (p. 8), and his incisive criticism of George Buchanan (p. 10), it is also plain that the author's knowledge of Scots history was not confined to Hebridean legends. Occasional notes have been added for such purposes as fixing dates, or correcting serious errors, but otherwise the seannachie is allowed to tell his own story.

Out of the material available it is impossible to construct a satisfactory pedigree of the descendants of Somerled. But in the belief that a diagrammatic representation of the descent and connection of the more important families will make the history easier to follow, it has

been thought well to prefix the genealogy contained in *Scotland under her Early Kings* (vol. ii. Appendix A.) Even if in some details this should appear open to criticism, any statement by Mr. Robertson may, in the absence of contrary evidence, be deemed worthy of at least provisional acceptance.

A few explanatory and illustrative documents, which seem of interest, follow the history.

By Sir Hector's death, the succession of the family of Dowart, opened to Sir Allan M'Lean his cousin, the great-grandson of Daniel M'Lean, who obtained the wadset of Brolas ; and Sir Allan, being impressed with a sense of the iniquity of the foresaid transactions, whereby his own family had been stripped of their inheritance, granted a trust-bond to Allan M'Lean of Drimnin, the pursuer, for 200,000*l.* sterling, who thereupon charged Sir Allan to enter himself heir in special to his predecessors, who died last infett, vest and seised in the lands and barony of Dowart, and other estates belonging to the family ; and, of this date, obtained decret of adjudication against Sir Allan, adjudging from him the whole estate of Dowart, and others, in payment of the sums contained in the said trust-bond, thereby accumulated to 252,054*l.* 10*s.* Sterling, with annualrent from the date, during the not redemption.

Nov. 20, 1771.

Dec. 23, 1771.

Upon this title, Drimnin, with concurrence of his Majesty's advocate, brought a reduction and improbation before the Court of Session, against John, Duke of Argyle, calling for exhibition of his and his predecessors' rights and titles to the estate of Dowart, to be reduced and improved ; and to have it found and declared, that they were paid and extinguished ; and that the pursuer had the only right and title to said estate ; and that the Duke ought to be decerned to make payment to the pursuer, of the balance arising from his own and his predecessors' intromissions with the rents of said estate.

The Duke of Argyle, on the other hand, brought an action of reduction and declarator against Sir Allan and Drimnin, for reducing the foresaid adjudication ; and for declaring, that he had the absolute and irredeemable right and title to the whole estate of Dowart.

These mutual processes were conjoined before the Lord Ellick Ordinary ; and after sundry proceedings, unnecessary to be recapitulated, the defender made a production of sundry writings and titles. . . .

In the original proceedings the first step taken by Argyll was to raise an action to have Sir Allan Maclean ordained to pay over to him, as the true owner, the rents of the Duart estates. The Decreet which follows (No. 11.) is of great interest, containing as it does the names of all the holdings on the Duart estates (except Brolos) and their respective rents.¹

II

DECREET of MAILLS and DUTIES, EARL of ARGYLL
against M'LEANS, 1672.

AT EDINBURGH, the seventieth day of February, One thousand six hundred and three score and twelve years, anent the summons raised and pursewed before the Lords of Council and Session, at the instance of Archibald Earl of Argyll, Lord Kintyre, Campbell, and Lorne, against Sir Allan M'Lean of Dowart, making mention, That quhair, upon the sevinteen and eighteen days of November, One thousand six hundred three score and four years, the said persewer was duly and heritably infett, and seised in, All and Hail the lands and others under written, *to witt*, In All and Hail the lands and baronie of Dowart, containing the lands and others after specified, *viz.* the lands of Torossie, containing the lands and others after mentioned, *viz.* the lands of Dowart, the castle, tower, and fortalice thereof, and milne of the same; the lands of Barbryane of the [castle]²; the lands of Barnabryane, Nagagnane, the lands of Auchnacroiche, the lands of Glenanes, the lands of Auchtybeg, the lands of two Tournaskeoches, the lands of Torgormaeg, the lands of Auchnacroich, the lands of Ardchuell, Coulschales, and the lands of Ardnadraeghs, with the pertinents, parts and pendicles thereof whatsoever, lying in the Isle of Mull; All and Hail the lands of Glencamoir and Gartenbany,

¹ The spelling of the names both of persons and of places in this and the other documents is frequently very bad. But to correct it satisfactorily in footnotes would be impossible.

² This and other blanks have been filled in from the Decreet of Removing, No. III., which it has not been thought necessary to print at length.

the lands of Gometra ; All and Hail the lands of Tressinose, comprehending the lands following, *viz.* the lands of Kilmaluage, the lands of Skaneir, and the lands of Vawne, the lands of Galen, the lands of Gragart ; All and Hail the lands of Moreneish, comprehending the lands under written *viz.* the lands of Cologare, the lands of Januey, and the lands of Calloch, the lands of Sunneboyle, the lands of Gilchryst, the lands of Penniemoir, Arderbirnes, the lands of Airdyne, the lands of Lag, and the lands of Fracadile, with the parts, pendicles, and pertinents thereof whatsoever, likewise lying in the said Isle of Mull ; All and Hail the lands of Ulva, the lands of Lagane, and the lands of Balsagarie, with the pertinents thereof ; All and Sundrie the lands of Carneburg, with the castle, tower, and fortalice thereof, with the isles belonging thereto ; All and Hail the lands of [Underwyne],¹ lying in the Ile of Tirie, *viz.* the lands of Mannell or Mandalen, and the lands of Crosseboyll, and the lands of Kyllein, with the pertinents, together with the office of bailliarie of the said Isle of Terie : All and Hail the lands under wrytten in Morverne, *to wit,* the lands of Uladill, the lands of Auchacha, the lands of Aucharenich, the lands of Strane, the lands of Kenloch, the lands of Ancheleiane, the lands of Dangarie, the lands of Straglasch and Glaschbraik, the lands of Auchdonill and [Anochitey] called *Regland*, with the pertinents thereof ; all lying within the sherriffdom of Argyll, and all unit, annexed, incorporate, and erect in ane hail and free barony, called the *Barronie of Dowart* : And sicklike, All and Hail the tennendrie of Arrois in Mull, comprehending the lands and others under written, *to wit,* All and hail the five-merk land of New Calgadie, with the pertinents, lying in the Ile of Ila, in the lands of old pertaining to the Abacy of Derie ; All and Hail the two-penny land of Claighall ; All and Hail the an-pennie land of Englishaw, the an-pennie land of Ballenacheyne, the ane-pennie land of Kilmair, the two-pennie land of Aird, the two-pennie land of Barrievaig, the ane-pennie

¹ This looks like a clerical error for 'All and hail the lands *underwritten*' (underwÿne)?

land of Kiffat, the one-pennie land of Erska, the two-pennie land of the Ile of St. Kennethes, commonlie called *Inschkenneth*, with the cunnynghare and fishing thereof; the half-pennie land of Glenligadill, and half of the cunnynghare, with the teind-sheaves of all and hail the foresaids lands and isles includit, which in tyme past was set with the said lands without division, lyand within and near the said Ile of Mull: And sicklike, All and Hail the ane-merk land of Scarvenies, lying in the Ile of Terie: As also, All and Hail the lands and Ile of Guina, the lands of Dorverg of Kiles, the lands of Ardinesover, the lands of Ardneshnether, the lands of Freezland, lying in the Ile of Coyll: And sicklike, All and Hail the four-score six-merk ten-shilling land of Tirie, comprehending the lands after mentioned, *viz.* the lands of Konbeg, the lands of Bellupetris, the lands of Keneway, the lands of Corriebeig, the lands of Corremoir, the lands of Bersteir, the lands of Bellimuling, the lands of Hauch, the lands of Morloss, the lands of Vaill, the lands of Banegoill, the lands of Bernerie, the lands of Hynce, the lands of [Cavolsch], the lands of Suenpelsich, the lands of Haynies, the lands of Kyllin, the lands of Bee, with the pertinents, all lying within the said Ile of Terie: All and Sundrie the fifty-three-merk ten-shilling land of Morvairne, comprehending the particular lands under written *viz.* the lands of Ardtoreneish, the lands of Segabald, the lands of Mungastill, the lands of Glenores Bastill,¹ the land of Calselloch, the lands of Bauchney, the lands of Kenlochtagus, the lands of Inny-amoir, the lands of Arnabbir, the lands of Barr, the lands of Tangunlay, the lands of [Betet], the lands of Tangheir, the lands of Hainclistill, the lands of Killintach, the lands of Glenbastill, the lands of Drumeraigary, the lands of Fernies, the lands of Carnacalloch, and the lands of Villenterne, the lands of Lagane, the lands of Sallachin, the lands of Finmoir, the lands of Savarie, the lands of Darregrantane, the lands of Auchitarrane, the lands of Newline, the lands of Fenarie, with all and sundry castles, tours, fortalices, mannor-places, houses, biggings, yaerds,

¹ Apparently a mistake for Glen Crippesdale.

orchyards, salmond-fishings and other fishings, milns, multures, woods, outsetts, pairts, pendicles and pertinents thereof whatsomever, lying within the lordship of the Isles, and all lying within the said sherriffdome of Argyll, all unit, annexed and incorporat in an haill and free tenandrie, callit the *Tenandrie of Arroes*; and also, in All and Haill the Kirk-lands after mentionat, *viz.* All and Haill the lands under written, commonlie callit the *twenty-pound land of Rossie*, in the said Isle of Mull, *to wit*, All and Haill the four-pennie land of Sheba, the pennie half-pennie land of Seuir, the four-pennie land of Kilmakewan, the two-pennie land of Serphen, the farding-land of Eddercalloch, the an-pennie land of Tosken, the half-pennie land of Ardcavage, the one-pennie land of Tarraklen, the ane-pennie land of Ardachow, the farden-land of Lewnow, the one-pennie land of Knockasneg, the an-pennie land of Knocktaigtarloch, the one-pennie land of Traisane, the two-penny land of Ardalleness, the ane-pennie land of Bornis, the ane-pennie land of Teirgaragane, the an-pennie land of Teerkill, the thrie-farding land of Ballemoir, the an-penny land of Salfuer, the an-pennie half-pennie land of Pettie, the an-pennie land of Terchladen, the farden-land of Creuch-inferior, the farden-land of Creuch-superior, the two-pennie land of Ardchanaeg, the two-pennie half-pennie land of Teirgell callit *Callegowane*, the three-pennie half-pennie land of Bonnessan, the two-pennie land of Cunnynghurd, the two-pennie land of Say, the ane-pennie land of Ajsobel, and the five-pennie land of Ardlunness, lying in Rossie in the said Isle of Mull. As likeways, All and Haill the ane-pennie land of Kirkefubill, the an-pennie land of Kellin, the an-pennie land of Keillormaig, the ane-pennie land of Kilvaraganie, the ane-penny land of Killinyre, the an-pennie land of Kingarura, the thrie-farding land of Kilmoric, the two-pennie land of Keith, the an-pennie land of Thornie, the an-pennie land of Carsaig, the an-pennie land of Skriden and Surd, the an-penny land of Glassvillar and Syald, also lyand in the said Isle of Mull: and sicklyke, All and Haill the Isle of Iona *alias* Icolmkill, with all the houses and others whatsomever

within the samen Ille, pertaining of old to the monastery of Icolmkill: And all and sundrie the lands under written, lying in the said Ille of Terie, *viz.* the six-merk land of Ballefulssie, the six-merk land of Kirkappil, the ane-merk land of Waill, the six-merk land of Kylls, the lands of Kilcannelth, the lands of Kilmanage, the lands of Kisse, the lands of Baw, the lands of Gadd, the lands of Ballimartin, with the pertinents lying in the Fold and ¹ Ille of Terie, and the lands of Suy in the said Isle of Mull, and the lands of Portboat in Morvairne; and all likeways lying within the said sherifffdom of Argyll: And likeways, *in* all and hail the twentie-four-merks five-shilling land of Arrois in Mull, the lands of Oskamull; the lands of Aramurr, and the lands of Franmore-superior in Scervaleuil; all and hail the lands of Broleis; all and hail the eight-merk land of Ardmach, all lyand in the said Ille of Mull: All and Hail the lands of Molbowie, lyand in the Ile of Scarba; and all and hail the lands of Craigaungall, Glenamuch, Ardskalareish, and the lands of Ardveigneis, lyand in the Ille of Jura, with all and sundry houses, biggings, yards, tofts, crofts, mylnes, woods, fishings, annexis, connexis, dependencies, glennings, grassings, sheellings, parts, pendicles and pertinents whatsoever, of all and sundry the lands and others *respective* and particularly above written, all lying within the sherifffdom of Argyll foresaid: Quhilks lands, and others above written, with the pertinents, pertained heretable of before to Sir Allan M'Lean of Dowart, Knight, or umquhil Sir Hector his son ²; and were lawfully adjudgit, decerned, and declairit to pertain and belong to the deceased Archibald lait Marques of Argyll, the pursuer's father, in payment and satisfacione to him of the soums of money, principal, expences and annual-rents particularly mentioned in the decret of adjudicatioun, obtaienet at

¹ An obvious mistake. In the Decreet of Removing the words are 'Balle-martin, with the pertinents lying in the *said* Isle of Terie.'

² *Son* seems a clerical error for *brother*. Sir Allan succeeded his brother Sir Hector, who was killed at the battle of Inverkeithing in 1651, *vide ante*, p. 247 note.

the instance of the saed deceased Archibald lait Marquis of Argyll, against the saed Sir Allane M'Lean, before the lait pretendet Commissioners for administration of justice, daited the 26th day of February 1659 years, as in the samen decret at more length is contained; quhairunto the said pursuer has good and undoubtet right in manner mentionat in the saed instrument of sasine granted to him thereupon, as in the saed instrument at more length is containit; be verteu whereof, the saed pursuer hes good and undoubted right to the lands and others above written, with ther pertinent, and to the hail maills, fermes, kains, customs, casualties, profites, and duties thereof, of all yeires and termes bygone since the dait foresaid of the saed adjudication, and in time coming; and ought and sould be answerit, obeyet and payet thereof: And trew it is that the saed Sir Allan M'Lean, be himself, servants and others in his name, for his use and behove, have intromittet with, upliftit, and receivet fra the tennents and possessors of the lands and others foresaid, the maells, farmes, profites, and duties thereof, yeirly and ilk yeir since the *dait foresaed of the saed decret of adjudication*, and so of the cropts and yeers of God following, *viz.* 1659, 60, 61, 62, 63, 64, 65, 66 yeires; extending the said maills, farmes, profites and duties, to the avails, quantities, and prices particularlie mentionet and set down in the rental thereof; and this halden as ane pairt of the lybel *brevitatis causa*: And albeit it be of veritie, that the said pursewer hes oft and diverse times requyret and desyrit the said Sir Allan M'Lean, to make payment to him of the maills, fermes, profites and duties of the lands and others foresaid, yeirly and ilk yeir, the crops and yeers of God above mentionat, extending to the particular avails and prices thereof therein set down, extending to the avails and pryces thereof, be the space above specified in the hail, to the soume of sixteen thousand eight hundredth four scoir ten pounds thretteen sheillings four-pennies Scots money, yeirly, and in time coming: Not-the-less he wrongouslie refuses, postpones, and defers to doe the same, without he be compellet: And anent the charge given to the said

defender, to have compeirit before the saids Lords at a certain day bygone, to have heard and seen decret given and pronounced against him in the said matter, in manner under written, as the said summons, act, and letters following and depending thereupon, at more length bears : The said Archibald Earl of Argyll pursuer, compeirand be Sir George Lockhart, Sir Colin Campbell, Mr. George Norvel, Mr. Andrew Bernie, and James Chalmers, Advocates, his procurators ; who produced, in presence of the saids Lords, the decret of adjudication lybellet, of the dait, tenor, and contents above specified, together with the foresaid rental repeatet as ane part of the lybell *brevitatis causa*, condescending upon the particular lands lybellet, and what the samen payes yeirlie, viz. The said lands of Dowart pays ane hundred threttie-three pounds six shillings eight pennies ; Barnabryane Castle, fifty-three pounds six shilling eight pennies ; Torgormig and Deriguhellan, ane hundredth threttie-three pounds six shilling eight pennies ; Barnabryen, fiftee-three pounds six shillings eight pennies ; Auchnacroishie, eighty pounds ; Tornaskeachbeg, twenty-six pounds thretteen shillings four pennies ; Tornaskeochmore, and Glenacreach, an hundredth threttie-three pounds six shillings eight pennies ; Auchitybeg and Senvallie, fifty-three pounds six shillings eight pennies ; Glennanouchioch, fourty pounds ; Ardindroch, eighty pounds ; Auchnacreg, ane hundredth sixty pounds ; Cantchellen, eighty pounds ; Ardichyle, fourty pounds ; Ardenro, threttie-three pounds six shillings eight pennies ; Glencarriden and Gortenbeg, ane hundredth and sixty pounds ; Clachag, sixty-six pounds thretten shillings four pennies ; Knock, sixty-six pounds thretteen shillings four pennies ; Gilsad and Scarrasdill, eighty pounds ; Derryquhaick and Orsay, sixty-six pounds thretteen shillings four pennies ; Burg, sixty-six pounds thretteen shillings four pennies ; Arroismoir, eightie pounds ; Derrivieller, sixtie-three pounds six shillings eight pennies ; Blarcarnan, twentie-six pounds thretteen shillings four pennies ; Strone, threttie-three pounds six shillings eight pennies ; Auchatakerran, eightie pounds ; Killichronan,

eighty pounds; Killenaler, eighty pounds; Leadbeg, twenty-six pounds thretteen shillings four pennies; Leadmoir, eighty pounds; Letterbeg and Lettermore, ane hundredth pounds; Teng, ane hundredth threttie-three pounds six shillings eight pennies; Cranche, fourtie pounds; Kilphuble, fifty-three pounds; Killimore, eighty pounds six shillings eight pennies; Killen, sixty-six pounds thretteen shillings six pennies; Auchacharne, forty pounds; Auchahrenich, threttie-three pounds six shillings eight pennies; Kentalen, ane hundredth and twentie pounds; Arlie, an hundredth pounds; Ardnacrosse, ane hundredth threttie-three pounds; Drumsyne, eighty pounds; Lochnamell and Ballaskait, eighty pounds; Ulva and Lagane, Ulva payes four hundredth sixty-six pounds thretteen shillings four pennies; Gometra payes twa hundredth sixty-six pounds thretteen shillings four pennies; Eskamel, forty pounds; Docharrie, thretty-three pounds six shillings eight pennies; Arrevolchenie, fiftie-three pounds six shillings eight pennies; Glaek, Ugarie, twenty-six pounds thretteen shillings four pennies; Tresseneis, twa hundredth sixty-six pounds thretteen shillings four pennies; Mormeis, with Peinmoir, ane hundredth threttie-three pounds six shillings eight pennies; Calgarie, ane hundredth and twenty pounds; Fraekadill, nyntie-three pounds six shillings eight pennies; Imvie, eighty pounds; Arine, an hundredth pounds; Caillich, fifty-three pounds six shillings eight pennies; Lag, fiftie-five pounds; Suniball, sixtie-six pounds thretteen shillings four pennies; Gilchrist, eighty pounds; Sheba, ane hundredth and twentie pounds; Skane, eighty pounds; Kilviekewen, an hundredth threttie-three pounds six shillings eight pennies; Croungart, sixty-six pounds thretteen shillings four pennies; Lie, sixty-six pounds thretteen shillings four pennies; Assaboll, threttie-three pounds six shillings eight pennies; Ardeniehtrach, eighty pounds; Ardenwachtrah, eighty pounds; Bonessan, eighty pounds; Sui, fourty pounds; Teirgyle, sixty-six pounds thretteen shillings four pennies; Ardfinnag, ane hundredth twentie pounds; Creigh, threttie-three pounds

six shillings eight pennies; Pottie, forty pounds; Fedinin, sixty-six pounds thretteen shillings four pennies; Ellenairst, forty pounds; Knockmoligan, forty-six pounds thretteen shillings four pennies; Knocknity, sixty-six pounds; Tirergan, with Island Calman, ane hundredth and twenty pounds; Ardchalmes, ane hundredth pounds; Peninmore, sixty-six pounds thretteen shillings four pennies; Knockorafinnag, twenty-six pounds thretteen shillings four pennies; Ardacha, threttie-three pounds six shillings eight pennies; Ardacheybeg, threttie-three pounds six shillings eight pennies; Vushin, threttie-three pounds six shillings eight pennies; Serphein, sixty-six pounds thretteen shillings four pennies; Icolumkill, being fifftin-merk land payes yearly seven hundredth merks, — *inde*, four hundredth sixty-six pounds thretteen shillings four pennies; Ardverneis, twa hundredth sixty-six pounds thretteen shillings four pennies; Tornad, eighty pounds; Beachane, an hundredth threttie-three pounds six shillings eight pennies; Auchagavalla, eighty pounds; Lidistill, ane hundredth sixty pounds; Laudile, an hundredth threttie-three pounds six shillings eight pennies; Glenerfusdale, ane hundredth sixty pounds; Balsoy, ane hundredth threttie-three pounds six shillings eight pennies; Kenloch, twelve pounds; Ardenteber, fiftie-three pounds six shillings eight pennies; Bare, ane hundredth sixty pounds; Auchalochrach, forty-six pounds thretteen shillings four pennies; Auloyten and Portvale, ane hundredth seventie-three pounds six shillings eight pennies; Mungastill, ane hundredth threttie-three pounds thretteen shillings four pennies; Drumchoragage, eighty pounds; Fernees, eighty pounds; Karnekellich, ane hundredth threttie-three pounds six shillings eight pennies; Kilintorie, an hundredth threttie-three pounds six shillings eight pennies; Lagan, ane hundredth and sixtie pounds; Sallachane, ane hundredth and twenty pounds; Finnarie, ane hundredth threttie-three pounds six shillings eight pennies; Savarie, ane hundredth threttie-three pounds six shillings eight pennies; Kill, eighty pounds; Auchacharne, twentie-six pounds thretteen shillings four

pennies; Inimore, three-score six pounds thretteen shillings four pennies; Molbrey, eighty pounds; Kenoirach, ane hundredth and twenty pounds; Ardvegneis, ane hundredth and six pounds thretteen shillings four pennies; the fiftein-merk land in Coil, peyes yearlie three hundredth threttie-three pounds six shillings eight pennies: The just rental of Terrie, is nine thousand merks; *inde*, six thousand pounds. . . .

(*After the usual narrative of the various steps of procedure the Decreet concludes with a decerniture in favour of Argyll.*)

The next move was an action of Removing by Argyll against Sir Alan Maclean and his tutors, and the more important tacksmen on the estates. In this Argyll obtained the Decreet which follows.

III

DECREET of REMOVING, EARL of ARGYLL against M'LEANS, 1673.

AT EDINBURGH, the third day of December, one thousand six hundred and seventy-three years; anent the summons raised and pursued before the Lords of Council and Session, at the instance of Archibald Earl of Argyll, Lord Kintyre, Campbell and Lorn, *against* Sir Allane M'Laine of Dowart, Mr. Hector M'Laine in Auehnaeroich, Neill M'Donald in Glennan, John M'Donald there, Finlaye M'Donald vic Ean there, Malcolme M'Fadzen in Auchtabeg, John M'Donald vic Ean there, Donald M'Ean vic Donochie in Toureaseachs, John M'Neill vic Ean there, Donald Glass M'Allans eand *alias* M'Laine in Tormagag, Duncan M'Ean vic William in Cuilhelis, Donald M'Ildonich there, Donald M'Donald vic Ean there, Hugh *alias* Euine M'Innes vic Ean there, John M'Donachicoig in Ardnadrocht, Lachlane M'Laine tacksmen of the lands of Moreneish, M'Laine there, Mildonich M'Ilmanus in Penniemore, and Frigadail, John and Donald M'Gouries, tacksmen of Ulva and Logan, and Hugh M'Laine in Lagan,

f.?
 Eachine M'Ewin vic Eachin in Kainburg, Lachlane M'Laine fear of Torloisk, Hector M'Laine in Tanzie and Strone, Donald M'Neill M'Donald in Ballanachian, John M'Lain in Killmoir, John Durock, M'Eandonie M'Ean in Darribalg, Lachlane M'Lean and Malcolm Neill *in Arrois*, Donald M'Laine in Ardtoiniss, Allen M'Laine in Mungastill, Allan M'Lean in Glencrubastill, Dougall M'Lauchlan in Camishallock, Charles M'Lean in Ardintibert, Hector M'Laine in Drumcraigag, Ewin Cameron tenant of Oscamull and Gometra, *Lachlane M'Laine of Brolos*, Charles M'Sochan in , Donald vic Allean vic Ean in Barr, Charles M'Ean vic Allister in Ulvaill, Donald M'Lain in Barr, Lachlane M'Lean in Sallachir, Donald M'Neill M'Donald in Ballanachian: MAKAND MENTION, That wher upon the seventein and eightein days of November, one thousand six hundred and three score and four yeares, the said persewar was duellie and heritable infest and seased in all and hail the lands under written, *to wit*, In all and hail the lands and baronie of Dowart, containing the lands and others after specified. . . .

(Here follow the names of the lands as in the previous Decreet, and it has been thought unnecessary to print them again.)

Next came a Horning against the same people, which was in its turn followed by Letters of Caption authorising their arrest as rebels duly put to the Horn. Of the same date as the Letters of Caption (25th July 1674), Letters of Ejection were also issued, directing the sheriff to remove the defenders from the lands. As might have been expected the messengers-at-arms found it impossible to execute the Caption, and, in technical language, were deforced, as the next document shows.

IV

EXECUTIONS of DEFORCEMENT, 1674.

Wpon the seventeine day of August, 1674 years, I Angus Campbell messenger, and ane of the sheriffs in that pairt speciallie within constitute, past, at command of our

Soveraigne Lords, letters of captione within wrytten, raised at the instance of the within nameit Archibald Earl of Argyll; and be verteu thereof, in his Majestie's name and authority, commanded and cherged Duncan Clark and Archibald Turnor, messengers at arms, to pass, search, seik, take, and apprehend the haille persones, rebels within designed, wherever they can be apprehended, within three dayes next after my charge; and made certification, as is within mentioned. And this I did, after the forme and tenor of the said within-wrytten letters in all points, before thir witnesses, Alexander Campbell in Kilmore, and Donald Campbell of Scamadill. And for the mair verifcatione hereof, to this my executione and indorsatione, subscribed with my hand, my stamp is affixt.

(Sic subscribitur)

(Signed)

A. CAMPBELL, *Mess.*

Wpon the twentie-ane day of the monneth of August, the yeir of God 1674 yeires, We Duncan Clark and Archibald Turnor, messengers and sherreffs in that pairt specially within constitute, past, at command of the charge given to ws be verteu of our soveraigne Lords, letters of captione, raiseit at the instance of the within-nameit Archibald Earle of Argyll, to the yeatts of Dowart, to have searched, taken, and apprehended John M'Quarrie in Laggan, Hew M'Laine there, Lawchlane M'Laine in Broloss, Neill M'Ean vic Earg in Dowart, Lawchlane M'Laine, and Malcolme M'Neil in Aross, John M'Shirie in Dowart, M'Hearliety vic Each in Ober, with diverse others his Majestie's rebels, being within the said howse for the tyme: And because we could not get patent entrie to the said howse, we made use of his Majestie's kies, by stricking at the yeatts and doors thereof with hammers; whereupon the said John M'Quarrie, and remanent persons foresaids, most violently resisted and deforced ws in the execution of our offices, by fireing and shooting at ws with guns and hagbutts, to the number of ten or elleavine

d. p. 167
x
cf. p. 167

shots; upon committing of the whilk ryott and deforcement, we required witnesses, took instruments, protested for remeid of law; and broke our wands of peacc. And this we did before thir witnesses, Ensigne Robert Middletown, Captain of his Majestie's pairtie now in Mull; Robert Comester, Arthowr Robertstone, David Bissott, and Hector M'Laine, souldiers in the said pairtie, with diverse others. And for the mair verificatione hereof, to this our executione and indorsation, we have subscrivit thir presents with our hands, our stampt is affixt.

(Sic subscribitur)

DUN. CLARK, *Mess.*

ARCHIBALD TURNOR, *Mess.*

This defiance of the law was at once followed on 2nd September 1674 by the issue of Letters of Treason (No. v.) (directed, it will be observed, not to messengers-at-arms but to Lyon and his brother heralds) and Letters of Intercommuning (No. vi.), as well as by a Commission of Fire and Sword (No. vii.). These are printed in their order, and along with the Act of Adjournal (No. xii.) give a most graphic account of the private war that was going on in Mull. The sending out of fiery crosses, the plaids thrown off, the use of 'the King's Keys,' and many other items deserve to be noted.

V

LETTERS of TREASON, 1674.

CHARLES, be the grace of God, King of Great Britain, France and Ireland, defender of the faith: To our Lyon King at Arms, or his brethren Heralds, our Sheriffes in that part, conjunctly and severally, specially constitute, Greeting: FORASMUCHAS it being represented to the Lords of our Privy Council, by a petition presented by our right trusty and well-beloved cousin and counsellor Archibald Earl of Argyll, That where the Lords of our Privy Council, by their act and warrand bearing date the 23d day of July 1674, upon information that there were several

persons deficient in cess and excyse, and other public dues within the shire of Argyll, and specially in the division of Mull, and did ordain and command the Commissioners of Excyse to meet and state the accompts of the deficiencie, and give furth their decreits and precepts for poynding : and required the said Earl of Argyll, as Sheriff-principal, and his deputes, to concur in executing of the said decreits, and, if neid were, to make use of the militia and others for assisting the said execution : As also, the said Lords, by another act and warrand bearing date the 25th day of June 1674, proceeding upon the petition of Captain Middletoun, did ordain the Commissioners of Excise within the said shire of Argyll, to state the accompts of the dues payable to the Captaine and his party ; and that the said Earl as Sheriff-principal, and his deputes, upon address by the said Captain, should proceed to give decret and sentence against the persons lyable for the samine dues, and to see the decreits and precepts put to execution ; and for that effect, if neid were, to make use of the militia forces. Conform to which act of our Council, and in obedience thereunto, the Commissioners of Excyse of the said shire did meet and state the accompts of the deficiencie of public dues, as also the dues payable to Captain Midltoun and his partie ; and furthwith decreits were recovered before the said Earl and his deputes, and precepts duly raised and execute thereupon : As likewayes, the said Earl of Argyll having an unquestionable right to the lands and baronie of Dowart, and having obtained decreits of maills and duties, and removing, before the Lords of our Session, against the tenants and possessors of the said lands, he did raise letters of ejection upon the saids decreits ; and besydes, the said Earl being forced, as Sheriff, to make payment, at least give security to our Exchequer, for the whole feu-duties due and payable to us within the sheriffdome of Argyll, the Lords of our Exchequer did grant, as use is, letters of relieffe ; whereupon the said Earl did raise caption against the tenants and possessors of the lands of Dowart and others, and likewayes hes another caption raised upon the decret of

removing : And the said Earle, in obedience to the said acts of our Privy Council, as likewayes for the executing of our lawes, in uplifting and raising the publick dues for our interest, and the dues due to Captain Midltoun and his partie, and in executing the letters of ejection and several captions for his oune interes, having caused the Sheriff-deputt of the shyre of Argyll, Duncan Clerk and Archibald Turnor, messengers at arms, repair to the house of Dowart upon the 21st day of August last ; and having required John M'Warie, and remanent persons within the house of Dowart, to make the doors and gates open and patent, they in high contempt of our authority and lawes, did forceably and violently refuse and resist, they having garrisoned the house, and having fyred several guns and hagbuts from the house of Dowart, upon the Sheriff-deputt and his assistantes, as likewayes did deforce the Sheriff-deputt and messengers in execution of the foresaids captiones ; and at the same time, the better to strethen [*sic*], encourage, and fortiffie these within the house of Dowart in their rebellious opposition,

M'Laine of Brolois, and his complices, to the number of seven score armed men, armed with fyrelocks, swords and targets, in a posture ready to feight, with their plaids throwne from them, standing and drawne up hard by the house of Dowart, for the assistance of these within the house, and in readiness to oppose the execution of our lawes ; and who did boldly and insolently intimat and signifie so much to Captain Midltoun and his partie ; and the truth whereof is evident by a missive letter written by the said M'Lean of Brolois, to Lochnell, wherein he assures, that upon the least attaq, and putting our lawes to execution, they would meit with resistance to blood : Lykeas, the said Earl being warranted by act of our Privy Council to call for the militia-arnes, and having required M'Lean of Brolois to delyver up the same, as also to subscryve the bond of peace, and to obey the letters of ejection, and to concurr as one of the captaines of the militia in poynding for our publick dues, all which, as appears by instruments produced to our saids Lords, was

refused by the said M'Laine of Brolois : And seeing the said violence, deforcement, and resistance, does not only concern the said Earle of Argyll as to his private right and interest, but more particularly us as to our interest of publick dues, and most especially as to the vindication of our authority, and the vigour and authority of our lawes, and the publick peace and quyet of the kingdom ; and that the said violence, force, and resistance, is not the caice of any private ryot or violence that was occasional, but, on the contrair, was a designed and resolved opposition, and has proceidit to the height of a rebellious resistance, by garrisoning of the house of Dowart, and by levying and keeping of men in armes by the space of several months, and, as the said Earl is informed, have lately seized upon some of our peaceable subjects, and keepes them as prisoners,—all which can be fully cleared and made appear to our Privy Council by persons above exception : And in regard in caices of such public resistance, the lawes of this kingdome does allow and requyre extraordinary remedies, which the Lords of our Council may and ought to apply, for preventing of these inevitable consequences that behoved to ensue from armed opposition against our lawes, and which is not to be considered as the caice and interest of any private subject, but as a publick concerne, that tends to the ruin and subversion of our lawes, and of the tranquillity and security of our subjects under the protection of the same ; and therefore, humbly supplicating that the Council would take tryal and inquirie as to the truth of what is represented, and to apply such proper and necessar remedies as the extreamity and exigence of so bold and insolent ane resistance calls for and requires, that the execution of our lawes may be preserved, and our authority vindicated ; that all men may be secure under the protection of the same, and that such bold and armed opposition against our authority and interest may not run to the height of an open rebellion. Which petition being by the Lords of our Privy Council remitted to a committee of their oune number, and the said committee having met and considered the said petition, and perused

the same, with the instructiones therof, they did give in their report, that they find what is represented by the said Earl of Argyll in the said petition, to be of truth, and sufficiently instructed, *to wit*, That decreits were recovered before the Sherriff of Argyll and his deputies, against the heretors and possessors of the lands of Dowart, for our publick dues, and cess and excise, as lykewayes for the dues of Captain Middletoun's partie, and upon which there was precepts duely raised: As also, that the Earl has recovered decreites for maills and duties, and of removing, against the tenants and possessors of the lands of Dowart, and raised letters of caption, and letters of ejection upon the said decreits; as lykewayes, had an caption against the saids possessors, upon letters of releiffe, granted to the said Earl by the Lords of Exchequer; and the Earl as Sheriffe-principal of the shyre of Argyll, being required by two acts of the Lords of our Privy Council, the one bearing date the 25th of June, and the other the 23d of July 1674, to concurr in the execution of the decreits and precepts that should be recovered for our publick dues, and the dues of Captain Midletoun and his partie; and the Sheriff-depute of Argyll, and messengers at arms, and several others their assistants, having assayed to execute the saids decreits and precepts, by pointing for our dues; as also, to execute the letters of ejection and caption, raised at the Earle's owne instance; John M'Warie, and remanent persons within the house of Dowart, upon the 21st day of August last, did, in high contempt of our laws and authority, deforce, and violently resist the Sheriff-depute and his assistants, and did keep out the house of Dowart as ane garrison, and fyred several guns and hagbuts from the said house, upon the Sheriff-depute and his assistants; and that at the same time, M'Lean of Brolois, and his complices, to the number of seven score armed men, were drawn up in ane military posture, with their plaids thrown from them, hard by the house of Dowart, for the assistance of those within the house, and which they did boldly intimat to Captain Middletoun and his partie; and the said M'Lean of Brolois, by ane letter

under his hand, direct to Lochnell assures they would meet with resistance to blood : And farther, that the said M'Lean of Brolois did shift to deliver up to the said Earle of Argyll, the militia-arnes or to subscribe the bond of peace, or to concurr as one of the captains of the militia, with the pointing for our publick dues, as was appointed by act of our Privy Council. In regard of which insolent and armed opposition against our authority, and the execution of the publick lawes ; the said committee did offer it, as their humble opinion, that the Lords of our Council would command an Herald furthwith to repair to the house of Dowart, and there require the said John M'Warie, and his accomplices within the said house, in our name, to surrender and deliver up the same, within a certain short space, under the pain of Treason ; as also, to require the said M'Lean of Brolois, and his complices, in our name, furthwith to lay down their armes, and retir, and separat themselves, under the samine paine of Treason ; with certification, they shall be called, persewed, and demained as traitors : And in regard the saids persones have been conveyed before the said Earle of Argyll as Justice-General of Argyll and the Isles, and his depute, for the saids crimes, denounced fugetives for not compearing, and registrate at our home, THAT commission of Fire and Sword should be granted against them, as is usual in like cases. THE LORDS of our Privy Council having heard and considered the foresaid petition and report of the said committee, to whom the consideration thereof was remitted, HAVE, by their act of the date of thir presents, ORDAINED thir our letters to be direct in manner under written. OUR WILL IS HEREFORÉ, and we charge you strictly, and command, That, incontinent thir our letters seen, ye pass to the house of Dowart, with our coat of armes displayed, and thereat, in our name and authority, command and charge the said John M'Warie, and the remanent persons who hold and keep out the said house of Dowart by force of armes contrair to our authority, to deliver up the keys and possession thereof to you our said Lyon or Herauld ; and also, that ye command and charge

the said M'Lean of Brolois, and his complices, to lay down their armes, and to retein, and separat themselves within six hours next after they be charged by you thereto, under the pain of High Treason; with certification, if they faillie, they shall be called, accused, persewed, and demained as traitors. According to justice, as ye will answer to us thereupon. The whilk to do, we committ to you, conjunctly and severally, our full power by these our letters, delivering them, by you, duly exeecut and indorsed again to the bearer. Given under our signet at Edinburgh, the 2d day of September, and of our reigne the 26th year 1674.

Per actum Dominorum Secreti Concilii.

(Signed) AL. GIBSONE.

VI

LETTERS of INTERCOMMUNING, 1674.

CHARLES, by the grace of God, King of Great Britain, France and Ireland, defender of the faith: To our Lovites,

messengers, our Sherriffs in that part, conjunctly and severally, specially constitute, and to all and sundry our leidges and subjects whom it effeirs, greeting: FORASMUCHAS We, and the Lords of our Privy Council, are informed, That upon the 29th day of August last bypast, the persons under written, *viz.* John M'Quarrie in Lagan, Hugh MacLean there, Lauchlan M'Lean in Brolois, Neil M'Ean vic Eachine in Dowart, John M'Shirie there, Neil M'Ean vic Neil alias MacLean, and Lauchlan M'Lean in Arrois, Malcolm M'Neill, and M'Charles vic Eachin oir, John M'Condochy oig in Ardnarochit, Lauchlan M'Charles vic Ean duci in Auchnaeraig, Neil M'Donald in Glenan, Malcolm M'Neil M'Donald, and Finlay M'Neil M'Donald there, Lauchlan M'Martine in Ormsaig, Patrick M'Neill woy [*sic*] pyper, and John M'William, were orderly denounced our rebels, and put to our horne, by vertue of

of p 267

of p 262

letters of denunciation, raised, used, and execute at the instance of Duncan Clerk and Donald M'Kellar messengers, and Duncan Fisher procurator-fiscal, for our interest, against them, for their not compearing personally within the tolbuith of the burgh of Inveraray, upon the 29th day of August last, before Neel Campbell of Duntroon, Justice-depute of the sherriffdom of Argyll, to our right trusty and weel-beloved cousin and counsellor Archibald Earl of Argyll, heretable Justice-General of the said shire, and isles thereof, as they who were lawfully cited upon the 12th day of the said month of August, to have compeared the said day and place, and to have found sufficient caution acted in the books of adjornall of Argyll, to have underlyin our laws, for their convocating themselves together with the number of fiftie or sixty armed men in and about the house of Dowart in July last, and formallie garrisoning the same, and treating for securing the house of Dowart against the execution of our laws, and lifting, raising, and plundering several quantitys of coves from the country ; for providing thereof, and hindering and impeding a partie, which lies there for our dues, to enter the said house ; as also, for the fore-named persons their resisting the saids messengers and partie, who, by vertue of letters of caption for payment of our publick dues, and letters of ejection foundit upon decreets of removing against them, went upon the 10th day of the said month of August, with the Sherriff-depute of Argyll, to the said house of Dowart, for executing the saids letters, conform to an act of our Privy Council, and for threatening and menacing them with bendit gunes and hagbuts, so that they forced them to returne in manner at length specified in the criminal letters raised thereanent, as the said letters of denunciation, duly execute and registrate in the books of adjornall of the said shyre of Argyll, conforme to the act of Parliament produced in presence of our Privy Council, bears ; at the process of which home the fore-named persons lies and remains, taking no regard thereof, nor of our authority and laws, and arc fostered in their rebellion, by the resett, supply, and intercommuning which they have with several of their

friends and acquaintances, to the high contempt of our authority and laws. **OUR WILL IS HEREFORÉ**, and we charge you strictly, and command, That incontinent, thir our letters seen, ye pass to the mereate crosses of

and other places needful, and thereat, in our name and authority, command and charge all and sundry our leidges and subjects, that they, nor none of them, presume nor take upon hand to resett, supply, or intercommon with our saids rebels, nor furnish them with meat, drink, house, harbour, powder, bullits, armour, victual, boats, vessels, nor no other thing comfortable to them, nor receive their goods in keeping, nor transport them to nor frae feries, nor have any intelligence with them by word, writt or message, under the pain to be put and esteemed airt and pairt with them in all their wicked deeds and practices, and punished with all rigor, to the terror of others, according to justice, as ye will answer to us thereupon. The whilk to do, we committ to you, conjunctly and severally, our full power by these our letters, delivering them, by you duely execute and indorsed, again to the bearer. Given under our signet at Edinburgh, the 2d day of September, and in our reign the 26th year, 1674.

Per decretum Dominorum concilii.

(Signed) AL. GIBSONE.

VII

COMMISSION of FIRE and SWORD, 1674.

CHARLES, be the Grace of God, King of Great Britain, France and Ireland, Defender of the Faith : To our lovitts messengers, our Shirreffs in that part, conjunctly and severally, specially constitute, greeting : **FORASMUCHAS** We and the Lords of our Privy Council are informed, That upon the twenty-ninth day of August last bypast, the persons under written *viz.* John M'Quarrie in Lagan, Hugh M'Laine there, Lauch-

lanc M'Laine in Brolois, Neil M'Ean vic Eachene in Dowart, John M'Sherrie there, Neal M'Ean vic Neill *alias* M'Claine, and Lachlan M'Claine in Arrois, Malcolm M'Neil, and M'Charles vic Eachin vic John M'Coudachie vig in Ardnadrochit, Lachlan M'Charles vic Ean dui in Auchnacraig, Neill M'Donald in Clenan, Malcolm M'Neil M'Donald, and Finlay M'Neil M'Donald there, Lauchlan M'Martine in Ormsaig, Patrick M'Neil roy pyper, and John M'William, were orderly denounced our rebels, and put to our horne by virtue of letters of denunciation, raised, used, and execute at the instance of Duncan Clerk and Donald M'Kellar messengers, and Duncan Fisher procurator-fiscale, for our interest, against them, for their not compearing personally within the tolbooth of the burgh of Inveraray, upon the 29th of August last, before Neill Campbell of Duntroon, Justice-depute of the sherriffdom of Argyll, to our right trusty and well-beloved cousin and counsellor Archibald Earl of Argyll, heretable Justice-General of the said shires and isles thereof; as they who were lawfully cited upon the twelfth day of the said month of August, to have compeared the said day and place, to have found sufficient caution acted in the books of adjournall of Argyll, to have underlyen our laws, for their convocating together with the number of fifty or sixty armed men, in and about the house of Dowart in July last, and formally garrisoning the same, and treating for securing the house of Dowart against the execution of our laws, and lifting, raising, and plundering several quantities of cows from the country; for providing thereof, and hindering and impeding a party, which lyes for our dues, to enter the said house; as also, for the fore-named persons their resisting the saids messengers and party, who, by virtue of letters of caption for payment of our publick dues; and letters of ejection, founded upon diverse decreets of removing against them, went upon the tenth day of the same month of August, with the sheriff-depute of Argyll, to the said house of Dowart, for executing the saids letters, conform to an act of our Privy Council; and for threatening and menacing them with bended guns

and hagbuts, so that they forced them to return in manner at length specified in the criminal letters raised thereanent, and the saids letters of denunciation, duely execute and registrate in the books of adjournall of the said shire of Argyll, produced in presence of our Privy-Councill, bears ; at the process of which horne, the fore-named persons most proudly and contemptuously lyes and remains, taking no regard thereof, nor of our authority and laws, but, in contempt of the same, haunts, frequents, and repairs to all places within this our realme, as if they were our free leiges : WE therefore, with advice of the Lords of our Privy Council, have made and constitute, and hereby makes and constitutes the Lord Neill Campbell, the Laird of Glenurchy younger, Sir Hugh Campbell of Calder, Colin Campbell younger of Ardkinglas, Donald Campbell of Barbreck, Alexander Campbell of Lochnell, Stewart of Appene, M'Laine of Lochbuy, M'Laine of Ardgour, M'Lean of Kendlochalen, M'Lean of Torloish, the Captain of Clanronald, and Cameron of Lochiel, our Commissioners in that part, to the effect after specified, givand, grantand, and committand to them, conjunctly and severally, our full power, authority and commission, express bidding and charge, to convocate our leidges in arms, and to pass, search, seek, take, and apprehend ; and in case of resistance, or hostile opposition, to pursue to the death, the saids John M'Quarrie, Hugh and Lachlan M'Laines, Neill M'Ean vic Eachen, John MacScherie, Neill M'Ean vic Neil *alias* M'Clean, Lauchlan M'Lean, Malcolm M'Neill M'Charles vic Eachen our, John M'Condachy oig, Lauchlan M'Charles M'Ean duie, Neill M'Donald, Malcolm M'Neill vic Donald, Finlay M'Neill vic Donald, Lachlan M'Martine, Patrick M'Neill roy, and John M'William, our rebels, for the cause fore-said ; and if, for their defence, they shall happen to flie to strengthes and houses, in that case we, with advice of the Lords of our Privy Council, give full power and commission to our said Commissioners, conjunctly and severally, as said is, to pass, persue, and assege the said strengths ;

raise fire, and use all kind of force and warlike engines, for winning and recovery thereof, and apprehending our said rebels, and their complices being thereintill; and if in pursuit of the said rebels, and their complices (they resisting to be taken, or assedging the saids strengths or houses), there shall happen fire-raising, mutilation, slaughter, destruction of corns or goods or other inconveniences to follow, We, with advice foresaid, will and grant, and for us and our successors decern and ordain, that the same shall not be impute as cryme or offence to our said Commissioners, nor to the persons assisting them in the execution of this our Commission; with power to our said commissioners, or such as shall be convocat by them, to bear, wear, and make use of hagbuts and pistolls in the execution of this our commission, notwithstanding of any law to the contrair: AND FURDER, We do hereby take our saids Commissioners, and such persons as shall assist them in the execution of this our commission, under our speciall protection and safeguard; and this our commission to continue and endure for the space of ane year after the date hereof: Providing always, That our saids Commissioners give ane accompt to us of their diligence and procedure therein, betwixt and the tenth day of November next to come. OUR WILL IS HEREFOR, and we charge you strictly, and command, that incontinent thir our letters seen, ye pass to the mercate crosses of

and other places needful, and thereat, in our name and authority, command and charge all and sundry our good and loving subjects, in their most substantial and warlick manner, to rise, concurr with, fortific, and assist our saids Commissioners in the execution of this our commission, under all highest pains and charge that after may follow. Given under our signet at Edinburgh, the second day of September, and of our reign the twenty-sixth year, 1674.

(Sic subscribitur)

ROTHES, *Cancell.*

ATHOLL,

DOUGLAS,

MAR,

MORTONE,

KELLIE,

CAITHNESS,

LINLITHGOW, WIGTOUNE,

WEMYSS.

An attempt at a settlement seems to have been at once made. For on 18th September certain articles of agreement (No. VIII.) were entered into at Moy—apparently the stronghold of Lochbuy.

In connection with this settlement the following rental (No. IX.) and account of the intromissions of Maclean of Brolos (No. X.) seem to have been adjusted.

VIII

ARTICLES OF AGREEMENT BETWIXT the LAIRD OF GLENURCHY and the LAIRD OF LOCHNELL, for and in name and behalf of the EARL OF ARGYLL; AND LAUHLAN M'LEAN of Brolose, for himself, and in name and behalf of the rest of the name of M'LEAN, and others who has appeared with him in armes, or who are contained in the Letters of Intercommuning and Letters of Treason, and against whom there is a Commission of Fire and Sword.

1mo, IT IS AGREED, That the house of Dowart shall be given up and delivered to the Laird of Glenurchy, or any whom the Earl of Argyll shall appoint, before eight of the clock this night, or so soon as Glenurchy or Lochnell calls for it.

2do, That Lauchlan M'Lean of Brolose, and all his party, shall immediately lay down armes and disband, and give their engagement to live peaceably.

3tio, That all others of the name of M'Lean, who has been, or are in armes, shall disband, and lay down their armes immediately, and give engagement to live peaceably.

4to, That all gentlemen and tenants who are living upon the estate of Dowart, compear before the Earl of Argyll, or any whom he shall appoint, at any time he pleases to call for them, and disband, disown, and renounce what tacks they had of the late Sir Allan M'Lean of Dowart, or any others his predecessors; and that they *acknowledge the Earl of Argyll's right* in so far as they are concerned, according to the advice of Lawyers.

5to, It is agreed, That immediately upon performance

of the above-written articles, the Earl of Argyll is hereby obliged to *settle the twenty-pound* land of *Brolose*, Grinbone, and Ardmonauch, *in woodset*, to the said Lauchlan M'Lean, redeemable upon payment of twenty thousand pounds Scots; and the right to contain a clause of Brolose and his tenants their living peaceably, and that they shall be *faithful followers of the Earl of Argyll and his successors*; and the right to be warrandit from the Earl and his predecessors their own proper facts and deeds allenary; which rights are to be granted be advise of Lawyers on both sides, in such manner as the same may not prejudice the Earl as to his right of the rest of the estate of Dowart, and Brolose to be secured in manner foresaid.

6to, That upon the performance of the first four articles above written, the Earl of Argyll, be virtue of the Act of Council, shall pardon and indemnify the said Lauchlan M'Lean of Brolose, and all others whom he shall give up in a subscribed list, for keeping out the house of Dowart, deforc'ing of messengers, opposing of letters of ejection, firing att the Sheriff-depute and his partie, and convocating of the leidges, and all other acts of hostility and illegall acts committed by them, and comprehended in the acts of intercomoning, commission of fire and sword, and letters of treason; and that the persons above written be discharged of any captions raised against them upon the fore-said account, and for disobeying the charges of removing; and in case any of their escheats be bought upon the said account, the same is to be discharged, or assigned, as they shall think fit.

7mo, That Brolose be discharged of what cows or rents he has intromitted with since M'Lean's death, and expendit upon M'Lean's funeral, and upon maintaining of the house of Dowart; which cows is to be by him instructed to have been uplifted.

8vo, That all the tenants liveing upon the estate of Dowart be discharged of whatsoever rents they have paid to the late Sir Allan M'Lean, or any having his order; as likeways, that they be discharged of all public dues and deficiency that they have already paid.

9no, That such of the tenants and kindly possessors as takes land of the Earl of Argyll, and oblige themselves to live peaceably, and be servants and followers to him and his family, be received into his Lordship's protection, and be accepted kindly of by him : That the Earl of Argyll require any whom he sall employ to have charge of the house of Dowart, and of the country, that they use all such as live peaceably in a friendly manner and civilly ; and that no prejudice be done to them in their persons and goods, but according to law.

Which Articles of Agreement above written are to be fulfilled by both parties in ample forme, and in the mean time to be obligatory betwixt and the first of December next, under the pain of two thousand merks, to be paid by the partie faillier to the party observing or willing to observe the premisses, and that attour performance of the same. In witness whereof, these presents are subscribed at Moy the eighteenth day of September one thousand six hundred and seventy-four years, before these witnesses *respective* : To the subscription of the said Lauchlan M'Lean of Brolose, and the said Lairds of Glenurchy and Lochnell, James Campbell of Glenderuell, Lauchlan M'Leand fiar of Torloisk, John Campbell fiar of Inverzeldies, and Colin Campbell writer hereof ; and to the subscription of the said Earl, Ewan Cameron of Lochzeil, Duncan Stewart of Appine, and Robert Campbell of Glenlyon. (*Sic subscribitur*) *Argyle, M'Lean of Brolose, A. Lochinell, Jo. Glenurchy, etc.*

IX

RENTAL, 1674.

FOLLOWS the Rental of the lands and estate of Dowart, as the same was set, and should pay, for the year of God 1674 years.¹

ARROSS.

5d. Land.	ARDNACROISH, Lochnamial, Drum-	£ s. d.
	syne, and Balliskait, possest be	
	Charles M'Lean, and pays of	
	money-rent without casualties	266 13 4

¹ Brolos is not included. *Vide post*, p. 314.

		£	s.	d.
	But he alledges, be his tack frae M'Lean, tha the hes an hundredth merks deduced.			
2d.	Arlive and Strone pays no rent this year, being under goods belonging to M'Lean's son, at the said Charles his trust; and the goods thereon are declared to be about three or four scoir of kowes, which, with the increase, the said Charles is to make furthcoming to the said child's behove.			
1½d.	Kenlalein, possessed be tenants, and pays of money	90	0	0
	And the casualties of a penny-land, viz. four quarts butter, four stanes cheese, four wedders, four stanes victual.			
1d.	Arrosmoir, wast.			
1d.	Kilnaleyn, wast.			
1½d.	Deerveilteir, Blaercharnane, and Laidbeg, possest be Donald M'Lean, son to Charles M'Lean, and pays only this yeir	40	0	0
1d.	Leidmore, wast.			
1½d.	Lettermoir and Letterbeg, at present wast, and was possest be John M'Neill.			
2½d.	Teanga, wast.			
1d.	Cramich, wast.			
2d.	Auchatashenag and Keelchronan, wast.			
1d.	Kilphubili, wast.			
1d.	Keallin, possest be Torloisk, and pays of money	66	13	4
1d.	Keillemore, possest be John Roy M'Lean, and pays	66	13	4
	And the casualties.			

2½d.	Auchachorine and Auchananich, possest be old Torloisk, and pays only	£ s. d. 53 6 8
	Corkamull, possest be old Torloisk, and pays	
	<i>Summa</i> Arrois, money-rent	£583 6 8
	<i>Summa</i> casualties: Of butter 8 quarts, of cheese 8 stone, of wedders 8, of meal 8 stone.	

MORRENEISH.

2d. Land.	CALGORIE and FLADD, possessed be Lauchlan MacCharles, and pays	£ s. d. 100 0 0
1½d.	Frackadill, possessed be the said Lauchlan, and pays this yeir, of monie-rent, only	40 0 0
	Innevea wast, except the third pairt of which pays	28 13 4
	And the casualties of a fairling land and a halfe.	
1½d.	Arreyne, possest be Donald Glass, and pretends to have a wadsett of £1000 thereupon from Sir Lauchlan, and pays nothing.	
1d.	Coulloch, possest be the said Lauch- lan, and pays only	33 6 8
1d.	Lag, wast.	
1d.	Sunniboil, possest by Donald M'Ol- loine e Mousie M'Ewn Dowie, for service.	
1d.	Kilchreist, possest by tenants, <i>viz.</i> the three-part thereof, and pays	50 0 0
	And Casualties of three-part.	
1½d.	Peinmore and Aird, possest be Mel- denich M'Muns, and pays	100 0 0
	With the casualties of a penny-land.	

		£	s.	d.
1½d.	Deucharran, wast.			
1½d.	Arrevolcheyn, possess be Donald M'Allan <i>ve</i> Lauchlan, and pays of money	40	0	0
	With the casualties of half a penny- land.			
	Glaikiegarrie, possess be Charles M'Lauchlan <i>ve</i> Ean, and pays .	20	0	0
	With the casualties of a feorling.			
1d.	Phanmoir, possess be the harper, and pretends kyndnes thereto for his service, and pays noth- ing.			
6d.	Fresheneish, possess be Hector M'Ewin <i>ve</i> Ean, and pays .	266	13	4
5d.	Gometra and Oskamul, possess be Hector MacQuorrie pays only	200	0	0
16d.	Ulva, possess be M'Quorrie, pays only	466	13	4
	<i>Summa</i> silver-rent, Morinish, Fresh- neish, Gometra, and Ulva, ex- tends to	£1345	6	8

With the casualties of four-penny, ane feorling, ane half-feorling land, extending to 4 quarts of butter, 4 stane of cheese, 4 wedders, and 4 stane of meal, upon ilk pennie-land. *Inde*, in the hail of butter, 19 quarts 1 pynt, of cheese 19 stane ½, of wedders 19½, of meal 19 stane and ½.

The LANDS of ROSS.

1½d.	Land. SHEBA, possess be John M'Echin <i>ve</i> Ewn, and pays	£	s.	d.
		66	13	4
½d.	Scour, possess be Duncan and Hew M'Ilvrays, and pays of money	30	0	0
	Of butter 1 quart, of cheese 1 stane, of wedders 1, of victual 1 stane.			
2d.	Kilvickewn, possess be tenants, and pays, of money	93	6	8

		£	s.	d.
	Of butter 4 quarts, of cheese 4 stane, of widders 4, of victual 4 stane.			
1d.	Seirpheyne, possess be tenants, and pays, of money	75	6	8
	Of butter 4 quarts, of cheese 4 stane, of widders 4, of victual 4 stane.			
$\frac{1}{2}$ d.	Uskeyne, possess be tenants, and pays, of money	28	0	0
	Of butter 3 pynts, of cheese 1 h. stane, of widders 1 h., of victual 1 h. stane.			
$\frac{1}{2}$ d.	Ardehivag, possess be tenants, and pays, of money	30	0	0
	Of butter 3 chopins, of cheese 12 lib., of widders 3 quarters, of victual 3 quarters.			
$\frac{1}{2}$ d.	Ardachie, possess be tenants, and pays, of money	40	0	0
	Of butter 1 quart, of cheese 1 stane, of widders 1, of victual 1 stone.			
$1\frac{1}{2}$ d.	Ardellaneish, a penny thereof possess, and pays, of money	80	0	0
	Of butter 3 quarts, of cheese, 3 stone, of widders 3, of victual 3 stone.			
$1\frac{1}{2}$ d.	Turergan, possess be tenants, and pays, of money	73	6	0
	Of butter 2 quarts, of cheese 2 stone, of widders 2, of victual 2 stone.			
$\frac{1}{2}$ d.	Fiddin, possess be tenants, and pays	20	0	0
	Of butter 1 quart, of cheese 1 stone, of widders 1, of victual 1 stone.			
$\frac{1}{2}$ d.	Salchur, possess be tenants, and pays	16	0	0

		£	s.	d.
	Of butter 1 quart, of cheese 1 stone, of wedders 1, of victual 1 stone.			
1d.	Pottic pays, of money . . .	33	6	8
	Of butter 1 quart, of cheese 1 stone, of wedders 1, of victuals 1 stone.			
$\frac{1}{2}$ d.	Ardfinag pays, of money . . .	71	6	8
	Of butter 3 quarts, of cheese 3 stone, of wedders 3, of victual 3 stone.			
$\frac{1}{2}$ d.	Swie pays, of money . . .	33	6	8
	Pays no casualties.			
$\frac{1}{2}$ d.	Bonnessan, possess be Commis- sar Ramsay, and pays of money . . .	120	0	0
	Pays no casualties.			
	Ardtunichtrich pays of money .	53	6	8
	Of butter 2 quarts, of cheese 2 stone, of wedders 2, of victual 2 stone.			
	Ardtunwachtrich pays, of money	40	0	0
	Pays no casualties.			
1d.	Lie pays, of money . . .	53	6	8
	Of butter 2 quarts, of cheese, 2 stone, of wedders 2, of victual 2 stone, but pays more this year.			
$\frac{1}{2}$ d.	Cromgart and Assiboill pays, of money . . .	66	13	4
	Of butter 2 quarts, of cheese 2 stone, of wedders 2, of victual 2 stone.			
	Knocknafinag, wast.			
	Peinmoir, wast.			
1d.	Feirgeill, wast.			
$\frac{1}{2}$ d.	Creich, wast.			
2d.	Knockintey and Knocktellegan, wast.			

2d.	Icolumkill, possess be tenants, and pays only this yeir of money .	£	s.	d.
	Of bear 30 bolls.	160	0	0
	<i>Summa</i> money-rent, Ross and Icolumkill extends to	£1184	0	0
	<i>Summa</i> butter, 29 quarts, 1 choppin.			
	<i>Summa</i> cheese 29 stone 1 quarter.			
	<i>Summa</i> wedders 29 1 quarter.			
	<i>Summa</i> meal, 29 stone 1 quarter.			

The RENTAL of TORSAY, 1674 years.

2d.	Land. DOWART and ARDECHOIRK, all waste, except a feorling and a half, which pays, of money .	£	s.	d.
	Of butter 3 pynts, of cheese 1 stone h., of wedders 1 h. victual 1 stone h.	30	0	0
1d.	Bernasaanchastle, possess by ten- ants, and pays, of money .	53	6	8
	Of butter 4 quarts, of cheese 4 stone, of wedders 4, of victual 4 stone.			
1d.	Ardnadrochit, possess be John M'Connachie oig officer, and pays for the half (the other half being deduced for his ser- vice) of money . . .	40	0	0
	Of butter 2 quarts, of cheese 2 stone, of wedders 2, of victual 2 stone.			
2d.	Achnacraig and Leirfredaig, pos- sess be tenants the half, the other half being waste, and pays, of money . . .	80	0	0
	Of butter 3 quarts, of cheese 3			

		£	s.	d.
	stone, of wedders 3, of victual 3 stone.			
1d.	Glenawachtrach and Carnaig, wast.			
1d.	Coulehchis, possess be tenants, and pays, of money	80	0	0
	Of butter 4 quarts, of cheese 4 stone, of wedders 4, of victual 4 stone.			
1d.	Auchatabeg and Shenbal, wast.			
1d.	Ardcheyll, possess be tenants, and pays this year	33	6	8
	Of butter 2 quarts, of cheese 2 stone, of wedders 2, of victual 2 stone.			
$\frac{1}{2}$ d.	Ardeubro, wast.			
$\frac{1}{2}$ d.	Tornaskychbeg, wast, except the 4th part thereof, which pays only	6	13	4
1d.	Tornaskychmoir, wast.			
1d.	Glenanichtrach, possess be ten- ants, and pays, of money	53	6	8
	Of butter 4 quarts, of cheese 4 stone, of wedders 4, of victual 4 stone.			
3d.	Auchmacroiss, Torgormig, and Dennyquhillin, set to Archi- bald M'Lean, and pays only of money-rent	133	6	8
1d.	Barnasriannangoinan, wast.			
1d.	Glencanoir, possess be young Tor- loisk, and pays only	66	13	6
1d.	Gortenbowie, possess be him, and pays only	66	13	4
1d.	Knockteirmartine, possess be John Dow M'Ilvray, and pays of money	66	13	4
	Of butter 2 quarts, of cheese 2 stone, of wedders 2, of vic- tual 2 stone.			

		£	s.	d.
1d.	Scarrasdale and Gilsett possesst equally be Broloss and Tor- loisk, and pays only . . .	40	0	0
1d.	Clachaig possesst be old Torloysk, rent free.			
1d.	Darrechuaig and Eorsay, possesst be old Torloysk, and hes it for service.			
1d.	Burg possesst be Hector M'Ewin vic Eichin, and pays only of money-rent this year . . .	33	6	8
12d.	land of The two ends of Coill, possesst be the Laird of Coill, and pays, of money-rent, only . . .	266	13	4
3d.	,, of Kenwachtrich and Ardveanish in Jura, and Molbowie in Scaraba, possesst be Ewin M'Charles and pays only, of money-rent . . .	280	0	0
	<i>Summa</i> money-rent, Torsay, Coill, Jura, and Scaraba	£1330	0	0
	<i>Summa</i> butter, 22 quarts 1 pynt. of cheese, 22 stone $\frac{1}{2}$. of wedders, 22 $\frac{1}{2}$. of meal, 22 stone $\frac{1}{2}$.			

RENTAL of MORVERNE, as the same was sett be
M'LEAN *anno* 1671, being the last sett.

5 $\frac{1}{2}$ Merk-land.	LIDISTILL and BEACH, possesst be John Cameron, Loch- zeill's uncle's sone, and pays, of money . . .	333	6	8
	Of butter 6 quarts, of cheese 6 stane, and the Zuill and Pace pressant, <i>viz.</i> A quart of butter and a stane of cheese			

		£	s.	d.
	at Zuill, and a quart of butter and 2 veals at Pace, upon every 5d. land.			
3	Glencribastill, possesst be Lochzeill, and pays of money .	200	0	0
	Of butter 6 quarts, of cheese 6 stane, and the other presents conforme.			
2½	Kenloch possesst be him, and pays, of money . .	106	13	4
	Of butter 3 quarts, of cheese 3 stane, and the other full pressant.			
2	Auchagavill, possesst be him, and pays of money . .	80	0	0
	Of butter 4 quarts, of cheese 4 stane, and the other pressant.			
2	Ardintibert, possesst be him, pays, of money . .	133	6	8
	All the lands foresaid have been possesst be Locheill for 1672, and since syne.			
3	Lawdill pays, of money . .	166	13	4
	Of butter 6 quarts, of cheese 6 stone, and the other pressants.			
1½	Rahway, possesst be Ardgour, and his brother Lauchlan, pays nothing.			
1½	Archalnachrick, pays of money	66	13	4
	Of butter 3 quarts, of cheese 3 stane.			
6½	Barr and Mungastill, possesst be Allan M ^e Lean of Inner Skavadill, pays, of money .	280	0	0
	Of butter 10 quarts, of cheese 10 stone, with the pressants of a 13d. land.			

		£	s.	d.
1½	Drumchragaig, possesst be Hector M'Ewin vic Allan, pays, of money	53	6	8
	Of butter 3 quarters, of cheese 3 stone, with the other pressants.			
2½	Corncailloch, wast.			
4	Sallachan and Ternaid, possesst be Lauchlan Moir M'Lean, and pays, of money	186	13	4
	Of butter 8 quarters, of cheese 8 stone, and other pressants.			
2½	Killintein, possesst be Allan M'Ean vic Ewin, pays, of money	133	6	8
	And the ordinarie pressants.			
7½	Finnarie, Savarie, Janenmoir, and Camusglass, possesst be Ardgour, and pays, of money only	266	13	4
½	Auchacharn, possesst be Mr. Hector M'Lean, pays of money	26	13	4
2½	Laggan wast.			
1½	Fereneish pays, of money	73	6	8
	Of butter 3 quarts, of cheese 3 stone, and the ordinary pressants.			
4½	Hawlastill and Portavate, possesst be Ardgour's brother, and pays, of money	133	6	8
	Of butter 8 quarts, of cheese 8 stone, and ordinarie pressants.			
1½	Killcollumbkill, possesst be Mr. Hector, and pays	80	0	0
2½	Ardtorreneish, possesst be Donald Glass, and pays	133	6	8

		£	s.	d.
$\frac{1}{4}$	The officer's lippence pays .	2	18	0
	<i>Summa</i> Morvern, money- rent	£2456	4	8
	<i>Summa</i> old casualties of :— Butter 60 quarts. Of cheese, 60 stone.			
	<i>Summa</i> Zuill and Pace pres- sants :— Of butter, 28 quarts 1 pynt. Of cheese, 14 stone and a half. Of veals, 29.			

RENTAL of TIRIE, as the samen was sett be EWIN and LAUHLAN M'LEANS by warrand frae the deceased SIR ALLAN M'LEAN, for the year 1674 yeirs.

3	Merk-land. HEANNEISH, possesst be Donald Glass M'Lean, pays	80	0	0
	Of victual 120 stone.			
1	Crossiboill, in M'Lain's hands, And had thereupon,			
5	Heillieboill, 22 maill-land there- of possesst be tenants, and pays, of money	67	13	4
	Of victual 75 stone, of butter 1 pynt.			
3	Baiglie, possesst be Donald Glass, by a pretended wadsett-right of £1000, and pays no rent.			
$1\frac{1}{2}$	Ballenoe, possesst be tenants, and pays, of money	38	13	4
	Of victual 1 b. malt, and 30 stone of butter 2 quarts, and the			

		£	s.	d.
	casualties of 4 mail and a half land, for mairts and sheep.			
2 $\frac{1}{4}$	Cowzeife, possesst be M'Ferquhard Fraiser, and pays, of money	60	0	0
	Of victual 90 stone.			
1 $\frac{1}{4}$	Sorobie pays only, of money	10	0	0
1 $\frac{1}{2}$	Ballemartyne pays only, of money	26	13	4
3 $\frac{1}{8}$	Mannall, all wast.			
6	Tayneish, possesst be Charles M'Lean, and payes only, for this year, of money	40	0	0
1	Eyrme payes, of money	32	13	4
	Of victual 15 stone, of butter 1 quart, of cheese 1 stone.			
3	Bellephuill, all wast.			
3 $\frac{1}{2}$	Kennavar, possesst be tenants, and pays of money	52	0	0
	Of victual, 2 bolls malt, and 30 stone, and the casualties of 3 mail-land.			
4 $\frac{1}{2}$	Barrapoill, possessed be Donald M'Lauchlan Oig, pays, of money	80	0	0
	Of victual, 120 stone.			
3	Ballemeanach, possesst be John Oig M'Lean, and be his tack frae M'Lean, he pays nothing this yeir.			
1 $\frac{1}{2}$	Samdaig, possesst be tenants, and pays of money	33	6	8
	Of victual, 8 pecks malt, and 30 stone and the casualties of a mail-land.			
1 $\frac{1}{2}$	Grianall pays this year, of money	16	13	4
	Of malt 2 bolls 8 pecks, of victual 25 stone, and the casualties of 2 mail-land.			

		£	s.	d.
1½	Kerrefergus pays, of money .	2	6	8
	Of malt 1 boll, of victual 27 stone and ½, with the casualties of 2 mail-land.			
1½	Kerremeanach pays, of money .	20	0	0
	Of bear 2 bolls.			
1½	Reranakeill pays, of money .	13	6	8
	Of victual 20 stone.			
1½	Krossiegers, wast.			
3½	Murdoll, wast.			
6	Hodgh, possesst be Torloysk, and pays only	133	6	8
6	Ballewilling, possesst be tenants, and pays, of money	118	6	8
	Of malt 4 bolls 4 pecks, and of victual 117 stone and a half, with the full casualties of a sixmaill-land, and ane maill and a half for mairts and sheep only.			
6	Kilmaluag, wast, except 4 maill- land, which pays	6	13	4
	Of malt, 1 b. 8 pecks.			
3	Bist and Ballenairagainich, wast, except ten maill-land, and which pays, of money	27	6	8
	Of malt 2 bolls 8 pecks, and of victual 30 stones.			
	Bassepoill, pays only, of money .	10	0	0
	Of malt 1 boll, and of victual 20 stones.			
5½	Cornagmore, possesst be John M'Lean's uncle, and had it rent free.			
3	Cornagbeg pays, of money	65	0	0
	Of malt 1 boll 12 pecks, and of victual 12 stone ½, with the casualties of two mailling and a half.			

		£	s.	d.
6	Kennavay pays, of money	139	13	4
	Of victual 4 b. 12 pks. malt, and 115 stone, with the casualties of 4 maill-land, and a pynt of butter.			
4	Ballephetris and Balwag, possesst be Hew M'Lean, and pays, of money	66	13	4
	Of bear, 4 bolls.			
3	Kirkapoill, possesst be Lauchlan M'Learliche, and pays only, of money	40	0	0
1	Gott, possesst be Kinlochaline, and pays only	26	13	4
6	Vaul, pays, of money	90	6	8
	Of victual 1 boll malt, and 77 ft. $\frac{1}{2}$, with the casualties of 4 maill-land.			
1 $\frac{1}{2}$	Salim pays, of money, only	56	0	0
6	Keyles pays, of money	113	6	8
	Of victual 4 bolls.			
6	Revaig and Vuill, possesst be Lauchlan M'Lean and payed therefor £80, and 16 bolls victual; but has it free from M'Lean this year, for service.			
	The Miln of Hulliboill, possesst be the said Lauchlan, and pays, of rent, therefor	40	0	0
	The weavers of Terii, pays, this year, of money	26	13	4
	The lands of Terii, pays, this year, of horse-corn, the num- ber of 22 bolls, sold at	33	6	8
	Of lining 60 elns; of poultry, 14 dozen and eight.			

Summa Money-rent of Terii £1565 13 4

HIGHLAND PAPERS

Summa malt and bear 33 b. 12 pks.

Summa victual in stones 955 ft.

Which being

Extends in bolls to . 130 b. 4 pk.

Whereof of meal . 43 8 pk.

Of malt . . . 43 6 pk.

Of bear . . . 43 6 pk.

Summa butter in Terii, 4 quarts.

Summa cheese, 1 stane, with the full casualties of 24 maill half mailland, and six mailland, that pays only mairts and sheep.

Summa totalis, silver-rent of the haill lands and estate of Dowart, extends to the soume of eight thousand four hundreth thrie scoir four pounds elevin shilling four-pennies, for the yeir of God sixteen hundred and three-scoir fourteen yeirs, *ut in brevi* £8464 11 4

MEALL—*Summa totalis* Meall, extends to the number of fifty-six bolls, eleven pecks, *ut in brevi*, 56 b. 11 pk.

MALT and BEAR—*Summa totalis* Malt and Bear, extends to the number of ane hundredth and fifty boills eight pecks, *ut in brevi*, 150 b. 8 pk.

BUTTER—*Summa totalis* Butter, ane hundreth fourtie-three quarts, and a choppin, *ut in brevi*, 143 qts. 1 chopin mair upon Morvern, of butter 28 quarts 1 pynt: *Inde*, in the haill of butter, ane hundredth, three scoir,

elevin quarts, one pynt,
and a choppin ; *ut in brevi*,
171 quarts 1 p. 1 chop.

CHEESE—*Summa totalis* Cheese, extends
to an hundreth fiftie-
four stane three quarters,
ut in brevi, 154 ft. 3 qrs.

WEDDERS—*Summa* Wedders, beside Terie,
extends to three scoir nin-
teen and a quarter, *ut in*
brevi, 79 $\frac{1}{4}$.

VEALS—*Summa* Veals 29.

And for the full casualties of
twenty-four maill, half-
maill land, and six maill
land, that pays only
mairts and sheep in Terii
this year, not reckoning
the poultric, eggs, nor
corne of money . . . £35 0 6

X

FOLLOWS ane Accompt of the money and goods uplifted
and intromitted with be LAUCLAN M'LAINÉ of
Brolois, of the rents of the lands and estate of
Dowart, since the decease of Sir Allane M'Lean of
Dowart.

<i>IMPRIMIS</i> , RECEIVED be the said Lauchlane,	£	s.	d.
of the rents of Morvarne,			
and spent upon M'Laine's			
affairs, of money . . .	620	0	0
<i>ITEM</i> , Received out of the lands of			
Torssay, fifty cowis at			
12 l. per piece ; <i>inde</i> . . .	600	0	0

HIGHLAND PAPERS

	£	s.	d.
<i>ITEM</i> , Received from the Balzie of Torssay, twentie - eight kyne, at the same price ; <i>inde</i>	336	0	0
<i>ITEM</i> , Received out of the lands of Morenish, twentie - ane cowis, at the same pryce ; <i>inde</i>	252	0	0
<i>ITEM</i> , Received from the Balzie of Morenish, of money	200	0	0
<i>ITEM</i> , Received out of the lands of Tresinnish, fyve kyne at the pryce foresaid ; <i>inde</i>	60	0	0
<i>ITEM</i> , Received out of the lands of Wlva and Gometra, seaven kyne, at the same pryce ; <i>inde</i>	84	0	0
<i>ITEM</i> , Received out of the lands of Lorinaballoch, fyve kyne, pryce foresaid ; <i>inde</i>	60	0	0
<i>ITEM</i> , Received out of Gleneanore, ane cow ; <i>inde</i>	12	0	0
<i>ITEM</i> , Received out of the lands of Ross, twelf kyne, pryce foresaid ; <i>inde</i>	144	0	0
<i>ITEM</i> , Received out of the lands of Aroiss, nyne kyne, pryce	108	0	0
<i>ITEM</i> , Received from Donald M'Lean drover, twentie-eight kyne ; <i>inde</i>	336	0	0
<i>ITEM</i> , Received from Lauchlane M'Lean, balzie of Terie, of money	300	0	0
<i>ITEM</i> , More uplifted be the said Lauchlane, of the foresaids rents of the estate of Dowart, to be hereafter particularie condescendit on, and which was spent			

	upon the funeralles of the	£	s.	d.
	deceast Sir Allane . . .	649	6	8
<i>ITEM</i> ,	More received be the said			
	Lauchlane, from the said			
	balzie of Terie, of meal 40			
	bolles, and of malt 20 boilles. —————			

Summa totalis extends to £3761 6 8

I say, Thrie thousand seavine hundred
and sixtie-ane pounds six shilling
eight pennies Scots money; and
of meal fourtie boilles, and of malt
twentie boilles.

I the said Lauchlane M'Lean of Broloiss, doe hereby declair, That I uplifted the hailf foumes of money, kyne, meal and malt above wrytten, and no more of the rents payable out of the said estate of Dowart for this present cropt 1674 years; and that ane Noble Earl, Archibald Earl of Argyll, as haveing good and indoubted right to the said estate, and rents thereof, has exonered and discharged me of my said intromissione therewith, conform to the seaventh article of the capitulation and agriement made betwixt the Laird of Glenurchy and the Laird of Lochnanell, for and in name of the said Noble Earl on the ane part, and me the said Lauchlan M'Lain, for myself, and in name and behalf of the rest of the name of M'Laine, and others who appeared lately with me in arms, on the other pairt; of the date at Moy the eightein day of September instant: And therefore I doe hereby acknowledge, that the foresaid seaventh article is satisfied and performed to me, conforme to the foresaid agreiment in all poynts. In witness whereof, I have subscriyved thir presents with my hand, as follows, (wrytten by Nicoll Yule Not. Publick), at Dowart, the twentie-ane day of September 1674 years, before thir witnesses, Archibald Campbell of Inveraw, and John Campbell Captain of Carrick, and John Yule of Darleith.

(Sic subscribitur)

M'LAINE of Broloss.

JOHN CAMPBELL of Carrick, Witness.

JOHN YULE, Witness.

This settlement, however, fell through very soon, and on 10th April 1675 fresh Letters of Caption and Ejection were issued. As the defenders are the same in both, it seems sufficient to print the former.

XI

CAPTION, the EARL of ARGYLL against JOHN M'LEAN and others, 1675.

CHARLES, by the grace of God, King of Great Britain, France and Ireland, Defender of the Faith: To our Lovites

Messengers, our Sherriffs in that part, conjunctly and severally, specially constitute, greeting: FORSUAMEIKLEAS it is humbly meant and shown to us be our right trustee coussing and counsellor Archibald Earl of Argyll, *That where, upon the 24th day of March last by-past*, John M'Lean of Keylis, Lauchlan M'Lean tacksman of Rowage, John M'Lean of Kenlochallen, Donald M'Lean tacksman of Bow, John M'Charles vic Lean tacksman of Sallum, John M'Donald vic Lean there, Finlay M'Lean vic Donald there, Archibald M'Fingan vic Ean vic Donald there, Neil M'Fingan there, Archibald M'Gilreist there, Ewin M'Ilchallum in Kirkipoyle, Hew M'Lean bailie of Tirie in Balliphelis, Colin Gowin Kenvay there, John M'Donald oig vic Lean, Allan M'Lean there, Neil M'Donald oig, Finlay M'Ilchallum there, Archibald M'Donald vic Lauchlan tacksman of Cornekeg, John M'Lean tacksman of Corneckmoir, John M'Gilreist in Bassaboyll, Colin M'Intyre there, Neil M'Intyre tacksman in Ballinchagonich, Duncan M'Lerich in Buist, John M'Illergin there, Donald M'Lean in Balliwilling, John M'Lean there, Finlay M'Sorle there, John M'Sorle there, Donald M'Iraw there, Glisellan M'Lean there, Malcolm M'Inley there, Ewin M'Donochie vic Ean a brich there, Hector M'Lean of Torloisk, Fioris M'Lean there, Hector M'Lean in Muidill, Lauchlan M'Lean there, Rorie M'Lean there, Duncan MacIlchallum tacksman of Kilchanich, John M'Lean in Crinall, John M'Ilphadrick vic Ean in Sandlaig, John M'Allan there, Alexander

M'Kerras in Bollimenoeh, John M'Lean in Kendvarr, John MacNeill vic Ean duy there, Neil M'Lean there, Hector M'Neil there, Hector M'Neill in Ballifuill, Martin M'Onich there, Colin MacDonald bean in Hyrem, Neil M'Neill there, Charles M'Neill bean in Cheneish, Donald M'Lean in Manuall, John Dorish M'Lean in Ballimartine, Hector M'Lean in Sorobic, Ewin vic Ean in Goish, Donald Dow M'Rorie in Ballinoo, John M'Rorie there, Kenneth M'Ilchallum there, John M'Kinoun in Ninipoyll, Donald M'Laughtie in Kyell, Neel M'Donald vic Neel there, John Reid there, John MacEchin vic Ean *alias* M'Clean in Sheba, Donald Gorum M'Lean there, Angus M'Ilvorish there, Angus ve M'Kerrichare there, Paul M'Ean vic Errochar there, Donald eir M'Neill vic Neil M'Martin there, Ewin M'Ilvray in Scur, Duncan M'Ilvray there, Duncan M'Norcard there, Allan M'Allan vic Lauchlan in Kilvicewn, Donald M'Onochie grave there, Donald M'Ean vic Ilvray there, Donald Roy M'Clean vic Donald there, John M'Donald vic Ilphadrick there, John Dow M'Nockard there, Malcolm M'Nockard there, Rorie M'Rorie vic Allan there, Neil Dow ve Arthur there, Donald grave M'Ilvray in Starfine, Archibald M'Ilvray there, Alexander M'Lain in Larnish there, Archibald M'Onochie grave there, Charles M'Clean there, Martin M'Donald vic Ilvray, Martin M'Onochie vic Ilvray there, Allan M'Donald Glass in Uskin, Lauchlan Dow M'Ean there, Lauchlan M'Rorie, Martin Neelchallin M'Ilvray in Archevage, Ewin oig M'Lean there, Donald M'Inlay there, Neil Rioch M'Rorie there, Ferquhar M'Lean in Ardochar, John MacDonald gorum vic Lauchlan in Knockinfinage, Alexander, Donald, and John M'Lains in Pennymoir, Charles M'Clean vic Donald there, Donald M'Charles vic Lean in Archillamish, Ferquhar and John M'Arthurs there, Finlay M'Neil vic Finlay there, Finlay M'Millan there, John M'Inish vic Ilphadrick in Tirergan, Hector M'Donald vic Ean there, Neel M'Neel vic Roy there, Finlay Smith there, Donald M'Arthur there, Gilbert M'Arthur there, Donald M'Charles vic Ean there, Donald and John M'Cleans there, Donald M'Ulvoyll in Knockulligan, Donald, Hector, and John

M'Leans in Knockatuy, Malcolm M'Charles vic Ean in the Isle of Erraie, John oig Smith there, Ewin M'Ean vic Ewin there, John M'Ilvorrie there, Patrick M'Ean Glass in Hafforlane, John M'Ean vic Neill there, Donald M'Martine in Sallochar, Donald Roy M'Finlay there, Hector M'Clean there, Neil M'Ilvray there, Katharine M'Farland in Catahame, John M'Donald vic Neil erich, Donald M'Lauchlan in Icolumkill, Donald M'Donochie vic Lavish there, Charles M'Adam there, Angus Fleger there, Thomas M'Onohie vic Avish there, Malcolm Charles vic Adam there, Archibald M'Lun there, Donald M'Charles Dow there, Patrick M'Donald Gregune there, John M'Donald there, John M'Donald vic Ean there, Charles M'Lean there, Archibald M'Intyre there, John M'Neel vic Neil there, Archibald Roy M'Donald vic Errochar there, Donald M'Lean there, Donald Dow M'Lean there, John M'Eun ur vic Finlay there, Neil M'Eun ur vic Finlay there, Dougald and Donald M'Ronalds there, Malcolm M'Finlay moir there, Donald M'Ean vic Donald bean there, John M'Eun *alias* Fledger there, Lauchlan Allan vic Lauchlan in Pattisorrell, M'Ilchallum vic Ilphadrick there, Duncan M'Eun gow there, Finlay M'Rorie gow there, Donald M'Donald gow there, Patrick M'William in Ardunaig, Rorie M'William there, Neil M'Ean ur there, Neil M'Farlane there, John M'Neil vic Ean there, Donald M'Ean garvie there, John M'Illespie there, Charles M'Ean Larnish *alias* M'Lean in Suy, Angus M'Errochar there, Malcom M'Ean vic Martin there, Duncan M'Rorie there, John M'Ildonich vic Ewn in Thurgill, Donald there, Beltoune in Donansland, Neil M'Donochie there, Duncan M'Neil, John M'Ilneive, Hector M'Cleane grave *alias* M'Lean in Assoboll, Donald M'Arthur there, John M'Donald vic Eachan there, Hew and Hector M'Cleans there, Allan M'Donald there, John M'Eachan vic Ean in Corngate, John Dow M'Finlay there, Allan M'Lean there, Donald M'Lean in Ardtounish-nether, John Dow M'Inroy roy Ewn M'Eachan there, John M'Lean unchle to the Laird of M'Lean in Ardtounish-ever, John Dow M'Eachan oig there, John M'Rourie vic

Donald bean there, Neil M'Donald vic Errochar there, Donald Roy M'Lugas there, John bean M'Donald buy there, Donald M'Neil there, Donald M'Eachanoig M'Lean, Finlay Dow M'Clean there, Hugh M'Clean in Bea, *Donald M'Neil Dow vic Dougall in Gilpatrick, Dougall M'Ilchaller there, Alexander M'Illespie vic Alester in Beach, John M'Lauchlan Dow there, Lauchlan ur Donald vic Donald there, Allan M'Lauchlan ur there, Donald and Allan Mac-Allan vic Lauchlans there, Ferquhar M'Neil vic Donald ur there, Donald M'Ilchallum vic Iloray in Forwachlie, Malcom M'Ilvorrie there, Charles M'Ean Dow there, John ure M'Duffie in Torminach, Donald M'Ilchallum there, Neil M'Ilrendish there, Ferquhar M'Neil in Tormtarroch, Malcom M'Iloray there, John More M'Phain there, Lauchlan M'Lean of Brolois, Lauchlan M'Charles vic Ean duy in Killinack, Allan M'Inlay there, Donald Bittoune¹ in Pennycross, Hector M'Iloray there, Donald M'Ilchallum there, Donald Gorum M'Illray in Pennygail, Neill M'Ilvail there, Allan M'Lean in Larsaig, Donald and John M'Ilorayes there, Malcom M'Iloray in Glentiddell, John Dow M'Iloray there, John and Donald M'Intyres in Lochstoddan, Hector M'Eachan vic Alester in Ulval, Charles M'Lean there, John M'Donald gow in Ardvarginch, Finlay M'Donald gow there, Erwin M'Donald moir there, Lauchlan M'Clean in Kilmoir, John oig M'Lean vic Neil there, Lauchlan M'Lean in Dalrerish, John Dow M'Donochie vic Neil bean there, Neil M'Donochie vic bean there, Duncan M'Arthur in Kilimachir, Lauchlan M'Lean there, Angus Dow M'Neil there, Angus M'Earn bean M'Pherson there, John M'Lugas there, Archibald M'Lugas there, Lauchlan M'Martine in Ballinrenoch, Donald M'Elachan alias M'Lean there, Donald M'Ean vic Neil in Ballimacken, Lauchlan M'Martine there, Neil M'Ean vic Ean there, Duncan Dow M'Lean in Killiemure, Archibald M'Ean vic Gillespie, in Ballinahard, Ard M'Lean there, Hector M'Lean in Burg, Donald M'Ean vic Ean there, Ferquhar Bean M'Ean there, Donald Bean vic Ean there, John M'Ean moir in Scarasdale, Hector*

¹ The Betons were hereditary physicians to the Macleans of Duart, and had the holding of Pennycross on Loch Scridain as their remuneration. *Vide post*, p. 314.

M'Laine of Torloisk, Finlay M'Kinlay vic Ean in Darhowage, Malcom M'Laine there, John M'Lean there, Malcom M'Finlay vic Ean, Neel M'Ilvray in Dissag, Ewen M'Donald vic Ean there, John Dow M'Ilvray in Knoek, John M'Finlay there, Ewin M'Ilvray there, Lauchlan M'Ilvray there, John M'Ean Bain there, Donald Bean M'Alister in Blachraig, John M'Andrie there, John M'Gilchrist there, Lauchlan M'Lean fiar of Torloisk, Patrick M'Neill dow in Glenrannar, Neil M'Ilvray there, Lauchlan M'Lean in Gortenbouie, Neill Garvie M'Neil vic Ean duy there, Malcom M'Ean dow vic M'Neel there, Angus Glass M'Neel there, John M'Neil vic Ean dow there, Neel M'Intayleor there, Duncan Lamount in Collicheles, Ewin M'Inish there, Malcom M'Indonich there, Neel M'Ilchallum vic Ildonich there, Duncan M'Finlay there, Donald M'Donald vic Ean there, Hew M'Neel in Ochncraig, Duncan Roy M'Lain vic Neel there, Ewin M'Lain tacksman thereof, Lauchlan M'Lean there, Neil M'Dowie there, Neil M'Ean vic Alister there, Allan M'Lean there, Malcom M'Faden in Auchadabeg, John M'Donald vic Ean there, Donald M'Urich there, Donald M'Phaden there, Neel M'Donald in Glenan, Donald Malcom and Finlay M'Donald there, Donald Moir M'Lean there, Hew M'Charles vic Lean there, Gileallum M'Neil vic Donald there, Angus M'Phaden in Sheltonne, John M'Donochie in Ardnochead, Donald M'Lean vic Finlay there, Ewin M'Donochie cioch there, Donald M'Ean vic Donochie in Tarnaskioch, Allan M'Ean alrech there, Duslan M'Ean Lecch there, Hector M'Neill vic Ean there, John M'William in Ardochoyle in Dowart, John M'Intyre there, Neil M'Neil gow there, Ewin Bean M'Ilmiehell *alias* M'Illeish there, Donald oig M'Ean vic William in Barnisereive, Donald bean M'Phain there, Donald oig M'Nab there, Donald Glass M'Lean tacksman of Torgrinag, Archibald M'Lean there, John Hew M'Neells there, Archibald M'Allan moir M'Lean there, Ewin M'Donochie moir there, Finlay M'Donochie there, Ewin M'Charles M'Lean in Ardochill, Ewin M'Ilmiehell in Ardjura, Ewin M'Lean in Carnag, John M'Roy there, Donald M'Lean tacksman of Tornodiu, Archibald M'Ean

vic Illespie there, Archibald M'Ean vic Eun in Bellinohard, Lauchlan M'Lean in Inchehrinich, Archibald and Donald M'Irays in Teerfine, Martin M'Donald vic Ilvray there, Martin M'Donochie vic Ilvray there, Donald M'Martine vic Lean in Dalquhum, Donald roy M'Donald bean there, Patrick M'Ean Glass in Fillichen, John, Eill vic Neill in Creach, Ferquhar M'Ean bean in Ardeach, John M'Ilneive there, Allan M'Lean vic Donald glass in Portwiskine, Lauchlan dow M'Donald vic Ean there, John M'Hector vic Lean of Kenlochallen, tacksman of Killisickell, etc. Lauchlan M'Lean in Killive, Malcom M'Ilvray there, John M'Eun vic Allan vic Lean in Kellimoir, Hector M'Lean of Torloisk, tacksman of Clacheug, etc. Hector M'Lean of Aucharanich, and tacksman of Kilmaluag, Hector M'Gourie in Ostanull and Gometryll, Lauchlan M'Gowry tacksman of Ulva and Lagan-Ulva, John M'Gowry there, Hew M'Ilmichell in Ferremoir, Charles M'Lean in Claguran, Lauchlan M'Lean of Auchauist, Rorie M'Ean vic Donald in Breve, John M'Ilpeich there, John dow M'Innar there, Finlay M'Neill vic Ean vic Finlay there, John M'Conochie vic Ean vic Onochie *alias* M'Arthur there, Donald M'Glespick van there, Charles M'Illespick there, Donald M'Obnach in Slunaboll, Archibald M'Eun duy there, Ewin M'Neill vic Ilchallum there, Lauchlan M'Lean tacksman of Calligourie, Callich Frigadell M'Ildonich M'Maines in Pennienmoir, Neill M'Lean in Ducheran, Malcolm M'Neill vic Ean in Balliemoir, Ferquhar M'Sheri, John M'Lean in Derryvyll, Hector M'Allan vic Lean in Tangie, Donald vic Allan M'Laine in Arivulchine, Lauchlan M'Lean younger of Torloisk, tacksman of Auchacharie and Aucharanich, Malcolm M'Neill vic Lean in Arrois, Lachlan M'Vrartech in Blairecharnen, Mr. Angus M'Lean in Lettirmoir, John M'Neill vic Rorie there, Neill M'Ean vic Lean in Douchartie, John M'Donald Cameron in Liddisdaill, Ewen and Duncan M'Ilendrishes there, Donald M'Inlay there, Donald Cameron in Archagavill, John M'Ean M'Lean in Laudill, John roy M'Lean there, Dugall M'Lachlan in Ramishallich, Dugall M'Lachlan in Glencubastill, Ewin M'Ean vic Lean in Archalastill, Allan M'Eun

vic Lean in Mungistill, John M'Onochie vic Ilphadrick in Ammoir, Donald M'Lean in Artinortranish, Lachlan M'Ean vic Lean in Salvarie, John M'Lean of Argowre in Finarie, John M'Lachlan in Sallachin, Ewen M'Ean vic Lean there, Paul M'Leod there, Malcolm Clerk there, Finlay M'Ilchallum vig in Laggan, Lachlan M'Ean roy M'Lean there, Neill M'Eun vic Allaster vic Lauchlands there, John and Sorle M'Dacharus in Ferrenish, John M'Eun vic Allan M'Clean there, Ard. M'Ilmartine there, Allan M'Ean vic Eun vic Lean in Killinteine, Hector M'Eun vic Lean in Drumeragag, Neill M'Donald vic Ean there, Donald M'Eck vic Illespie there, John M'Donald Cameron in Beich, Angus roy Cameron there, Ewen Cameron there, Angus M'Eun dow Cameron there, John M'Eun dowie vic Lean in Camisallich, Donald M'Eun vic William there, Allan M'Charles vic Lean in Glencubastill, Lachlan oig M'Lean M'Eun in Bachore and Rochoy, Charles M'Lean in Kenlochterchoist, Lauchlan oig M'Lean M'Eun in Auchnatibert, Allan M'Eun vic Ean in Barr, Angus roy M'Lean in Porvell, John and Duncan M'Onlayes in Nachalostich, Duncan M'Eun glass in Amoir, Angus M'Lean glass there, Allan Cameron tutor of Doltert in Ardlaranish, John M'Onochie in Auchacharie, Donald M'Lean in Killibeg, Neill M'Ean vic Ilphadrick in Cornacallich, Eun M'Eun M'Lean in Killintine, Alexander M'Lean there, John Cameron in Thiarnell, John M'Intyre there, Donald Cameron there, Finlay moir Cameron in Beilch, Donald M'Donald Cameron there, John M'Illespie Cameron there, Donald M'Eun vic Finlay moir there, Charles M'Allan vic Ean duy *alias* M'Lean, tacksman of Ardnacreyfe, Drunfyr, Lachnamill, Balliscat, Strone and Arle ; Lachlan, Malcolm, and John M'Leans in Arrois in Kilnawre, John M'Ilvorich in Kentalline, Archibald and Angus M'Ean royes there, Donald M'Lean tacksman of Ledbeg, Clairhannan and Dirrivill ; Archibald M'Ilphadrick in Ledmoir, John M'Shirie there, John M'Ilphadrick there, Donald M'Murdoch, *alias* Campbell in Cranich, and John M'Lean in Lettirmoir, *were all orderly denounced Rebels, and put to the horn by virtue of our other*

letters of horning, raised, used, and execute against them at the complainer's instance, for not flitting and removing themselves, their wives, bairns, families, servants, sub-tenants, cottars, goods, gear and others, furth and frae the lands and others after mentioned, pertaining to the said complainer, and possess by them, ilk ane of them respective for their own parts, sua far as they occupy the same, viz. The lands and barony of Dowart. . . .

(The Letters of Caption conclude with a warrant for the apprehension of the persons named.)

By this time the Macleans of Duart seem to have secured the support of Lochbuy, as well as of the lairds of Ardgour,¹ Kinlochaline, and Torloisk, and to have seized the castle of Kerneburg. Criminal proceedings were accordingly taken against them in a court held at Inveraray on 23rd June 1675, by Mr. John Campbell of Moy, as a depute of Argyll, in his character of Justice-General. Most naturally they preferred not to appear, and so they were duly outlawed—all as set forth in the following Act of Adjournal.

XII

ACT OF ADJOURNAL, 1675.

Curia Justiciarum S. D. N. Regis tenta infra pretorium burgi de Inveraray, vigesimo tertio die mensis Junii, anno Domini millesimo sexcentesimo septuagesimo quinto, per Magistrum Joanem Campbell de Moy, justiciarium deputatum nobilis Comitis Archibaldi Argatheliæ, hæreditarii justiciarum generalis, vicecomitatus de Argyll insularum aliarumque.

Curia legitime affirmata.

THE whilk day, anent the criminal process and letters raised and persued at the instance of Duncan Fisher, procurator-fiscall of the Justiciary of Argyll, for his Majesty's interest, against Lachlane M'Lean of Broloiss, Hector oig M'Lean his brother, John M'Lean of Ardgowir,

¹ *Vide post*, p. 335.

Hew M'Lean fiar thereof, Archibald M'Lean, brother to the said John M'Lean of Ardgowir, Allan M'Lean of Innerskavadell, John M'Lean of Kenlochaline, Hector M'Lean his son, Charles M'Allan in Ardnacroish, Lachlane M'Charles in Morenish, Allan M'Charles in Mishenish, Donald M'Charles in Arroiss, Hector M'Charles, and Evon M'Charles his brother in Achnacroish, Hector M'Lean fiar of Lochbowie, Hew M'Lean, brother to Kingorloch, Alexander M'Lean his other brother in _____, Hector and John Roy M'Quorries, uncles to M'Quorrie of Ulva, David Ramsay in Beach commissar of the isles, and Lachlane M'Lean fiar of Toloisk, makeand mentione, That where be the laws and acts of parliament of this kingdom, the convocation of his Majesty's leidges, garrisoning of castles, forts, and houses, breaking of arrestment, someing and oppression, leagues and bands amongst the leidges, are crimes of ane high nature, and are punishable, prohibited, and discharged by the laws and constitutions of this kingdom; and particularly the convocation of his Majesty's leidges, is forbidden by King James v. parl. 4. cap. 27.; Queen Mary parl. 9. cap. 75. K. James vi. parl. 8. cap. 131. Likeas, by K. James ii. his 6 parl. act 25th, the garrisoning of houses, and stuffing of the same with provision, to hold out against his Majesty's laws and authority, and the keeping of men armed upon wadges and allowance, are expressly forbidden under all highest pains: Likeas, the breaking of arrestment is expressly forbidden by King James vi. parl. 7. act 117; and the contraveeners of the said act are declared to be punishable, with the escheat of their goods moveable, and punishment of their persons: Likeas, someing is particularly forbidden and declared to be severely punishable by the laws, acts of parliament, and constitutions of this kingdom; and particularly by the 45th act of K. James ii. his 11 parl.; and K. James iii. parl. 10. cap. 77. his Majesty's Sheriffs and Justices are authorised to doe law upon them as upon common thieves or robbers: SICKLIKE, leagues and bands amongst the leidges of this realm are forbidden by K. James i. parl. 2. cap. 30.; and by Queen Mary, parl. 6.

cap. 43. K. James VI. parl. 10. act 12.; and by the 4th act of his Majesty's first parl. Which bands and leagues, by the first act, are declared to be against law and obedience of subject towards the Princes; and therefore are discharged under the payne to be holden and execute as movers of sedition, and unquietness to the breach of the publick peace of the kingdom, **NEVERTHELESS** it is of verity, That the said Lauchlane M'Lean of Brolois and remanent hail fore-named persons, did convocate together armed men with swords, hagbuts, pistolls, durks and other weapons invasive, and munitione bellicall extending to the number, and at the times and places respective under written, *viz.* In the moneth of April last bypast, upon the twenty-twa day, or ane or other of the days of the said moneth, without any order of law, at Kenlochnakeall, upon the lands of Knockteirmartein, extending to the number of three or four hundreth men, which they did, by sending through the isle of Mull, Morverne, and other places, fyre croces for convocating of the country people in arms; and did abide and remain together in the foresaid posture and warlike manner, from the said twenty-twa day of April, till the last day thereof: **LIKEAS**, at and about the same time, the said Hector M'Lean fiar of Lochbowie, and his accomplices, did convocate together the number of ane hundredth men or thereby, armed in manner foresaid, at Gadderlie in Glenforsay, and kepted them together in armes, during the space foresaid: **AND SICKLIKE**, the said Lachlane M'Leane of Brolois, and hail remanent persones above designed, did garrisone the house and fort of Carnbulg, upon the day of April last, or upon ane or other of the days of the said moneth, with the number of armed persons, and appointed ane Captaine and other officers for keeping of the said house, and preserving of the same and the countrey, against the execution of his Majestys law: In like manner, upon the day of April last or thereby, Duncan Clerk messenger, by vertue of letters of arrestment, having arrested upon the lands of Crossiboill and Kilmalouag in Terie, eighty boills bear and corne, fortein pieces of horses,

and four swyne ; after the making of whilk arreastment, and notwithstanding of the intimation thereof made be the said messenger the said Lachlane M'Lean of Brolois, Hector oig M'Lean his brother, both or either of them, accompanied with twenty-four men in armes, without any order of law or justice, came to the ground of the foresaids lands, and violently carried away the foresaids cornes, bear, horses and swyne particularly above mentioned : AS LIKEWAYS the said Lachlane M'Lean of Brolois, and the said David Ramsay, commissar of the Isles, being in Terie upon the foresaid day of April, they, with their followers, extending to the number of threttie or fourty men, oppressed the tennants of Terie, by quartering and sorneing upon them, and caused them bring in meall, and all other sort of provisione, till Lauchlane M'Lean balzie of Terie, his house in Kelliepoll, especially on the tennants and possessors of Kendway in Terie : As also in the moneths of March or April last bypast, and upon ane or aither of the days of the saids moneths, the foresaids Lauchlan M'Lean of Brolois, and the rest of the persons above specified, and several other gentlemen of the name of M'Lean, mett at Aroiss in the Isle of Mull, and entered in a league and bond, and obliged themselves by oath, to join and adhere on to another, in direct opposition and contrair to the foresaids acts of parliament ; and immediately thereafter garisoned the said house and fort Cambulg [*sic*] in manner foresaid. In respect whereof, the hail persons, defenders above named, hath contraveened the foresaids acts of Parliament ; and are thereby guilty of the hail crymes particularly above specified ; and therefore they, and ilk ane of them ought and should be exemplary punished for the same, in their persons and goods conform to the saids laws and acts of Parliament, in terror of others to commit the like hereafter ; as in the saids criminal letters at more length is contained ; be virtue of whilk letters, and conform thereto, the said Duncan Clerk messenger, upon the twenty-fourth, twenty-fifth, twenty-sixth, twenty-seventh, twenty-eight, and twenty-nine days, *respective* of the moneth of May last bypast, lawfully charged

the hail fore-named defenders, to have found caution acted in the books of adjournal of the said sherriffdom of Argyll, within six days, conform to the act of Parliament, for their compearance this day and place, in the hour of cause, to have answered and underlyen his Majesty's laws for the cryms respectively and particularly above mentioned ; and because of their not finding of the said caution, acted in manner foresaid, therefore, the said Duncan Clark messenger, upon the eight day of the month of June instant, past to the mercate-cross of the brughe of Inveraray, being the head-brughe of the said sherriffdom of Argyll ; within the whilk, the saids defenders actually dwells and remains, at the loist dwelt and remained the time of the committing of the foresaids cryms ; and thereat, in his Majesty's name and authority, he lawfully and orderly denounced the hail persons defenders above named his Majesty's rebels, and putt them to his Highness' horne for their contemption and disobedience ; as the samen letters, with the executions thereof, and denunciation following thereupon, duely registrate in the books of adjournal of the said sherriffdom of Argyll, conform to the act of Parliament, more fully porports : *And lastly*, this day and place, in the hour of cause, the hail defenders above named, being oftymes called to have compeered before the said justice-depute, to have underlyen his Majesty's laws for the crimes particularly above written, lawful time of day abbidden ; and the saids defenders not enterrand, nor compearand, the *said justice-depute*, by the mouth of Dowgall Clerk dempster of Court, *adjudgeit*, de-cerned, and declared the saids Lauchlan M'Lean of Brolois, Hector oig M'Lean his brother, John M'Lean of Ardgowir, Hew M'Lean fiar thereof, Archibald M'Lean brother to the said John, Allan M'Lean of Innerskewadile, John M'Lean of Kenlochaline, Hector M'Lean his son, Charles M'Allan in Ardnacroish, Lauchlane Allan, Donald, Hector, and Ewan M'Charles, his sons, Hector M'Lean fiar of Lochbowie, Hew and Alexander M'Leans brother to Kingerloch, Hector and John Roy M'Quorries, uncles to M'Quoric of Ulva, David Ramsay Commissioner of the

Isles, and Lachlane M'Lean fiar of Torloisk, *outlawes* and *fugitives* fra his Majesty's lawes, and to be putt to his Highness' horne, and their hail moveable goods and gear to be escheatt and inbrought to his Majesty's use for their contempt and disobedience; and ordained letters of denunciation to pass, and be direct thereupon, and to that effect in forme as effeires, which was pronounced for doome; whereupon the said procurator-fiscal asked instruments, and act of Court. *Extractum per me*, (Signed) NICOLL ZUILL, *Clk. dept.*

This was followed almost at once by a fresh Commission of Fire and Sword (No. XIII.), for a time limit of twelve months was placed on such extraordinary machinery, and, in the hope apparently of restoring peace, full power is given to Argyll to negotiate with his adversaries.

XIII

COMMISSION TO THE EARL OF ARGYLL, 1675.

Edinburgh, the 29th day of July 1675.

THE Lords of his Majesties Privy Councill, having granted a commission of Fyre and Sword, of the date the twenty-two day of July instant, against Lauchlain M'Laine of Brolois, Hector oig his brother, John M'Laine of Ardgower, Hugh M'Lain fiar thereof, Archibald M'Laine brother to the said John M'Laine of Ardgower, Allan M'Laine of Inverkavadill, John M'Laine of Kenlochallen, Hector M'Laine his sone, Charles M'Laine in Ardnacroiss, Lauchlan M'Charles in Moreineish, M'Allan M'Charles in Misheneisk, Donald M'Charles in Arroes his sone, and Hector and Ewin M'Laines, also his sones, Hector M'Laine fiar of Lochbowe, Hugh and Alexander M'Laines, brethrein to Kingerloch, Hector and John M'Quarries, uncles to M'Quarries of Ulva, David Ramsay in Beach, Commissar of the Isles, and Lauchlane M'Laine fiar of Torloisk, for their convocating the leidges in armes, garrisoning the house and fort of Carnbulg, and committing diverse acts of

hostility and ryot, in the Isles of Mull and Morvern and others ; for which, and for not appearing before the Earl of Argyll, Justice-General of Argyll and the Isles, and his deputees, to have answered therefore, they are declared fugitives. The saids Lords doe, notwithstanding of what is past, and of the saids crymes committed by the saids persones, hereby grant full power, commission or authority, to the Earl of Argyll, to offer the saids persones indemnity for bygones, provyding they immediately lay down their armes, and submit themselves to the lawes : But, if notwithstanding of the said offer, the saids persones continue obstinate, they ordain the said Earl of Argyll, to call to his assistance, such parties of the militia within the shire of Argyll as he shall think fit, to concurr and assist, in execution of the Commission of Fyre and Sword, direct against the saids persones. Extr. by me,

(Sic subscribitur)

THOMAS HAY.

Various legal proceedings follow during the next three years—now one side, now the other appearing to have some advantage—but all the while the Macleans seem to have been resisting Argyll and holding on to Kerneburg, notwithstanding the Offer of Indemnity made below.

XIV

EXECUTION of the OFFER of INDEMNITY.

UPON the 21st October 1678 years, I, Duncan Clerk, Messenger, past to the mercat-cross of Inveraray, head burgh of the sheriffdom of Argyll, and thereat, after three several oyesses, I openly proclaimed and read the act of the Lords of his Majestie's Privy-Council, daited the 10th of October 1678 years : whereby they give power, authority and commission, to Archibald Earl of Argyll, to offer indemnity to Lauchlan M'Lean of Brolos, and other persons his Majestie's rebels therein mentioned, for all by-gane crymes committed be them, providing they should immedi-

ately lay down armes and submitt themselves to the laws, as in the said act is more fully contained ; and also, I publickly read ane offer of indemnity, made and subscribed be the said Earl of Argyll, as having power, in manner foresaid, to the foresaids persons, rebels, upon the conditions above expresst ; and affixed and left copies of the said act of Council and Offer of Indemnity, made be the said Earl conform thereto, upon the said mercate-cross of Inverary, to the effect none might pretend ignorance. This I did conform to the said act in all points before thir witnesses, William Reed, Neil Campbell, John Ferguson, Scroll M'Dougall, all indwellers in Inveraray, and for the mair verification hereof, and indorsatione to this my execution, subscribed with my hand, my stamp is affixed.

(Signed) DUN. CLARK, *Messenger*.

XV

COMMISSION to the EARL of ARGYLL, 1678.

FORASMUCHAS the persons under written, *viz.* Lauchlane M'Lean of Brolois, Hector oig M'Lean his brother, (here follows the same names and narrative as in No. XII.)— And FORASMUCHAS, the said commission of fire and sword, granted against the said persons, being now expired, and the said suspension descust in manner foresaid ; and that yet the said Lauchlan M'Lean of Brolois, and remanent persons, rebels foresaid, have not submitted themselves to justice, but by open force and hostility oppose the execution of the laws, to the high and manifest contempt of his Majesty's authority : And the saids Lords having therefore granted a commission of fire and sword, of the date hereof, against the said Lauchlan M'Lean of Brolois, and remanent persons, rebels above written, They, notwithstanding of what is past, and of the saids crymes committed by the said persons, do hereby grant full power, authority and commission, to the Earl of Argyll, to offer to the saids persons indemnity for by-gones, pro-

viding they immediately lay down their armes, and submitt themselves to the laws. But if, notwithstanding of the said offer, the saids persons continue obstinate, the saids Lords ordains the said Earl of Argyll to call to his assistance, such parties of the mielitia within the shires of Argyll, Bute and Dumbartoune, as he shall think fit; as also his hail vassals, mentenants and servants, and such as are descended of his family, and their tenants, and all the mentenants and inhabitants living upon his estate, as well superiority as property, to concurr and assist in the execution of the commission of fyre and sword, derect against the saids persons, and to cause put in execution the letters of concurrence and intercommuning, of the date of these presents following thereupon. Extracted by me,

(Signed) AL. GIBSONE.

Argyll, however, got possession of Duart and some other parts of the estates, and the following rental was adjusted in January 1679.

XVI

FOLLOWS the RENTAL of MULL, as it was given up be the Bailies and Officers therein, in the Bailiecourt, holden at Dowart, 13th January 1679.

LANDS of TORISSAY, viz.

	£	s.	d.
Dewart, waist.			
Ardachort, waist.			
Barnasrais, of money	53	6	8
Of cheese 4 stone, butter 4 quarts, sheep 4.			
Glendan and Tornaskioch	80	0	0
Of cheese 4 stone, of butter 4 quarts, sheep 4.			
Achinacraig	160	0	0
Of cheese 4 stone, of butter 4 quarts, sheep 4.			
The one half possest be Kenlochalene's son.			
Gualchelis	80	0	0

Of cheese 4 stone, of butter 4 quarts, of sheep 4; the one half possest be John M'Ean vic Ewn vic Allan, Brolos pypar.	£	s.	d.
Ardindrochite	40	0	0
Of cheese 2 stone, of butter 2 quarts, sheep 2; the one half possest be the officer, rent-free for service.			
Glendanovachtrich, wast.			
Achateybeg, wast.			
Ardachdyll, wast.			
Ardewra, wast.			
Tornaskoichbeg, wast.			
Achneroish, wast.			
Torgormaig, wast.			
Barnasraivnagoman, wast.			
Glencannoir	53	6	8
Of cheese 1 stone, of butter 1 quart, of sheep 1.			
Gortenbuy	53	6	8
Clachaig	40	0	0
Knocktirmartein	53	6	8
The officer has the half rent-free for service.			
Skarisdill, Derrivoaig and Eorsay	73	6	8
Of cheese 3 stone, butter 3 quarts, sheep 2.			
Deissaig	26	13	4
Of cheese 2 stone, of butter 2 quarts, of sheep 2.			
Burrig	43	6	8
Of cheese 3 stone, of butter 3 quarts, sheep 3.			
<hr/>			
<i>Summa Torissay rent</i> £756 13 4			
<hr/>			

ROSS.

	£	s.	d.
Sheba	66	13	4
Of cheese 4 stone, butter 4 quarts, sheep 4, cashlaif 4.			
Skour	40	0	0
Cheese 2 stone, butter 2 quarts, sheep 2,			

	£	s.	d.
cash 2; the officer has as much for service.			
Kilvickewn	92	13	4
Cheese 2 stone 3 quarters, butter 2 quarts 3 chappins, sheep 2 and 3 parts of a sheep, cash 2 and 3 quarters.			
Seirphein	70	0	0
Of cheese 3 stone, butter 3 quarts, sheep 3, cash 3.			
Usken	19	6	8
With a quarter or 4th part of the foresaids presents.			
Ardchevaig	35	0	0
Cheese 1 stone ane quarter, butter 1 quart 1 chap. sheep 1 and ane quarter, cash 1 and 1 quarter.			
Ardachie	40	0	0
Cheese 2 stone, butter 2 quarts, sheep 2, cash 2.			
Knocknasenaig payes, conform to Brolois tack	40	0	0
Pennymore	0	0	0
Ardellaneish	35	0	0
With half a pressant.			
Teireragan	26	6	8
With thrie quarters of a pressant.			
Knockintuy	53	6	8
Ellanerratt	27	6	8
Feiddein	35	0	0
With a pressant, and the twa parts of a pressant.			
Salchurr, rent is	16	13	4
And the Tinkler's relict alledges to be rent frie for services.			
Creich	26	13	4
With twa pressants.			
Pottey	30	0	0
With a present and ane half.			
Ardinaig	51	13	4
With a pressant and ane half.			

Feirgeyll, Pat. M'Donald piper. hes this room.	£	s.	d.
Swey	33	6	8
With ane pressant.			
Bonessan.			
Ardtunichtrach	63	6	8
With ane pressant and ane half.			
Ardtunwachtrich, possest be Archibald Mc vic Ewn, Ardgour's brother.			
Assopol and Cronogart	53	6	8
Leywast.			

Summa Ross, silver-rent £846 13 4

BROLOISS.

	£	s.	d.
Gribown, of money	45	0	0
with half a pressant.			
Killomer	33	6	8
with a pressant and ane half.			
Ballenahein	31	6	8
with a pressant and ane half.			
Ballemeanich and Ardechreshinnish	40	0	0
Kilmichan	41	6	8
with a pressant and ane half.			
Kailzimoir, wast.			
Barrerach	18	0	0
with half a pressant and ane sheep.			
Ardvarignish	20	0	0
Wevall	26	13	4
with twa pressants.			
Kinlochskridan	68	0	0
with twa pressants.			
Pennygaell, Carsaig and Glenliddell	53	6	8
Pennycroiss	20	0	0
Killuntaig	0	0	0
Torranbeg, Torranovachtrich, and Torranich- trich	66	13	4

MACLEANS OF DUART

315

	£	s.	d.
Beach	26	13	4
Ormissaig it's possest be Broloss' son and his goods			
Kilphadrick	13	6	8
with a pressant.			
Inshkaynich	0	0	0
Feorlingnatayng, a part of the Inish	0	0	0
Carvalg wast	0	0	0
<hr/>			
<i>Summa</i> Brolois, silver-rent	£503	13	4
<hr/>			

ICALUMKILL.

Bolls

The 10 pound land of Icalumkill			
pays of Bear, in bolls called boll-beg, the number of	43	$\frac{1}{2}$	
		£	s. d.
And of money	190	0	0
with twa stons cheese, and 2 qrts. butter.			
<i>Nota</i> , Ilk boll-beg is 3 firlots, but at deliverie thereof, they pay ane Crear, which is 2 pecks, with ilk boll-beg.			

Summa Icolumkill, attour victual £190 0 0

AROSS.

£ s. d.

Arosmore, Killenalen, Leirbeig, Blaircharnan, and Tangie	106	13	4
Kentalen	0	0	0
Arle, possest be young M'Lean	0	0	0
his goods.			
Ardincross, Drimsyne, Lochnameull, Balleskat and Strone	133	6	8

	£	s.	d.
Lettirmore and Lettirbeig	40	0	0
Leadmore	53	6	8
Achtashennag and Derriveilter	0	0	0
possest be young Ardgour.			
Kaillechronan	40	0	0
Keilphubill	26	13	4
Kellin	40	0	0
Kailliemore	40	0	0
Achacharne and Acharennich	40	0	0
Crannich wast.			

Summa Aroiss, Silver-rent £520 0 0

ULVA.

	£	s.	d.
The 20 merk-land of Ulva payes only	466	13	4
Gometra, Askamull, and Corkamurr, of money	214	13	4
with 3 pressants, and the 4th part of a pressant.			

Summa Ulva £681 6 8

MORENNISH.

	£	s.	d.
Arivolochan	13	6	8
Dowchorren	13	6	8
Pennymore	66	13	4
Kilchreist	18	6	8
Swynepoill	13	6	8
Lagg, wast.			
Kailloch, wast.			
Arein rent frie.			
Innevey	26	13	4
Callagorie and Frackadill	53	6	8

Summa Morinish, silver-rent £205 0 0

For the following documents (xvii.-xx.) the Editor is indebted to Mr. Niall D. Campbell. They show how in February 1679 the arms of the Macleans were being surrendered, and how, having established himself in Mull, Argyll was preparing to extend his operations to Tiree and busy repairing Duart Castle.

XVII

RECEIPT by CAMPBELL of INVERAW for the
MACLEANS ARMS.

10th Feb. 1679 at Inveraray.

Receipt on paper by Archibald Campbell of Inveraw (on the endorsement as usual it is called M'Conochie¹ Receipt for the M'Laines armes) granting him to have received of the M'Laines their arms at several times 80 swords and 45 guns and from William Campbell 'Skipper' of my Lords 'frigget' for which he gave his receipt the number of 62 swords and 18 guns and from Lochnell of Lochbuys arms 43 swords and 32 guns. This is besides three pistolls 5 lochabir axes and two hundred swords which the granter also has in his custody. Which number of arms extends in all to 185 swords 95 guns 3 pistolls 5 Lochabir axes and 'ane two handed sword I obleidge me to be comptable for to the Earle of Argyll when he calls for ane accompt of the same at my hands. Wits. Dugall Campbell writer hereof servitor to the sd. noble Earl, and Mr. John Campbell of Moy.

A. CAMPBELL OF INVERAW.

XVIII

INSTRUCTIONS BY ARCHIBALD, 9TH EARL OF ARGYLL,
for the Captain of Dunstaffnadge.

Dunstaffnadge, 26th May 1680.

Imprimis: You are to signifie to any heritors or others of this shyre that comes heir how far they are to blame

¹ The Campbells of Inverawe were always known as M'Conochie, *vide ante*, p. 169, note 2. Archibald Campbell of Inverawe was made Governor of Duart.

that they did not keep the rendezvous and what difficulties they put themselves there to.

You are to appoint these that come to follow me to Tobirmorrie and you are upon receipts to give a peck of meal to each of the division of Argyll, Cowall and Kintyre. These of Lorne may very well provide themselves, seeing they have not kept the rendezvous till they come to tobirmorrie.

You are to take the readiest way to send the subscribed orders I have left with you to the several divisions.

You are to receive Colonel Megines his boat that Loup hath had this while past and deliver it to some gentleman that comes along to carry a freight of men the length of tobirmorrie.

You are to appoint such as cannot get boats from this to Cross at the ferry of Kerrara to Duart.

XIX

COPIE COMPT OF JOHN M'FARLANES WORK to the Earle of Argyll at Duart in May, June and July 1681 as John gives it in.

	£	s.	d.
Imprimis : ane rood bail [?] ane elne of sarking and skaiting to the centrie studie above the gate	10	0	0
Item for poynting a rood upon the said roome .	1	10	0
Item for poynting 17 rood on the old hall and stair thereof	22	13	4
Item for poynting tuo rood on the round and turnpyk the sume of £3 0 0	6	0	0
Item for skaiting a quarter of a rood thare £3 0 0			
Item for poynting 18 rood upon the new work .	27	0	0
Item for poynting 16 roods on the bigg tour head	24	0	0
Item for skaiting halfe ane rood of new work on the said toure head	6	0	0

Item for poynting 17 rood betuixt the tumpyke round of toure and the gallerie with the golden toure called <u>toure Innoire</u>	£	s.	d.
	25	10	0
Item for sklaiting halfe ane rood upon the Golden toure	6	0	0
Item for poynting four rood upon the taylzeor toure	5	6	8
Item for sklaiting a quarter rood on the said round	3	0	0
Item for poynting tuo roods upon the north cunzie round	3	0	0
Item for halfe a rood sklaiting on the said round	6	0	0
Item for poynting a quarter of a rood above the door of the toure	0	7	6
Item for 14 dayes work himself and other tuo men winning flaggs for laying the bartisans and poynting the same at 36 ^{sh} per day	25	4	0
Item for his own work tuo dayes in bringing 12 barrells of Lyme fra Dunstafnadge to duart	1	4	0
Item himselfe and tuo men goeing fra Inveraray to Duart	5	8	0
Item for 800 skailzie nailes	5	6	8
	<hr/>		
<i>Summa totalis</i>	183	10	2

XX

RECEIPT BY JOHN MACFARLANE.

Item paid be Mr. William Spens ¹ to Archibald Campbell of Inveraw ² which hee debursed to the said John Macfarlan when he was working at dowart in Januar 1681, for his dyet £32 14 8 and to the said Jon himself be the said Mr. William Spens fra the 7th Januar 1681 to the date of thir presents in-

¹ Secretary to Argyll.

² He was governor of Duart.

clusive of which the said Jon hes received fra the said Mr. William the particular receipts and given this for all. The sowme of Tuo hundred foure score sevine pund 5^{sh} 4^d. Extending the said tuo sowmes payed be the said Mr. William Spenss to the said Jon M'farlan and to the said Archibald Campbell of Inveraw for him to the sum of £319 19 8

I. M.

The documents that follow—Nos. XXI., XXII., XXIII., and XXIV.—are printed because of the light which they throw on the general situation, as well as on the particular struggle between Argyll and Maclean of Duart. The first two are taken from the *Register of Deeds*, while the other two are from Mr. Gregory's *Collections*, where they are described as being from the Ardgour papers.

The impression produced by the *Information* for Alan Maclean of Drimnin (*ante*, p. 246) is that the debt with which the Macleans were overwhelmed was due solely to the machinations of Argyll. That this, however, was not the case seems pretty clear from No. xx.

By 1637 Sir Lachlan Maclean was in such financial difficulties that he had practically placed himself under trust. He had let a great part of his estates to four tacksmen for cumulo rents, and they were to pay these rents not to him but to the trustees.

No. xxii. affords an exceedingly good and detailed illustration of the method by which the Argylls and other powerful families (*vide ante*, p. 245) sought to increase their influence, by inducing or forcing some smaller neighbour to abandon the position of as here a free baron holding *in capite* of the Crown for that of an ordinary vassal holding his lands in feu of a subject superior, by whom the barony was held of the Crown.

No. xxiii. indicates how, when opportunity offered, the yoke was thrown off.

No. xxiv. shows how Sir Alan Maclean, who unfortunately for his family died in 1674, was preparing himself for the struggle with Argyll.

XXI

OBLIGATION by JOHNE M'CLANE fear of Ardgour, CHARLES M'CLANE in Fiuarie, JOHNE GARVIE M'CLAINE in

Knockintoy, Commissar Depute of the West Yles, and DONALD M'CLANE in Calgarie, in favour of GEORGE, EARL OF SEAFORTH, SIR DONALD M'DONALD of Slait, JOHN M'CLAUD of Dunvegane, and Mr. ALEXANDER M'KENZIE of Culkowie, dated 30th July 1637 (*Register of Deeds*, etc., vol. 512, f. 283).

Be it kend till all men be thir present letters us Johne M'Clane fear of Ardgour, Charles M'Clane in Fiunarie, Johne Garvie M'Claine in Knokintoy [*sic*], Commissar depute of the West Yles, and Donald M'Clane in Calgarie, forsameikle as Sir Lawehlane M'Clane of Morverne, knyecht, hes set in tak and assedatioun to us and ilkane of us for our awine pairtis the landis and utheris efterspecifeit, for payment of the dewties eftermentionat, viz. to us the saids John and Charles M'Clanes the fiftie thrie merk ten shilling land of Morverne (except the towne and landis of Killentene and Antistill and landis of Ardtounes with the pairtis pendieles and pertinentis thareof) and als assignit to us the sowme of aucht hundrethe merkes money [to] be payt to us our airis or assignais be Allane M'Clane of Ardtornies for the Mertimes dewtie of his leivcing 1637 yeiris ; and als hes set to me the said Johne Garvie M'Clane the tuentie pund land of Rossy in Mull and certane landis in Brolos, and aucht merkland of Ardmenache execeptand the landis of Burge, and to me the said Donald M'Clane the remanent landis continet in the factorie maid thare-upoun ; togidder with the teyndis great and small personage and vicearage of the said Sir Lauehlane his landis in Mull Ulva Gomadra as he held the samen the last yeir, and that for the space of ane yeir nixt efter the enterie thairto, quhilk was and began at the feist of Witsunday last bypast, and fra thyne furth to induir to the feist of Witsunday nixtoeum j^m vj^c threttie aucht yeiris, with frie ische and enterie thairto, and with all and sindrie commodities fredomes easmentis and righteous pertinentis whatsumever perteing and belonging thareto, frelie quyetlie, etc. And becaus the said Sir Lauehlane hes set to us and everie ane of us the foirsaidis landis and teyndis,

and to ilk ane of us for our owne pairtis in maner abowevydit, be the sight and advyse of Sir Donald M'Donald of Slait, knyecht baronet, John M'Claud of Dunvegane, and Mr. Alexander M'Kenzie of Culkowie, haveing commissioun for ane noble and potent erle, George, Erle of Seafort, for that effect, and wha hes takine burding for defraying of the said Sir Lawehlane his debtis and burdinges and releiffing of his hous and estate, and present distres the samen is in, Thairfoire to be bund and obleist lyk as we be the tennor heiroy bind and obleis us and ilkane of us in maner underwrittine to content and pay the sowmes of money efter-specifeit ilkane of us for our owne pairtis in maner efterdevydit, viz. we the saidis Johne M'Claine fear of Ardgour and Charles M'Clane bindis and obleissis us conjunetlie and severallie our airis executors and assignais to content and pay to the saidis George, Erle of Seaforth, Sir Donald M'Donald of Slait, knyecht, Johne M'Claud of Dunvegane, and Mr. Alexander M'Kenzie of Culkowie, thair airis executouris or assignais, or to any persone in thair names haveand thair power reporters heiroy for the tak and assedatioun set to us and wther causes abowewrittine all and hail the sowme of thrie thowsand merkes good and usuall money of Scotland betuix the date heiroy and the feist and terme of Mertimes nixtoeum in this instant yeire of God j^m vj^c and threttie sevine yeiris, but longer delay, togidder with the sowme of tua hundrethe pundes money fairsaid of liquidat expenses incaice of failyie ; and als I the said Johne Garrow M'Clard [*sic*] bindis and obleissis me my airis executouris and assignais to content and pay to the saidis noble Erle, George, Erle of Seafort, Sir Donald M'Donald, John M'Claud and Mr. Alexander M'Kenzie, and thair fairsaidis, for my tak abowewrittine of the landis abowespecifeit, the soume of thrie thowsand merkis money fairsaid at the said feist and terme of Mertimes nixtoeum but farder deley, togidder with the sowme of tua hundreth pundes money fairsaid of liquidat expenses incaice of failyie ; and sielyk I the said Donald M'Clane bindis and obleissis me my airis executouris assignais successours to content and pay to the saids George, Erle of Seaforth,

Sir Donald M'Donald, Johne M'Claud and Mr. Alexander M'Kenzie, and thair abowewrittine the sowme of sex thowsand merkes money foirsaid at the said feist and terme of Mertimes abowewrittine, togidder with the sowme of foure hundrethe pundes money foirsaid of liquidat expenses incaice of failyie and not thankfull payment of the said principall sowme at the said terme; and for the mair securitie we ar content thir presentis be insert and registrat in the Bookes of Counsell and Sessioun to have the strenth of ane act and decreit of the Lordis thair of, with letters and executorialls of horning to be direct heirwpoune on ane simple chairge of sex dayis onlie, poynding and warding, in forme as effeiris, and constitutis Mr. James Miller our procuraturis promitten, de rato, etc. In wintnes quhair of, wrettin be Mr. Alexander Pacok, notar publict, we have subscribit thir presentis with our handis att Avak[?] - Avak the penult day of July the yeire of God j^m vj^c threttie sevine yeiris, befoir thir witnesses, Rorie M'Claud of Talliskaw, James Logy, wryter in Edinburgh, and Mr. Alexander Pacok, wryter heirof. *Sic subscribitur*, M'LAINÉ, fear of Ardgour; CHARLES M'CLAINE; D. M'CLAINE of Calligowie; JOHN GARVY; R. M'LEOD of Talloskar, wintnes; JAMES LOGY, wintnes; AL. PACOK, wintnes.'

XXII

CONTRACT between LORD LORNE and M'LEAN OF ARDGOUR, dated 19th December 1631 (*Reg. of Deeds*, etc., vol. 466, f. 149).

AT Haliruidhous the nyntene day of December the yeir of God j^mvi^c threttie ane yeiris it is apointit Contractit and finallie agreit betwix ane noble and potent Lord Archibald Lord Lorne on the ane pairt and Allane M'Leane of Ardgour here¹¹ Proprietar of the Landis and utheris underwrittin on the tother pairt in maner forme and effect following. That is to say forsamekle as certane of the said Allane his kinsmen having

maisterfullie and lawleslie intrudit themselffis in his landis and estait intending to debar him thairfra the said Allan¹ came and meanit his caus to ane noble Erle Archibald Earle of Argyle, Lord Lorne, quha having ane great respect for the said Allane his weill and the standing of his hous not onelie acceptit and keptit the said Allane in his Lordschippis awne cumpany² for divers yeiris Bot also be his Lo: greit travell paynes and moyane gat him legallie repossess in his saidis landis and estate. Lykeas the saidis Archibald Erle of Argyle and Archibald Lord Lorne and thair predicessouris have in tyme past be thair meanes and moyane furderit and advancit the said Allane and his predicessouris in all things concerning the weill and standing of thair hous and in all and sundrie utheris thair legall effaris and business at all convenient ocasionis. And the said Allane considering perfittlie and calling to mind the premisses with many other gratitudes plessouris and guid deidis thankfullie payit done and impendit to him and his predecessouris be the said Arch^d. Lord Lorne and his said father and thair antecessouris of gude memorie and being most willing and myndfull to give ane just requitall thair of; Thairfoir and for special love and affectioun qlk the said Allane hes and beiris to the said Arch^d Lord Lorne and for divers other ressonabill respectis, onerous causses and gude consideratiouns moving him and for the caus eftermentat, the said Allane M^cLeane of Ardgour be the tennour heirof bindis and obleissis him his airis alsweill maill of taillie and provisioun as of lyne and his assignais and successouris quhatsoever with all gudelic and convenient diligence to mak dew and lauffull resignatioun of

¹ When Allan Maclean was quite young his father was killed, and Ardgour was seized by his Uncle Charles. With the help of his relatives the Stewarts of Appin, and through the influence of the seventh Earl of Argyll, he ultimately recovered the estate, while Charles Maclean was provided with Inverscadel, *vide post*, p. 332.

² It is said that he was brought up at Inveraray. But whether this be so or not, the fact that he could not write his name (*vide post*, p. 333) suggests that the educational advantages which he derived from 'his Lordschippis awne cumpany' were somewhat limited.

all and haill the landis and baronie of Ardgour¹ underwrittin, viz. the ane merk land of Calp and Girvane, the tuentie shilling land of Dusley, the ane merk land of Auchinsobill and Transek, the ane merk land of Stromgragane and Clavet zelk, the ane merk land of Blairboy and Corebeg, the ane merk land of tua Innerseanviltillis, the ane merk land of Camleffin and Crandellich, the ane merk land of Archlan and Auchnames, the ane merk land of Landnavers and Craigvartane, the ane merk land of Narauchane and Lakerth, the tuentie shilling land of Danedothe and Altezovie, the ane merk land of Kilboden, the tua merk and ten shilling land of Cullie, the tuentie thrie shilling four pennie land of Sallachanbeg, the tua merk land of Sallachanmoir, the tua merk land of Inner-sanda and Innerbrakatill, the half merk land of tua Bruakillis and Clashannik, extending in the haill to tuentie tua merk land, with towres fortalices maner places mylnis fishingis in the salt and freshe watteris toftis croftis annexis connexis pairtis pendiclis outsettis doweattis tennentis tennandreis and service of frie tennentis, with the wodes and forrestis of the samyne, and all and sindric pertinentis thairof, lyand within the lordship of the Yles and schirefdome of Innernes, in the handis of the richt heich richt excellent and most mychtie prince Charles be the grace of God, King of Great Britane, France and Ireland, defendar of the faith, or his Hienes successouris, or in the handis of his Majesteis commissioneris of the kingdome of Scotland having powar to ressave resignationis of landis haldin of his Majestie and to grant new infestmentis thairupoun as in the handis of the sade Allane his most lauchfull indoutit immediat superiouris thairof, and

¹ The Macleans originally held Ardgour from the Lords of the Isles. In 1536 a new grant was made by James v. to John Makcarlich *filio et heredi quondam Makcarlich M'Erwin* of the lands held by him and his predecessors in respect that his title-deeds had perished in the troubles by which these regions had been afflicted, and in 1546 his estates were erected into a barony. His father would seem to have been illegitimate, for in 1549 Hector Maclean of Duart received a charter of Ardgour which was in the Queen's hands as *ultima heres* of John M'Carlich. By Hector Maclean Ardgour is understood to have been restored to the heir male of the family.

that in special favoris of the said noble lord, Archibald, Lord Lorne, his airis maill and successouris quhatsomever, and for new heretabill and irredemable infestment to be maid gevin and grantit be our said soverane Lord or his abouewrittin to the said Archibald, Lord Lorne, and his foirsaidis, of the saidis landis and barony of Ardgour with the pertinentis of the samyne abouespeifeit under his Majesteis great seall in dew and competent forme, to be haldin of his Hienes and his successouris sielyk and als frelie in all respectis as the said Allane or ony of his authouris and prediessouris heretouris thairof held or haldis the samyne thameselffis of befoir; lyke as the said Allane bindis and obleissis him and his foirsaidis to mak seill subsryve and deliver to the said Archibald, Lord Lorne, and his abouewrittin, all procuratoreis of resignatioun neidfull maid in ample forme for thair securitie of the premisses, and to that effect the said Allane M'Leane of Ardgour hes maid constitut and ordanit and be thir presentis makis constitutis and ordanis Mr. William Douglas, anc of the ordinar maissaris of his Majesteis Counsall and Exechequer, and ilkane of thame conjunctlie and severallie his verie lauffull indoutit and irrevocable procuraturis actoris factoris and speciall erand beraris to the effect underwrittin, gevand grantand and committand to thame or ony of thame his verie full frie plane powar expres bidding mandement and charge for him in his name and upoun his behalf to compeir befoir the said richt heich richt excellent and most myehtie prince Charles be the grace of God King of Great Brytane, France and Ireland, defendar of the faith, the said Allane his most lauchfull indoutit immediat superior of the landis and utheris aboue and underwrittin, or his Hienes successouris, or befoir his Majesteis commissioneris of the said kingdome of Scotland having powar to ressave resignationis [of landis] haldin of his Majestic and to grant new infestmentis thair-upoun, and thair quhatsomever day or dayis, place or places lauchfull and convenient with all humilitie condigne reverence and submissioun requisite as becomes be staff and bastoun as use is purelie and simplicie to resigne renunce

surrander dimitt frielie and *simpliciter* upgive and ourgive fra the said Allane his airis and assignais foirsaidis all and hail the foirsaidis landis and baronie of Ardgour aboue and underwrittin, viz., the foirsaidis landis of Calp' [*etc., as above*] 'with towres' [*etc.*] 'lyand as said is, togidder with all richt and title heretabill and all uther richt and title quhatsomever competent to the said Allane thairto, in the handis of our said soverane Lord or his Hienes successouris or in the handis of his Majesteis commissioneris abouewrittin having powar as said is, as in the handis of the said Allane his most lauchfull indoutit immediat superiour thairof abouespecifeit and that in speciall favoris of the said noble lord, Archibald, Lord Lorne, his airis maill and successouris foirsaidis, and for new heretabill and irredemable infeftment of the samyne to be maid gevin and grantit be our said soverane Lord or his foirsaidis to the said Archibald, Lord Lorne, and his abouewrittin, under his Majesteis great seall in dew and competent forme, to be haldin in maner aboue specifeit; lykeas the said Allane M'Leane of Ardgour now as than and than as now be the tennour heirof resignis renuncis surranderis dimittis frielie and *simpliciter* upgevis and ourgevis fra him and his foirsaidis all and hail the foirsaidis landis and baronie of Ardgour comprehending the landis mylnis wodes forrestis fishingis and utheris speciallie and generallie abouementionat with the pairtis pendielis and pertinentis of the samyne abouespecifeit extending and lyand as said is, togidder with all richt and title heretabill and all uther richt and title quhatsomever competent to him thairto, in the handis, in favoris and to the effect abouementionat, and thairupoun actis instrumentis and documentis to ask lift and raise, and generallie all and sindrie uther thingis to hant use and exerce anent the premisses that to the office of procuratorie of the law and consuetude of this realme in such caisses necessarlie is knowne to pertene and that the said Allane mycht do thairin him selff gif he war personalie present, firme and stable haldand and for to hald all and quhatsomever thingis his saidis procuratouris or ony of thame in the

premisses richteouslie dois under such panes as ar in the lawis prescryvit; quhilk procuratorie of resignatioun abouewrittin, all and hail the saidis landis and baronie of Ardgour comprehending the particular landis wodis mylnis fishingis forrestis and utheris speciallic and generallie abouementionat, with pairtis pendielis and pertinentis of the samyne abouespecifeit, the said Allane M'Leane bindis and obleissis him his airis successouris and assignais foirsaidis to warrand acquiet and defend to the said noble lord, Archibald, Lord Lorne, his airis maill and successouris abouespecifeit, in all and be all thingis as is abouexpremit, fra the said Allane his awne proper factis and deidis allanerlie, and to deliver to the said Archibald, Lord Lorne, the said Allane his awne infeftment and seasing of the saidis landis and baronie of Ardgour, with the hail auld writtis and evidentis thairof maid in favoris of his authoris and predieessouris being in his handis or that he can get concerning the securitie of the samyne, upoun ane sufficient inventar to be maid thairof bering ane band binding the said noble Lord and his abouewrittin to mak the samyne writtis and evidentis furtheummand for defenece of the ground richt and propertie of the landis and barony abouespecifeit in all tyme heirefter; and it is provydit heirby betuix the saidis pairteis that the infeftment foirsaid to be past and exped at the handis of our said soverane Lord, superior abouenamit, in favouris of the said Archibald, Lord Lorne, salbe past exped done and performit be the said noble Lord and his foirsaidis upoun thair awne proper moyane charges and expenses; and the said noble lord, Archibald, Lord Lorne, being sua dewlie and heretablie infeft and seasit in the landis and baronie abouewrittin haldin immediatlic of our said soverane Lord the Kingis Majestic, he salbe bund and obleist to sett in perpetuall few and heretage heretablie latt and dimitt, lykeas he now as than and than as now be the tennour heirof settis and in perpetuall few and heritage heretablie and irredemablie lattis and dimittis to the said Allane M'Leane of Ardgour in lyfrent during all the dayis of his lyfytyme and efter his deceis to Johne M'Leane his eldest

lauffull sone and apperand air in fie, his airis maill and assignais quahatsomever, all and hail the foirsaidis landis and baronie of Ardgour aboue and underwrittin, viz. the said ane merk land of Calp' [*etc., as above*] 'with touris' [*etc.*] 'togidder with the offices of bailliarie, crownarie and officiarie within the boundis of the saidis hail landis and barony of Ardgour, and all and sindrie liberteis privileges casualteis and commoditeis justlie appertening and belonging thareto; lykeas the said noble lord, Archibald, Lord Lorne, be the tennour heirof bindis and obleissis him his airis successouris and assignais quahatsomever to instantlie infett and seas dewlie and sufficientlie the saidis Allane M'Leane of Ardgour in lyfrent and Johne M'Leane his eldest lauchfull sone and apperand air in fie his airis maill and assignais foirsaidis heretable and irredemable as said is in all and hail the saidis landis and barony of Ardgour contening and comprehending the particular landis mylnis wodis fishingis forrestis and utheris respective and particularlie abouewrittin with the pairtis pendiclis and pertinentis of the samyne aboue specifeit extending and lyand as said is, togidder with the saidis offices of bailliarie Crownarie and officiarie within the hail boundis of the samyne land and baronie, with the liberteis privileges profitis and commoditeis thairof aboue mentionat, be ane sufficient chartour and infettment of few ferme *titulo oneroso* with preceptis of seasing and seasing following thairupoun in dew and competent forme, to be haldin of the said Archibald, Lord Lorne, his airis maill and successouris in few ferme and heritage for ever for yeirlye payment to the said noble Lord and his foirsaidis of the sowme of sevintene pundis gude and usuall money of Scotland at ilk feist of Mertymes in name of few ferme and for payment of the dowble of the said few dewtie the first yeir of the entrie of ilk air to the landis and baronie abouewrittin succeeding to the said Johne M'Leane now fear thairof as use is of few ferme, with this provisioun alwayes to be contenit in the said infettment, lyke as it is expreslie provydit be the tennour heirof, that albeit it salhappin the said few dewtie to rin be the space of tua thrie four fyve or

mae yeiris and termes togidder unpayit, that the nonpayment thairof salbe no resson nor caus competent to infer nullitie reductioun tinsall or amissioun of the foirsaid infestment of few ferme at any tyme heirefter, nochtwithstanding quhatsomever actis of Parliament, lawis or practieque of this realme maid or to be maid in the contrair; but prejudice alwayes to the said noble Lord or his foirsaidis to caus *brevi manu* but proces of law poynd distreinzie and appryse the reddiest gudes and geir being on the ground of the saidis landis and baronie or ony pairt thairof for the said few dewtie alsoft and sua oft as neid beis without ony hasard or perrell of law quhatsomever, and but prejudice to the said noble Lord and his foirsaidis anent the executioun of the personall obleisment efter-specifeit aganis the said Allane and his foirsaidis for the said few dewtie; quhilk heretable locatioun and few infestment sall expreslie beir and contene all clauses and conditionis necessar in most ample forme, and speciallic the clause of warrandice underwritin, lykeas the said noble Lord now as gif the said few infestment war alredie past and exped and than as now be thir presentis bindis and obleissis him his airis successouris and assignais foirsaidis to warrand acquiet and defend to the said Allane M'Leane of Ardgour in lyfrent and Johne M'Leane his eldest lafull sone and air apperand in fie, his airis maill and assignais foirsaidis heretable all and hail the foirsaidis landis and baronie of Ardgour comprehending the particular landis mylnis wodis fishingis forrestis and utheris respective and particularlie abouewritin with pairtis pendiclis and pertinentis of the samyne speciallic and generallie aboue mentionat, lyand as said is, togidder with the saidis offices of bailliarie, crownarie and officiarie of the samyn, with the privileges and commoditeis of the samyne abouespecifeit, to be frie saiff and sure fra the said noble Lord and his foirsaidis thair awne proper factis and deidis allanerlie heirefter, and to mak seall subscribe and deliver to the said Allane M'Leane in lyfrent and Johne M'Leane his sone in fie and his abouewritin all chartouris preceptis of seasing and utheris evidentis necessar for thair

securitie of the premisses, and to reiterat and renew the samyne alsoft and suaoft as neid beis or as the said noble Lord or his foirsaidis beis requirit thairto, and ay and quhill the samyne be fund surelie and perfitlie done, kepand alwayes the groundis substance and warrandice abouewrittin; off the quhilk few dewtie of sevintene pundis gude and usuall money foirsaid the said Allane bindis and obleisses him to mak gude and thankfull payment to the said noble Lord and his abouewrittin at the said feist of Mertymes yeirlic, begynnand the first yeiris payment thairto at Mertymes nixt in *anno* j^m vj^e threttie tua yeiris and so furth yeirlic thairefter in all tyme comeing; and the said noble Lord bindis and obleissis him his airis maill and successouris foirsaidis nawayes to ly out unenterit to the superioritie of the landis and barony abouewrittin in hurt and prejudice of the said Allane M'Leane, Jhone his sone and his foirsaidis, bot to purches procure and obtene thameselfis to be dewlie enterit infest and seasit thairintill successie efter otheris at the handis of our said soverane Lord and his Hienes successouris, superiouris thairto, in dew and convenient tyme, and to enter and ressave the airis maill of the said Johne M'Leane as immediat vassellis to the said noble Lord and his foirsaidis in the saidis landis and baronie of Ardgour with the pertinentis thairto abouewrittin, togidder with the offices abouespeifeit, privileges and commoditeis foirsaidis belonging thairto, be preceptis of elare constat or sic uther forme as agreis with the lawis and practieque of this realme, at quhatsoever tyme or tymes it salhappin the said noble Lord and his foirsaidis to be requirit or desyrit to that effect be the saidis airis male or ony in thair names, and that frelie but ony gratitude or gude deid to be payit done or impendit thairto, exceptand the payment of the dowble of the said few dewtie allanerlie extending to threttie four pundis Scottis money; and it is expreslie provydit heirby betuix the saidis parteis that this present contract sall nawise be hurtfull nor prejudiciall to the said Allane M'Leane of Ardgour nor his foirsaidis anent thair richt and title to the superioritie of that pairt and portioun of the

said baronie of Ardgour disponit be him in favouris of umquhile Allane M'Charles V'Cleane¹ and now possest be Ewne M'Allane V'Charles, V'Leane his sone and air, haldin immediatlie of the said Allane and his foirsaidis, nor anent all actioun competent or that may be competent to the said Allane and his foirsaidis aganis the said air for his warde nonentric mariage and releiff or utherwayes as accordis of the law ; with this declaratioun that the foirsaid provisioun salbe no ratificatioun nor approbatioun of the pretendit richt grantit be the said Allane to the said umquhile Allan M'Charles V'Cleane thairanent, bot that it salbe lesome to the said Allane and his foirsaidis to quarrell impugne reduce and call the same in questioun as thay may of law, and to obtene the ground richt and propertie thair of to him selff and his foirsaidis gif legallie he can ; and finallie the said noble Lord faithfullie bindis and obleissis him to purches procure and obtene himselff to be dewlie infeft and seasit in the saidis landis and baronie of Ardgour be ane sufficient chartour of resignatioun under his Majesteis great seall with precept and seasing following thairupoun proceding upoun the procuratoric of resignatioun foirsaid contentit in this present contract, and that befor the first day of May nixt-tocum, and the samyne being done the said noble Lord bindis and obleissis him and his foirsaidis incontinent thairefter gif neid beis to ratific approve and renew this present contract in favour of the said Allane M'Leane, Johne his sone and his foirsaidis, for thair better securitie anent the premisses ; and for the mair securitie baith the saidis pairteis ar content and consentis that thir presentis be insert and registrat in the buiks of our soverane Lordis Counsall and Sessioun and decernit to have the strenth of ane decretit of the Lordis thair of interponit thairto, with letters and executoriallis of horning pointing and warding, the ane but prejudice of the other, to pas and be direct thairupoun, and the horning to pas upoun a single charge of sex dayis onlie, and heirto constitutis Mr. Alexander Cummyng and David

¹ *Vide ante*, p. 324, note.

Hereot thair procuratouris, *promittente de rato* : In witnes quhairof baith the saidis pairteis hes subscrivit thir presentis with thair handis as followis, writtin be Duncane Duncansone, servitour to George Campbell, schiref clerk of Argyle, day, yeir and place foirsaidis, befor thir witnesses, Colene Campbell of Clwneis, Hector M'Neill of Thyneis, Archibald Campbell of Dunstafnich, Mr. Alexander Colvill of Blair, Justice Depute, Mr. Robert Barclay and Robert Shaw, servitouris to the said noble Lord.

Sic subscribitur : LORNE.

I Allane M'Cleane of Ardgour abouewrittin with my hand at the pen led be the notaris undersubscrivand at my command becaus I can nocht writ my selff :

De mandato dicti Allani M'Cleane scribere nescientis ut asseruit, Ego Georgius Campbell notarius publicus subscribo. Ita est Andreas Darling connotarius in premissis de mandato dicti Allani M'Cleane scribere nescientis ut asseruit, etiam requisitus.

A. COLVILL, witnes ; C. CAMPBELL, witnes ; A. CAMPBELL of Dunstafnich, witnes ; H. M'NEILL, witnes ; Mr. ROBERT BARCLAY, witnes ; ROBERT SHAW, witnes.'

Following upon this transaction Lord Lorne obtained a charter under the Great Seal of *inter alia* the lands and barony of Ardgour, dated 4th February 1632.

XXIII

LETTERS OF CERTIFICATION AND ASSURANCE
by JAMES, MARQUESS OF MONTROSE, Captain-General
and Lieutenant-Governor of Scotland, 1st September
1645.

(Gregory *Collections*, vi. p. 15.)

WHEREAS Allan M'clean of Ardgour and his predecessors having holden the said Lands and Barony of Ardgour

with the pairts pendicles and pertinents thair of of his Majestie and his predecessors of ane lang tyme by past until such tyme as the Marques of Argyle having oppressed him by violence did force him to disclaim the foresaid holding and ryeht from his Majestie and take the same holden of the said Marquis of Argyle and his airs in all tyme coming contrary to all law equitie and reasone and in hie contempt of his Majesty usurping his royall prerogative and committing thereby manifest and hie treasone and since the said Allan M'clean of Ardgour hath declaired himself faithfull in his Majesties service and followed us thairin we doe thairfoir by pöwer and authoritie graunted by his Majestie to us, by these presents certify and assure the said Allan M'clean of Ardgour that we shall purchase and procure the foirsaid lands and Barony of Ardgour to be holden by the said Allan M'clean of Ardgour and his airs of his Majestie and his successors under his Majesties hand and seall at ane convenient occassione hereafter when it shall please God to settle the present troubles. And in the meantime we by power and authoritie foirsaid do by these presents Repone the said Allan M'clean to his former holding of his Majestie and his successors, as if he had never been forced nor compelled to change the same or as if the said holding had never been altered. Whereanent these shall be to him ane warrand providing always that the said Allan M'clean and his foresaids continew their faithfulness and loyaltie to his Majesties service uthirwayes thir presents to be null. Given at our Legar at the Kirktown of Bothwell the first day of September 1645.¹

(*Sic Subr.*) MONTROSE.

On the forfeiture of the ninth Earl of Argyll this promise was fulfilled, and a Crown charter, dated 12th December 1685, was granted to Alan Maclean, eldest lawful son of Evan Maclean, eldest son of John Maclean of Ardgour, son of the deceased Alan Maclean

¹ The battle of Philiphaugh was fought on 13th September 1645.

of Ardgour, under which the Macleans once more held Ardgour directly of the Crown.

XXIV

AGREEMENT between SIR ALLAN M'LAINÉ of Dowart and JOHN M'LAINÉ of Ardgour and HEW M'LAINÉ, his eldest son, dated 8th March 1671.

(Gregory *Collections*, vi. p. 9.)

AT Fiunarie, March 8, 1671, It is agreed and mutually concluded betwixt the ryt. hon^{ble} S^r Allan M'Laine of Dowart on the one pairt and Jhon M'Laine fiare of Ard-gore and Hew M'Laine his eldest lawful son on the other pairt in maner following. That is to say We the said Jhon and Hew M'Laines for the favour and deutifull respects we owe to and carie towards the said S^r Allan our Cheiff and for certain good deeds done and to be done be him to us are most willing to adhere to and follow him and spend our lives and fortunes against all and sundrie the King's Majesty only excepted. Witt ye us therefore the said Jhon and Hew to be bound and oblist Likeas We be the tenor heirof binds and obliges us conjunctly and severally our airs and successors to faithfully serve the said Sir Allan and his [*sic*] and follow him with all our men might and power against all his oppressors whatsomever bot particularlie against the Earl of Argyle and if need bees to spend our lives and fortunes in his and his successors service against all deadlie the King's Royal Majestie onlie excepted as said is. In recompence whereof I the said Sir Allan doth by thir presents bind and oblige me my heirs and successors to faithfully perform to the said John and Hew such articles as follows and in maner following agreed to by both parties. That is to say the said Sir Allan doth bind himself as said is to assist *shecur* [succour] and defend the said Jhon and Hew and their followers against all and sundrie and especially the Earl of Arygle and funder if the said Jhon and Hew shall chance to loose their lands or heritage for the adhering

to my person or order against the said Earl then and in that caice I oblidge me and my foresaids to give them ane merk land for each merk land they shall loss therthrow if we have it of our proper heritage. Lykewayes it is agreed concerning ane band of 2000 merks granted be the said Jhon M'Laine fiare of Ardgore in help and gratuity to the said Sir Allan beiring annual rent from the date as the said band at mair lenth proports the said Sir Allan be thir presents discharges the annual rent thereof for all preceding and future terms in maner following if it please God Argyle and M'Laine settle and agree and that the said Sir Allan shall throw his moyan and settlement with the said Erle get the said Jhon and Hew free of anie mullet to be given to the said Erle of Argyle except feuduties then and in that caice the said Jhon and Hew are obliged to pay the said principal sum of 2000 merks to the said Sir Allan ; but if need bees that the said Jhon and Hew must enter in composition with and are compelled to pay the said sum more or less to the said Erle throw the failing of the said Sir Allan his moyan therein Then and in that case the said Sir Allan is hereby bound to give and deliver the said band to them for their exoneration. Only it is hereby provided that when the said Sir Allan stands in need of it for payment of debts and the rest of kinsmen yrfor [*therefore* but this word doubtful] burdend that they shall advance as much helpe to him of their means as they shall be able, equivalent as other friends conforme to their power : As also it is condiscended on that immediately after the settling of differences betwixt Argyle and M'Laine and their performance punctually of the abovewritten obligation the said Sir Allan is hereby bound to give ane full and ample discharge to the said Jhon and his of all his intronmissions with my estate as Tutor¹ to me ; but if it shall happen (as God forbid) that the said Sir Allan shall depart this mortal life ere the said Erle and he settle. Then in that case thir presents shall be ane full and sufficient dis-

¹ *Vide ante*, p. 248.

charge to them of the foresaid intromission and oblige me and my foresaids thereunto discharging and exonerating them of all pursuits thereof for now and ever, providing always they inviolably keep the tenor of the premises : and for the better preservation heirof we are both content and consents ther presents be insert and registrat in the books of Councill or Session to that effect constituting
our Prors In witness whereof *written*
day and place foresaid *be the said Sir Allan M'Laine* we have subscribed thir presents before thir witnesses Lachlan M'Laine of Brolos and Mr. Hector M'Laine Min^r in Morven.

MACLAINE

J. M'LEANE feir of
Ardgo^r.

(*Sic subscribitur*) EWIN M'LEANE, Younger
of Ardgour.

L. M'LANE of Brolos,
Witness.

H. M'LAINÉ, Witness.

It might have been thought that the forfeiture of Argyll in 1681 would have resulted in the triumph of the Macleans. But its only effect was to transfer what Argyll had acquired to the Crown as part of his forfeited estates! And the Revolution of 1688, which resulted in the restoration of the House of Argyll and the flight of Sir John Maclean to France,¹ made an end of the matter.

Sir Allan Maclean made good his claim to the lands of Brolos, which were in a different position from the rest of the Duart estates, but otherwise the action failed.

It is, however, satisfactory to note that in 1912 his representative, Sir Fitzroy Donald Maclean, had the good fortune to become possessed of part of his ancestral estates, including the ancient Castle of Duart.

¹ *Vide ante*, p. 249.

INDEX

With regard to many of the personal names in the text, it is impossible to say whether they are proper surnames or merely patronymics. The index must not be taken as indicating any view on such questions as e.g. whether the person entered as MacNeil Donald Dow vic Dougal is a Macneil or a Macdougall, or perhaps a Maclean. Its object is merely to aid the reader in finding the persons, places, etc., mentioned in the preceding pages.

- ABASES, ANDREAS, of Spitewood, 201.
 Abberarde, Islay, 83.
 Aberardie, 130.
 Aberchalladers, 130.
 Abertarf, 55, 202.
 Ach. *See also* Auch.
 Achavulling, 161 and *n*, 162.
 Achinyynyde, 111 *n*.
 Achnacroich, 257, 260, 284, 312, 351.
 Achtashennag, 316.
 Achyuran of Glensheal, 215.
 Agnes, daughter of William the Lion, 201 and *n*.
 Aird, 201, 252, 279.
 Airdyne, 252.
 Albany, Robert, duke of, 28-30, 33, 82, 121.
 Alexander I., 120.
 Alexander II., 120 *n*, 199, 202; grants lands in Argyle to Gillascop Macgilcrist, 107 *n*.
 Alexander III., 106, 209; charter by, appointing Gillechrist Macnaughtan, keeper of Fraoch-Elan castle, 107 and *n*.
 Alexander de Ergadia, 15 *n*.
 — lord of the Isles, 14 and *n*, 84.
 — thane of Argyle, 17.
 — brother of Angus, lord of the Isles, 15.
 — Durach, 16.
 Alistair Moir Mac Ean vic Connochie, 234.
 Allan M'Ean alrech, 300.
 — M'Ean vic Ewin, 287.
 — M'Eun vic Ean, in Barr, 302.
 — Mac Vich Allan, ancestor of Lochiel, 5.
 Altezovie, 325.
 Amoir, 302.
 Anderson, James, 137.
 Angus, ancestor of the Robertsons in Athol, 13.
 — Mor, lord of the Isles, 14 and *n*.
 — Oig, lord of the Isles, 14 *n*, 51.
 — son of Ranald, ancestor of the Robertsons, killed at Dunelike, 15.
 — Archibald, earl of, 99.
 — William Douglas, earl of, 132.
 Anochitey or Regland, 252.
 Antistill, 321.
 Aramurr, 255.
 Archagavill, 301.
 Archalastill, 301.
 Archalnachrick, 286.
 Archery in Scotland in 1627, 113-116.
 Archibald M'Ean vic Illespie, in Tornodiu, 300.
 — M'Eun duy, 301.
 — John, 169 and *n*, 173.
 Ardacheybeg, 259.
 Ardachie, 254, 259, 281, 313.
 Ardachort, 311.
 Ardalleness, 254.
 Ardchalmes, 259.
 Ardchanaeg, 254.
 Ardchattan priory, 86 *n*.
 Ardchevage, 254, 281, 297, 313.
 Ardcheyll. *See* Ardochoyle.
 Ardchillamish, 297.
 Ardchreshinnish, 314.
 Ardeach, 301.
 Ardechoirk, 283.
 Ardeichaig, 231.
 Ardellaneish, 281, 313.
 Ardenichtrach, 258.
 Ardenro, 257.
 Ardenteber, 259, 261, 286.
 Ardenwachtrah, 258.
 Arderbitnes, 252.
 Ardersier, 129, 137; church, 130; temple lands, 133.

- Ardewra, 284, 300, 312.
 Ardfinnag, 258, 282, 313.
 Ardgour, 27, 324 *n*, 325 and *n*, 326-334.
 Ardincross, 315.
 Ardindroch, 257, 260.
 Ardindrochite, 251, 272, 283, 300, 312.
 Ardinesover, 253.
 Ardkinglass, 153, 160, 164.
 Ardlair, 226.
 Ardlunness, 245.
 Ardmeanoch, 202, 206, 255, 276, 321.
 Ardnacapell, laird of, 178.
 Ardnacreyfe, 302.
 Ardnacroish, 258, 277, 304, 307, 308.
 Ardnadraeghs, 251.
 Ardnamurchan, 12, 13, 17, 40, 60.
 Ardneschnether, 253.
 Ardno, 182.
 Ardochar, 297.
 Ardochoyle, 251, 257, 284, 300, 312.
 Ardskalareish, 255.
 Ardtoresh, 21, 27, 253, 261, 287.
 Ardtounes, 321.
 Ardtounish-nether, 298.
 Ardtounish-over, 298.
 Ardtunichtrach, 314.
 Ardtunwachtrich, 282, 314.
 Ardunaig, 298.
 Ardvarignish, 299, 314.
 Ardveanish, 255, 259, 260, 285.
 Arehanlan, 325.
 Argyll, Agnes Keith, countess of, 144.
 — earl of, 48, 49, 131.
 — Archibald, 2nd earl of, 99, 126.
 — — 4th earl of, 129.
 — — 7th earl of, 144, 149, 156 and *n*, 166-168 and *n*-170, 172 and *n*, 173, 324 and *n*; conspiracy against his life, 175-177, 180-190.
 — — 8th earl and 1st marquis, 246-248; his contract with M'Lean of Ardgour, 323-333.
 — — 9th earl of, 248, 334 *n*, 337; decret of maills and duties in an action against the Macleans in 1672, 251; obtains decret of removing against the Macleans, 260; executions of deforcement, 261; articles of agreement with Maclean of Brolos, 275; caption against John M'Lean and others (1675), 296-303; power given him to treat with the Macleans, 308-310; his instructions to the captain of Dunstaffnage, 317; John M'Farlane's account for work at Duart, 318-319.
 — Colin, 1st earl of, 112.
 — — 6th earl of, 144.
 Argyll, John, duke of, defender in an action by Alan Maclean of Drimnin, 245, 250, 251.
 Ariguan, 217, 227, 235.
 Arine, 258, 279, 316.
 Arisaig, 26, 110.
 Arlie, 258, 302, 315.
 Arlive, 278.
 Armadie, 159.
 Arnabbir, 253.
 Aros, in Mull, 25 *n*, 45, 65, 98, 245, 248, 252, 254, 255, 277, 294; rental, 277, 315.
 Arosmore, 257, 278, 315.
 Arrevolchenie, 258, 280, 301, 316.
 Arthure, John, advocate, 158.
 Artinortanish, 302.
 Assaboll, 254, 258, 282, 298, 314.
 Asswanley, 122.
 Athole, John, earl of, 49-51.
 — Patrick, earl of, 32 *n*, 199 and *n*.
 — Walter, earl of, 32 and *n*.
 Auchacha, 252.
 Auchacharie, 301, 302.
 Auchacharne, 258, 259, 279, 287, 316.
 Auchachrenich, 252, 258, 301, 316.
 Auchagavalla, 259, 286.
 Auchalochrach, 259.
 Auchananich, 279.
 Auchatakerran, 257.
 Auchatashenag, 278.
 Auchauist, 301.
 Auchdonill, 252.
 Aucheleiane, 252.
 Auchinsobill, 325.
 Auchitarrane, 253.
 Auchitybeg, 257.
 Auchnacraig, 257, 272, 283, 300, 311.
 Auchnames, 325.
 Auchnatibert, 302.
 Auchtabeg, 251, 260, 284, 300, 312.
 Auchterlies, 200.
 Auckerach, 236.
 Auldearn, 134; battle of, 213, 228.
 Auloyten, 259.
 BACHORE, 302.
 Bacon, sir Edmund, of Garboldisham, 138.
 — Sarah, 138.
 Baiglie, 288.
 Baillie, Alex., of Dunain, 136.
 Bain, Alexander, of Inchveanics, 212.
 — John, of Knockbain, 228, 235.
 — — son of John Bain of Knockbain, 228.
 Balfour, George, of M'Corranstoun, 161 and *n*, 162, 173.
 Ballanachian, 261,

- Ballaskait, 258, 277, 302, 315.
 Ballefulssie, 255.
 Ballemeanach, 289, 297, 314.
 Ballemoir, 254, 301.
 Ballenacheyne, 252, 314.
 Ballenairagainich, 290.
 Ballenoe, 288, 297.
 Ballepaig, 58.
 Ballephetris, 253, 291.
 Ballifuill, 289, 297.
 Ballimacken, 209.
 Ballimartin, 255, 289, 297.
 Ballinahard, 299, 301.
 Ballinchagonich, 296.
 Ballinrenoch, 299.
 Balliphelis, 296.
 Balliwilling, 253, 290, 296.
 Ballwag, 291.
 Balnain, 230, 231.
 Balquhane, 177.
 Balsagarie, 252.
 Balsoy, 259.
 Banchor, 120 *n*, 123.
 Banegoill, 253.
 Bannockburn, battle of, 16.
 Barber, John, his *History of King Robert the Bruce*, 108, 109.
 Barbryane, 251.
 Barclay, Robert, 333.
 Bar Evan, 132.
 Barnabryane, 251, 257.
 Barnasrais, 311.
 Barnasriannangoinan, 284, 312.
 Barniscrive, 300.
 Barr, 253, 259, 261, 286, 302.
 Barrapoill, 289.
 Barrerach, 314.
 Barrievaig, 252.
 Barron, Dr. Robert, 229.
 Bassepoill, 290, 296.
 Basset of Heaton Court, 138.
 — Eustathian, 138.
 Bauchney, 253.
 Baw, 255.
 Beachane, 259.
 Bealachuain, 21.
 Beath or Both, 120 *n*, 123, 124, 128.
 Beaton, hereditary physician to the lord of the Isles, 45.
 — (Bittoune), Donald, in Pennycross, 299.
 — John, minister of Glensheal, 232.
 Beatons, 20.
 — of Pennycross, 299 *n*.
 Beatrix or Bethoc, daughter of Somerled, and prioress of Icollumkill, 11, 82.
 Beaufort, 201 *n*.
 Beauily kirk, 202; priory, 203.
 Beda, 20.
 Bee, 253, 299.
 Beggich, 42.
 Beich, 285, 299, 302, 315.
 Bell, John, minister of Glasgow, 192.
 Belmakeith, 123, 124.
 Beltoune, in Donansland, 298.
 Benbecula, 25, 26, 48, 59, 97, 100.
 Benbhachart forest, 216.
 Bendraloch, 176, 185.
 Bernasaanchastle, 283.
 Bernerie, 253.
 Bersteir, 253.
 Betet, 253.
 Birnie, Andrew, advocate, 257.
 Bisset, Cecilia, 201 and *n*.
 — David, 263.
 — Elizabeth, 201 and *n*.
 — sir Hugh, of the Glens of Antrim, 199 *n*.
 — John, 32, 200-202.
 — Leonard, 202.
 — Malcolm, 202.
 — Marjory, 199 *n*.
 — Mary, 201 and *n*, 202, 204.
 — Walter, 32 *n*, 202.
 — William, 199-200, 202.
 Bissets, 199 and *n*, 200, 202.
 Blachaig, 300.
 Black, David, 145.
 Blackhills, 134, 137.
 Blairboy, 325.
 Blaiecharnen, 257, 278, 301, 315.
 Blythman's Ford, 214.
 Bœce, Hector, 10-11.
 Boghole, 134, 137.
 Boisdale, 25.
 Bonessan, 254, 258, 282, 314.
 Boreraig, 234.
 Borlum, 131, 132.
 Bornis, 254.
 Borve castle, Benbecula, 26.
 Bosco, Andrew de, 201 *n*.
 Boswell, James, 243.
 Bothwell, Patrick, earl of, 99.
 Bow, 296.
 Braecross, 206.
 Brahan, 206.
 Breadland, 134.
 Brechin, battle of, 122.
 Breve, 301.
 Brodie, Alexander, of Lethen, 135.
 — David, of Brodie, 132.
 — Margaret, 132.
 Brolos, 245, 248, 249, 255, 276, 321, 337; rental, 314.
 Bruakillis, 325.
 Bruce, Robert, minister in Edinburgh, 145, 147.
 Bruins, 130.

- Buchan, Alexander Cumin, earl of, 107.
 — John, earl of, 28-30.
 Buchanan, George, 119-120; his unscrupulousness and mendacity, 10 and *n*, 11; a fabulous historian, 30.
 — James, 148 *n*.
 — John, in Drumfad, 148 *n*.
 — Thomas, of Blairlosk, 148 *n*.
 Budge of Toftingal, 20 *n*.
 Budyett, 128 and *n*.
 Buist, 290, 296.
 Buntaite, 201.
 Bunteine, George, in M'Indoquhy [?], 148 *n*.
 Burg, 257, 285, 299, 321.
 Burgie tower, 123.
 Burrig, 312.
 Butikes, in Caithness, 20.
- CABRACHAN, 153 *n*, 167.
 Caddell, Allester, pyper, 114.
 Caillich, 221-222 and *n*, 252, 316.
 Cairdeny or Cardeny, Duncan, of that ilk, 111.
 — Mariota de, 111 and *n*.
 — Robert de, bishop of Dunkeld, 111 and *n*.
 Cairndonald, 48.
 Caithness, Allan Stewart, earl of, 39, 41.
 Calder, 119, 125, 133; barony, 127; church, 132, 135; tower, 123.
 — Hall, 138-139 and *n*.
 — founder of the family of de la Campana in Tholouse, 124 and *n*.
 — of Muirtown, 122.
 — Alexander, 125.
 — — thane of, discovers a conspiracy against Alexander I., 120.
 — Andrew, 125.
 — — thane of, 121.
 — Donald, thane of, 121.
 — — son of Andrew, 121.
 — Hugh, of Asswanley, 122.
 — — son of William, 125.
 — sir Hugh, 127.
 — James, merchant in Elgin, 122.
 — sir James, of Muirtown, 122.
 — John (1610), 131.
 — — thane of, 125-126.
 — Marjory, 125.
 — Muriel or Marion, 126-127, 129, 139.
 — Thomas, 131.
 — — bailie of Elgin, 122.
 — sir Thomas, 122.
 — William, thane of, 121.
 — — (2) thane of, 122.
 — — (3) thane of, 124-126.
 — — vicar of Calder parish, 125.
- Calgarie or Calligourie, 252, 258, 279, 301, 316, 321.
 Callegowane, 254.
 Callow-martene, 100.
 Callum Alin, son of Gillies, 14.
 Calman island, 259.
 Calp, 325.
 Calselloch, 253.
 Cameron of Lochiel (Mac Coildwy), 171-172.
 — Allan, tutor of Doltert, 302.
 — Angus M'Eun dow, 302.
 — — roy, 302.
 — Donald, of Lochiel, 30.
 — — in Archagavill, 301.
 — — in Thiarnell, 302.
 — — M'Donald, in Beich, 302.
 — Ewan, of Lochiel (1674), 273, 277.
 — — tenant of Oskamull and Gometra, 261.
 — — in Beich, 302.
 — — MacAllan, 54, 64.
 — Finlay moir, in Beich, 302.
 — John, archer, 114.
 — — brother of Lochiel, 52.
 — — of Lidistill, 285.
 — — in Thiarnell, 302.
 — — M'Donald, in Beich, 302.
 — — in Liddisdail, 301.
 — — M'Espie, 302.
 Camisallich, 261, 302.
 Camleffin, 325.
 Campbell's Croft, 214.
 Campbell of Achinbreck, 177, 184.
 — of Airds, 132.
 — of Craignish, 206 and *n*.
 — of Inverawe, 169 *n*.
 — of Inverliver, 126.
 — of Islay, 137 *n*.
 — of Lochnell, 144.
 — of Ochtermore, 132.
 — of Shawfield, 137 and *n*.
 — of Sunderland, 132.
 — of Torrich, 128.
 — Alexander, 132.
 — — bishop of Brechin, 170 and *n*.
 — — lieut.-colonel, 138.
 — — of Flinesmore, 128.
 — — of Lochnell, 265, 268, 273.
 — — of Torrence, 193.
 — — in Killmore, 262.
 — — prior of Ardchattan, 193.
 — — son of sir Archibald, of Clunies, 135.
 — — son of John, of Calder, 137, 152.
 — — son of Pryse Campbell, 138.

- Campbell, sir Alexander, (8th) of Calder, 135-136.
- Angus, messenger, 261.
- Ann, lady Foloy, 128.
- — wife of Alexander Baillie of Dunain, 136.
- — wife of lord Fortescue, 137.
- — wife of Maclean of Lochbuie, 135.
- Annas, wife of John Campbell of Ardkinglass, 193 *n*.
- Archibald, (2nd) of Calder, 128.
- — merchant in Kilmoran, 208.
- — of Dunstaffnage, 333.
- — of Glenlyon, 113.
- — of Inverawe, 295; his acknowledgment of receipt of Maclean arms, 317 and *n*; captain of Duart castle, instructions to, from Argyll, 317, 319 and *n*.
- — of Lochnell, 149, 168 *n*, 171-172, 176, 180, 184-185, 190, 275.
- — provost of Kilmounde, 178, 183.
- — serjeant in Macnaughtan's company of archers, 115.
- — son of sir John, 128.
- — writer in Edinburgh, 128.
- — Roy, bailie of Islay, 132.
- sir Archibald, of Clunies, 135.
- Arthur, 110.
- Catherine, wife of David, earl of Crawford, 128 and *n*.
- Charles, 135.
- — of Kilbride, 186.
- — son of Pryse Campbell, 138.
- Colin, 110 *n*.
- — brother of John, of Ardkinglass, 169-170.
- — doctor of medicine, 135.
- — of Ardersier, 132, 133 *n*.
- — yr. of Ardkinglas, 273.
- — of Beath, 131.
- — of Boghole, 134.
- — (6th) of Calder, 134.
- — of Clunes, 333.
- — of Craig, 129.
- — of Glenurquhy, 188 *n*.
- — of Lochow, 111 *n*.
- — of Lundie, 144, 176, 184, 189, 190.
- — a servant of Ardkinglass, 169, 172.
- — son of the bishop of the Isles, 193.
- — son of sir Hugh, of Calder, 135.
- Campbell, Colin, son of John, of Calder (Anepach), 152.
- — son of John Dow, 134 and *n*.
- — writer, 277.
- sir Colin, 17, 257.
- — of Lochow, genealogical table of his descendants, 142.
- Donald, 111, 174-175.
- — dean of Lismore, 159.
- — of Barbreck, 191, 193 and *n*, 273.
- — of Boghole, 132.
- — of Kirktown, 128.
- — of Scamadill, 262.
- — M'Murdoch, 302.
- sir Donald, of Ardnamurchan, 129.
- Dougall, 114.
- — dean of Brechin, 148 *n*.
- — of Achinbreck, 187.
- — of Stronecharmaig, 153 and *n*.
- — writer, 317.
- Duncan, 111, 128, 132.
- — of Achavulling, 162, 264.
- — of Beath, 128.
- — of Glenorchy, 144, 149, 150, 175-179, 182, 184, 186, 188 *n*, 189.
- — of Kilmore, 171.
- — servant, 153.
- — son of sir Archibald, of Clunies, 135.
- sir Duncan, of Glenorchy, 113, 132, 137, 149, 150, 167 *n*-169, 171, 173, 189-192.
- George, of Craignish, his contract of friendship with the MacRas, 206-208.
- — sheriff clerk of Argyle, 333.
- — son of sir Archibald, of Clunies, 135.
- — son of sir Hugh, of Calder, 135.
- — son of sir John, of Calder, 132.
- — son of Pryse Campbell, 138.
- Gilbert, (9th) of Calder, 136.
- — son of sir Archibald, of Clunies, 135.
- Gillaspic, of Lochow, 110.
- Henrietta, 138.
- Henry Frederick, 138.
- Hew, of Loudon, 179, 189.
- Hugh, son of sir Archibald, of Clunies, 135.
- sir Hugh, (7th) of Calder, 132, 134-136, 273.
- — of Loudoun, 190.

- Campbell, Isabel, 135.
 — Isobel, lady Rattray, 128.
 — James, 38; treacherously kills John More Macdonald, 39; beheaded, 39.
 — — of Glenderuell, 277.
 — — of Moy, 128.
 — — sir James, of Ardkinglass, 144, 161 and *n*, 162.
 — — Jean, 129, 136.
 — — wife of lord Lovat, 128.
 — — wife of Urquhart of Meldrum, 135.
 — — John, brother of the prior of Ardchattan, 193.
 — — — captain of Carrick, 295.
 — — — commissary of Inverness, 178.
 — — — of Auchinvelling (Acha-vulling), 148 *n*, 162, 164.
 — — — of Calder, 100, 101.
 — — — oig, of Cabrachan, 149, 150, 153 and *n*, 156 *n*, 159, 164-165, 190, 191.
 — — — yr. of Balmillin, 208.
 — — — sir John, of Ardkinglass, accused of the murder of the laird of Calder, 148 and *n*; 'letters of treason against John Campbell of Ardkinglass,' 152-159; form of proceeding in the trial, 156; commission of justiciary for the trial of Ardkinglass, 157; Margaret Campbell's deposition concerning the murder of Calder, 157-175; his confession, 175-189; his testimonial at Dunoon, 189; testimonial hefor the ministerie of Glesguowe, 190; set at liberty, 150 and *n*, 174; attack on his wife, 193-194.
 — — — (1st) of Calder, 125, 127, 128 and *n*.
 — — — John, (3rd) of Calder; his murder, 129, 142 *et seq.*; letters of treason against John Campbell of Ardkinglass for the murder of the laird of Calder, 152-156; the form of proceeding in the tryil, 156-157; commission . . . for the tryel of . . . Ardkinglass for the murder of the laird of Calder, 157-159; deposition of Margaret Campbell, 150, 159-175; confession of Ardkinglass, 175-189; the laird of Glenorchy's answer to the deposition of Ardkinglass, 189; Ardkinglas's testimonial at Dunoon, 189-190; Ardkinglas's testimonial befor the ministerie of Glesguowe, 190-193.
 — — — sir John, (4th) of Calder, 130-133 and *n*.
- Campbell, John, (5th) of Calder, 132-133 and *n*.
 — — — (10th) of Calder, 136-139.
 — — — fiar of Calder, 133.
 — — — of Glenurchy, 275, 277.
 — — — fiar of Inverzeldies, 277.
 — — — of Moy, 303, 317.
 — — — prior of Ardchattan, and bishop of the Isles, 128.
 — — — soldier, 114.
 — — — a soldier in Eilandonan, killed by Donald oig MacRa, 214.
 — — — son of Pryse Campbell, 138.
 — — — Gorm, of Lochneil, 153 *n*.
 — — — Margaret, lady Doune, 144 and *n*.
 — — — wife of John oig Campbell, of Cabrachan, 153 *n*; her deposition anent the murder of the laird of Calder, 150, 159-175.
 — — — wife of Hugh Rose of Kilravock, 135.
 — — — Marjory, wife of John MacNaughtan of Dunderaw, 113.
 — — — wife of Ross, of Belnagown, 128.
 — — — Mary, daughter of Colin, of Ardkinglass, 153 *n*.
 — — — daughter of Pryse Campbell, 138.
 — — — Neil, bishop of Argyll, 144, 159, 175, 178, 180, 190, 192.
 — — — in Inveraray, 310.
 — — — of Duntroon, 270, 272.
 — — — lord Neill, 273.
 — — — sir Niell, 109.
 — — — Patrick, of Achavulling, 162.
 — — — of Beath, 128.
 — — — Pryse, a lord of the treasury, 137-138.
 — — — Robert, of Glenlyon, 277.
 — — — Ronald, brother of Craignish, 208.
 — — — of Lagganlochta, 208.
 — — — Sarah, 138.
 — — — Sophia, wife of Brodie of Lethen, 135.
 — — — William, skipper, 317.
 — — — soldier, 114.
 — — — son of sir John, (1st) of Calder, 128.
 — — — son of John, (3rd) of Calder, 152.
 — — — Campbell-Hooke, John, lord lyon king-of-arms, 138.
 — — — Campbells of Achavulling, 161 and *n*, 162.
 — — — of Ardchattan, 128.
 — — — of Balnabie, 128.

- Campbells of Craignish, 207.
 — of Eriska, 128.
 — of Glenshalloch, 128.
 — of Inverusrgan, 128.
 — of Lerde, 128.
 — of Little Budgate, 128.
 — of Moy, 128.
 — of Shenderland, 128.
 — of Sonachan, 128.
 — of Tiriephuir, 153 *n.*
 Camusglass, 287.
 Camusluing, 233, 234.
 Canna, 25, 28, 48, 59, 72.
 Cantchellen, 257.
 Carinish, 26, 68.
 Carlebay, 34.
 Carna, 40.
 Carnacaloch, 253.
 Carnaig, 284, 300.
 Carnasserie castle, 149, 174, 190-192.
 Carnbulg. *See* Kerneburg.
 Carrick, A., earl of, 107.
 — Robert, earl of. *See* Robert II.
 — castle, 178 and *n.*
 Carsaig, 254, 314.
 Carvaig, 315.
 Castle Daviot, fortalice of, 127.
 — Swin, 15, 16.
 — Tirrim, 26, 28.
 Catahame, 298.
 Cavolsch, 253.
 Celestine, abbot of Hy, 83.
 Celibacy of the clergy, 85, 203.
 Chalmers, James, advocate, 257.
 Charles I., 53.
 Chelcenneg, 83.
 Cheldabsenaig, 83.
 Cheneish, 297.
 Chirnsid (Chrynsid), Robert, of Possill, 192.
 Chisholm of Strathglass, 54.
 — Alexander du, 217.
 — John, 114.
 Christian Nichean vic Couil vic Gillespie, in Lismore, 166.
 Clachaig, 257, 285, 301, 312.
 Claguran, 301.
 Claighall, 252.
 Clairhannan, 302.
 Clancairnice, in Armagh, 18.
 Clan Ean Carich, 205.
 Clark. *See* Clerk.
 Clashannik, 325.
 Clavet, 325.
 Clement Clericus, 12.
 Clerk, Dowgall, dempster, 307.
 — Duncan, messenger-at-arms, 262, 265, 270, 272, 305-307, 309.
 — Malcolm, 302.
 Clune, 134.
 Clunics, 124.
 Cluns, 206, 217.
 Colinus Hibernus. *See* Fitzgerald, Colin.
 Coll island, 77, 260, 285.
 — parish church, 84 and *n.*
 Collan Uabhais, 53.
 Cologare. *See* Calgarie.
 Colquhoun, sir Humphrey, of that ilk, 193 and *n.*
 — John, of Camstradane, 115.
 — Walter, 115.
 — William, 114.
 Colvill, Alexander, of Blair, 333.
 Comester, Robert, 263.
 Commission of fire and sword (1674), 271-274.
 Conan river, 55.
 Conchra, 231.
 Conchraig of Tollie, 210.
 Conlard, 131.
 Conlclachie, 130.
 Conranos, 53.
 Constantine I., 53.
 Cooper (Cuper), John, minister of Glasgow, 192.
 Corkamull, 279.
 Corkamurr, 316.
 Corncailloch, 287, 302.
 Cornebeg, 290, 296.
 Corneckmoir, 290, 296.
 Corngate, 298.
 Cornuell, Janet, in Edinburgh, 182.
 Corriebeg, 253, 325.
 Corriemoir, 253.
 Coulchelis. *See* Gualchelis.
 Coulloch, 279.
 Cowzeife, in Tiree, 289.
 Crachies, 134.
 Craiganairgid, 58.
 Craigaungall, 255.
 Craighead, 134.
 Craignish, 206 and *n.*
 Craigvartane, 325.
 Cranche, 258.
 Crandellich, 325.
 Cranich, 278, 302, 316.
 Crawford, earl of, 49.
 — Alexander, earl of, 122.
 — David, earl of, 127, 128 *n.*
 — sir Reginald, 109.
 Creich, 258, 282, 301, 313.
 Creuch-inferior, 254.
 Creuch-superior, 254.
 Crichton, Margaret, 129 *n.*
 — sir William, 35.
 Crinall, 296.
 Cristina, of Craiginis, 110.

- Crochel, 216, 217.
 Crock-Conight, 18.
 Crosseboyll, 252, 288, 305.
 Croungart, 258, 282, 314.
 Croy, 131, 132.
 Cuilgerran, 216.
 Culinn, 221.
 Cullie, 325.
 Cummyng, Alexander, procurator, 332.
 Cunnyngeurd, 254.
 DALCROSS, 131.
 Daling, John, advocate, 158.
 Dallas tower, 123.
 — William, of Cantray, 132.
 Dalmigavie, 132.
 Dalquhum, 301.
 Dalrerish, 299.
 Danedothe, 325.
 Dangarie, 252.
 Darhorage. *See* Derrivoaig.
 Darling, Andrew, 333.
 Darrechuaig, 285.
 Darregrantane, 253.
 Darribalg, 261.
 David II., 110.
 Davidson, John, minister, 145.
 — — W.S., 75.
 Deissaig, 300, 312.
 Delcromby, 130.
 Delnies, 129, 134.
 Dempster, George, of Moorhouse, 200.
 Dennistoun, Patrik, 115.
 Derie abbacy, 252.
 Deriguhellan, 257, 284.
 Derrivieller, 257, 278, 316.
 Derrivoaig, 300, 312.
 Derryquhaick, 257.
 Derryvull, 301, 302.
 Dencharran, 280.
 Dingwall, 196, 229-230.
 — of Killdin, 65.
 — Roderick, of Ussie, 235.
 Dingwalls, 20.
 Docharrie, 258.
 Dolles, Alexander, yr. of Budyett,
 128 *n.*
 Doltert, 302.
 Domenic, abbot of Hy, 83.
 Don, William, 114.
 Donald, lord of the Isles, 13-14 and *n.*,
 200 and *n.*
 — Bean vic Ean, in Burg, 299.
 — M'Allan vic Lauchlan, 280.
 — M'Charles Dow, in Icolumkill,
 298.
 — — vic Ean, 297.
 — M'Ean vic Donachie, in Tour-
 reasceachs, 260, 300.
 Donald oig M'Ean vic William, in
 Barniscreive, 300.
 — M'Eun vic Finlay moir, 302.
 — — vic William, 302.
 — M'Oloine e Mousie M'Ewn
 Dowie, 279.
 — son of Macgilleon, 111.
 Donansland, 298.
 Dorisduan, 217, 227, 234.
 Dornie, 227, 235.
 Dorverg of Kiles, 253.
 Douchartie, 301.
 Dougal of Lorne, son of Somerled, and
 ancestor of the Macdougalls of Lorne,
 11 and *n.*, 12, 13, 15.
 Dougall Mac Henry, 23.
 Douglas, Alexander, bishop of Moray,
 131.
 — sir James, 109.
 — lady Margaret [Elizabeth], wife of
 sir John Campbell, 132.
 — William, earl of, 123.
 — — macer, 326.
 Dow, Neill, 115.
 Dowart. *See* Duart.
 Dowchorren, 316.
 Drimbui, 227.
 Drimdeair, 203.
 Drimderfit, battle of, 203, 204.
 Droudig, 235.
 Drumcraigary, 253, 259, 261, 287, 302.
 Drummarie, 125, 130.
 Drummond, John, lord, 99.
 Drumsyne, 258, 277, 315.
 Drunfy, 302.
 Duart (Dowarde), 74, 75 *n.*, 242-244,
 247-251, 257, 264, 266-267, 270, 272,
 303, 311; rental, 277, 292-293.
 — castle, 246, 318-319, 337.
 Ducheran, 301.
 Duff, Robert, of Drummair, 135-136.
 Duffus, king of Scotland, 53.
 Dunbar, of Grange, 132.
 — sir Alexander, of Westfield, 131.
 — David, of Westfield, 131.
 — George Home, earl of, 188 and *n.*
 — John, 134.
 — Mark, 131.
 Duncan I., 53.
 Duncan, ancestor of the Robertsons of
 Struan, 16, 18-20.
 — MacDuncan, canon of Lismore,
 84, 87-92.
 — M'Ean vic William, in Cuilhelis,
 260.
 — M'Eun glass, in Amoir, 302.
 Duncansone, Duncan, 333.
 Dunconill castle, 77.
 Dunderaw, 112.

- Dundonald castle, 14, 16, 17.
 Dunfermline, Alexander, earl of, 131.
 Dunglust, 231.
 Dunivaig castle, 62.
 Dunlichity kirk, 127.
 Dunlop, John, 114.
 Dunmaglass, 121, 124-125, 133.
 Dunollie (Donolych), 164, 165.
 Dunrobrewet, 77.
 Dunskaich, 65.
 Dunstaffnage castle, 164, 246, 317.
 Durris, barony, 131, 133.
 Dusley, 325.
Dutches, 129 and *n.*
- EARLSEAT, 134.
 Earnside tower, 123.
 Eddercalloch, 254.
 Egfrid, king of Northumbria, 108 *n.*
 Eig, island of, 25, 110.
 Eilan-an-Abb, 171.
 Eileandonan castle, 56, 72 *n.*, 209, 211, 214-216, 220.
 Elcho monastery, 18 *n.*
 Ellanerratt, 313.
 Ellar clan, 166.
 Ellenaird, 259.
 Englishaw, 252.
 Eorsay, 285, 312.
 Erchlis, 201.
 Ergadii, lords of Lorn, 109.
 Erraie, isle of, 298.
 Erroll, earl of, 30.
 Erska, 253.
 Erskine, George, advocate, brother of the earl of Mar, 178, 187, 189.
 Eugenius I., 9.
 Eugenius VIII., 53.
 Euphrick Ninicol roy, in Lismore, a witch, 166.
 Evan or Calder parish, 125.
 Ewin M'Charles, 285.
 — M'Ean vic Ewin, in Erraie, 298.
 — vic Ean, in Goish, 297.
 Eyrme, in Tیره, 289.
- FADDOCH, in Kintail, 231.
 Fairns, 20.
 Far, 130.
 Fedinin, 259, 313.
 Feirgeill, 282, 314.
 Fenton, Janet, 201.
 — William de, 201 and *n.*
 Feorlingnatayng, 315.
 Fergus III., 53.
 Ferguson, Donald, 33.
 — John, 310.
 Fernees, 253, 259, 287, 302.
- Ferntosh, 125, 132.
 Ferquhar Bean M'Ean, in Burg, 299.
 Ferremoir, 301.
 Fersone clan, 171.
 Fiddin, 281.
 Fiery cross, 305.
 Fife, Robert, earl of. *See* Albany, duke of.
 Fillichen, 301.
 Finlaggan island, in Isla, 24.
 Finlarg, 183, 188.
 Finlaystone, 151, 178 and *n.*, 188.
 Finmoir, 253.
 Finnan, St., 204.
 Finnon, abbot of Hy, the 'green abbot,' 32 and *n.*, 33 and *n.*, 83.
 Fire and sword, commission of, issued against the Macleans, 271.
 Fisher, Duncan, procurator-fiscal, 270, 272, 303.
 Fitzgerald, Colin [Colinus Hibernus], 105-106 and *n.*, 199 and *n.*, 204.
 Fitzgeralds, earls of Kildare, 105.
 Fiunarie, 253, 259, 287, 335.
 Fladd, 279.
 Flegler, Angus, in Icolumkill, 298.
 Flichtie, 130.
 Flinesmore, 128 and *n.*
 Flodden, battle of, 112.
 Football, 184.
 Forbes, John, of Culloden, 132.
 — Jonathan, in Elgin, 135.
 — Mary, 135.
 — Owen, 114.
 Forrester, sir James, of Corstorphine, 130 *n.*
 Forrich, 134, 137.
 Fortrose, 225, 226.
 — Kenneth, lord, 231.
 Forwachlie, 299.
 Fracadile, 252, 258, 260, 279, 316.
 Franmore-superior, in Scervaleneil, 255.
 Fraoch-Elan, 106.
 Fraser of Lovat, 40.
 — Alexander, of Tweeddale, 201.
 — sir Alex., 109.
 — Hugh, lord Lovat, 201 *n.*
 — James, minister of Wardlaw parish, 196, 200 *n.*
 — M'Farquhard, 289.
 — sir Simon, of Kinnell, first lord Fraser of Lovat, 201-202, 204.
 — William, 114.
 Frasers, 32.
 Freezland, 253.
 Fresheneish, 280.
 Fyncharne, 107 *n.*

- Fyngonius Fyngonii or Mackinnon, a source of scandal in Hy monastery, 84, 86-92.
- Fynnon. *See* Finnon.
- Fynwyne clan (Mackinnons), 76, 78, 83.
- GADD, in Tیره, 255.
- Gadderlie, 305.
- Galen, 252.
- Garmoran, lordship of, 25 *n*.
- Gartenbany, 251.
- Gask, 130.
- Geddes, barony of, 121, 127.
- George, abbot of Paisley, 99.
- abbot of Dunfermline, 99.
- Gibson, Al., 311.
- Gilbert Ostiarius, 120 *n*.
- Gilbert, Thomas, advocate, 158.
- Gilchrist, thane of Angus, 8.
- Gilean, progenitor of the Macleans, 105.
- Gill-Callum Allan, 16.
- Gillegerre, 97, 100.
- Gillian, son of Gilleusa, 21-22.
- Gillichallum Mac Chlerich, a servant of Ardkinglass, 169, 170, 174.
- Gillies, 13; banished to Ireland, 14.
- Gillfinnan, 204.
- Gilligorm. *See* Loban.
- Gilpatrick, 299.
- Gilsad, 257.
- Gilsett, 285.
- Girvane, 325.
- Glack, 258.
- Glaikiegarrie, 280.
- Glamis, the master of, 179.
- Glaschbraik, 252.
- Glasses, 20.
- Glassridh, in Argyle, 13.
- Glassvillar, 254.
- Glenacreach, 257.
- Glenamuch, 255.
- Glenan, 251, 260, 272, 300, 311.
- Glenanichtrach, 284.
- Glenawachtrach, 284.
- Glenbastill, 253.
- Glencairn, earl of, 61.
- James, earl of, 178, 188 and *n*, 190.
- Glencamoir, 251, 284, 312.
- Glencarriden, 257.
- Glencoe, 23.
- Glencown, 77.
- Glen Crippesdale, 253 *n*, 261, 286, 301, 302.
- Glendanovachtrich, 312.
- Gleneanore, 294.
- Glenelg, 200, 201.
- Genera, 108.
- Glenerfusdale, 259.
- Glenfyne, 108.
- Glengarry, 29.
- Glenhiddell, 299, 314.
- Glenligadill, 253.
- Glenlivat, battle of, 149, 168 *n*.
- Glennanouchioch, 257.
- Glenns of Glenmores, in Ireland, 200.
- Glenrannar, 300.
- Glenroy, 44.
- Glenstheil, 218, 232; battle of, 234.
- Glenshira, 108.
- Godfrey Du, 5; killed by Somerled and Olay, 7.
- Goish, 297.
- Golford, 134.
- Gometra, 252, 258, 261, 280, 294, 301, 316, 321.
- Gordon, Adam, dean of Caithness, 210.
- Arthur, of Carnousie, 136.
- Elizabeth, 93.
- George, first duke of, 122.
- Robert, in Macnaughtan's company of archers, 114.
- Gordons of Embo, 210.
- of Sutherland, 210.
- Gorgremenische, 100.
- Gortenbeg, 257.
- Gortenbowie, 284, 300, 312.
- Gott, in Tیره, 291.
- Gow, Rorie, 114.
- Gragart, 252.
- Graham, David de, 201 *n*.
- John, 179.
- Patrick, of Lovat, 201 *n*.
- Grant, Cathrine, wife of Donald MacRa, 236.
- Isabell, daughter of Grant of Corimony, 223.
- — wife of Arch. Campbell, 128.
- James, of Freuchie, 128.
- — son of John, of Logie, 134.
- sir James, of Grant, 128.
- John, of Corimony, 223.
- — of Logie, 134.
- — son of James Grant of Freuchie, 128.
- Grants, 40.
- Gray, sir Andrew, 109.
- Robert, of Cranslie, 130 *n*.
- Gremynik, 100.
- Grianall, 289.
- Gribown, 276, 314.
- Grimius, 53.
- Grimsay, 26.
- Gruthim, 21.
- Gualchelis, 251, 260, 284, 300, 311.

- Guina, 253.
 Guisachan, 201.
 Gun, 'the crowner' of Caithness, 37 and *n.*
 — Angus, 114.
 — Elizabeth, 62.
 — Rorie, *alias* Makmachane, 115.
 Guthrie, David, advocate, 158.
- HAFFORLANE, 298.
 Hainclitill, 253, 287.
 Hamilton, Jean, wife of John Campbell of Ardkinglass, 157 *n.*, 193 and *n.*, 194.
 — Thomas, of Drumcarne, 152.
 Harlaw, battle of, 29-31, 35.
 Hart, William, of Sivilands, 152.
 Hauch, 253.
 Hay, Hugh, fiar of Park, 134.
 — John, of Lochloy, 134.
 — William, 35.
 Haynies, 253, 288.
 Hector, ancestor of the Macleans of Lochbuy, 21, 22.
 — M'Ewin vic Allan, 287.
 — — vic Ean, 280.
 — — vic Eichin, 285.
 — More Macillechoan, 25.
 Heillieboill, 288.
 Heisker island, 14, 54.
 Henryson, Thomas, advocate, 158.
 Hepburn, Patrick, bishop of Moray, 127.
 Hereditary jurisdictions abolished, 137.
 Hereot, David, procurator, 332.
 Hilary, St., bishop of Poitiers, 204.
 Hirta or St. Kilda, 25.
 Hodgh, in Tiree, 290.
 Holme, 130.
 Home, sir George. *See* Dunbar, earl of.
 Hooke. *See* Campbell-Hooke.
 Hough, in South Uist, 48, 59.
 Howstoun, Allester, 114.
 Hugh *alias* Euine M'Innes vic Ean, in Cuilhelis, 260.
 Hugo de Cadella, 120.
 Hulliboill, miln of, 291.
 Hume of Godscroft's *History of the Family of Douglas*, 120.
 Huntly, Alexander, earl of, 39-41, 49, 73, 93, 122.
 — George, earl of, 146, 149, 176-177, 184-185, 187, 190.
 Hy. *See* Iona.
 Hynce, 253.
 Hyrem, 297.
 Hystylburch, 77.
- ICOLUMKILL. *See* Iona.
 Inmie, 258.
 Inch Chonnill, 50 and *n.*, 54, 64, 151, 173.
 Inchchrinich, 301, 315.
 Inchcruiter, 228.
 Inchkenneth, 243, 253.
 Inig, 227, 235.
 Inimore, 253, 260.
 Inner. *See also* Inver.
 Innerbrakatill, 325.
 Innes, Florence, of Balnain, 230.
 Innevea, 279, 316.
 Innocent III., 203.
 Inverarnie, 130.
 Inverinate, 214, 217, 219, 227, 234.
 Inverkavadill, 308.
 Inverkeithing, battle of, 247.
 Inverliver, 126-127.
 — laird of. *See* Campbell.
 Inverlochy, battle of, 31, 40-41.
 Invermarkie, 124, 125.
 Invernairn, 121.
 Invernochty, 111 *n.*
 Inversanda, 325.
 Invershipinish, 40.
 Inverskwadile, 307, 325.
 Iona (Hy: Icolumkill), 10, 12, 13 and *n.*, 14, 17, 23, 24, 27, 28, 34, 82, 166, 199, 245; 254-255, 259, 298; mandate to inquire into disorders in the monastery, 84-92; rental, 283, 315.
 — Beatrix or Bethoc, prioress of, 11, 82.
 — John, abbot of Hy, 83, 86.
 Iron industry at Letterewe, 226 and *n.*
 Irvine of Drum, killed at Harlaw, 30.
 Islay, 13, 17, 32, 61, 133-134, 136, 137 and *n.*, 252.
 Iver an Eanidh, 16. *ie. Finigh?*
- JAMES I., 31, 35, 38, 39.
 James IV., 96, 97.
 James VI., 131.
 Janenmoir, 287.
 Januey, 252.
 John, abbot of Hy [1420], 83, 86.
 — abbot of Hy, and bishop of the Isles [1499], 83.
 — Durock M'Eandonie M'Ean, in Darribalg, 261.
 — M'Donachie oig, in Ardnadrochit, 260.
 — M'Echin vic Ewn, 280.
 — oig MacUnlay dhui, 221.
 Jura, 61, 255, 285.
- KAILLOCH. *See* Caillich.
 Karnekellich, 259.

- Katherene nic Claartie, in Blargoir, 166.
 Keillormaig, 254.
 Keith, in Mull, 254.
 — Janet, 125.
 — John, of Ravenscraig, 130.
 — Marion, 130 and *n*, 144.
 Kelliepoll, 306, 316.
 Kellimoir, 301, 314, 316.
 Kellin, in Aros, 316.
 Kendvarr, 289, 297.
 Keneway, 253, 291, 306.
 Kenloch, 252, 259, 286.
 Kenlochnakeall, 305.
 Kenlochtagus, 253.
 Kenlochterchoist, 302.
 Kennedy, James, bishop of St. Andrews, 112.
 Kenneth III., 53.
 Kenoirach, 260.
 Kentalen, 258, 278, 302, 315.
 Kenvay, Colin Gowin, 296.
 Kenwachtrich, 285.
 Kerneburg castle, 76-78, 252, 303, 305-306, 308-309.
 Kerrara, 165.
 Kerrefergus, in Tیره, 290.
 Kerremeanach, 290.
 Keyles, in Tیره, 291.
 Keys, his majesty's 'kies,' 262.
 Kiffat, 253.
 Kilaron, 136.
 Kilboden, 325.
 Kilcannelth, 255, 296.
 Kilchoman, 136.
 Kilchrist, 67, 252, 258, 279, 316.
 Kilchurn (Keilcharne) castle, 179.
 Kilmummin, 17, 33, 202, 203 and *n*.
 Kildin, 54, 64.
 Kildrummin, 42-43.
 Kilduich, 229.
 Kilmachir, 299.
 Kilintorie, 259.
 Kill, 259.
 Killcollumbkill, 287.
 Killenalen, 315.
 Killenaler, 258.
 Killibeg, 302.
 Killichronan, 257, 278, 316.
 Killinack, 299.
 Killintach, 253.
 Killintein, 287, 302, 321.
 Killinyre, 254.
 Killisickell, 301.
 Killive, 301.
 Killkur, lairds of, 20.
 Killmanivais priory, 18.
 Killomer, 314.
 Killuntaig, 314.
 Kilmair, 252.
 Kilmakewan, 254.
 Kilmaluag, 252, 290, 301, 305.
 Kilmanage, 255.
 Kilmichan, 314.
 Kilmichell of Glastrie, barony of, 112.
 Kilmorach, 106 *n*, 108 *n*, 196.
 Kilmore, 203, 254, 258, 278, 299.
 Kilnawre, 302.
 Kilphadrick, 315.
 Kilphuble, 258, 278.
 Kilravock, 121, 123, 201 *n*.
 Kilvaraganie, 254.
 Kilvickewen, 258, 280, 297, 313.
 Kinchyle, 131, 134.
 Kindess, 124, 125.
 Kingarth, 167 *n*.
 Kingarura, 254.
 Kingston, Evelyn, duke of, 138.
 Kinikell, 125.
 Kinlochew, 209, 212.
 Kinloch Lochy or Blar-na-leine, battle of, 217 and *n*.
 Kinlochskridan, 314.
 Kinloss barony, 48.
 Kinnaird, in Buchan, 48.
 Kinnoul George, earl of, chancellor of Scotland, 225-226 and *n*.
 Kintail, 106 and *n*, 204, 206, 209 *n*.
 Kintyre, 9, 12, 32, 61, 62, 131.
 Kirk, James, chamberlain to the earl of Argyll, 172 and *n*, 173.
 Kirkapoill, 254-255, 291, 296.
 Kirkibost, 68.
 Kirkland, 133.
 Kishorn, 72, 212.
 Kisse, 255.
 Knapdale, 17.
 — Rilisleter, 48.
 Knipoch (Cnepoch), 153 and *n*, 154.
 Knock, in Mull, 257, 300.
 — vic Ra, 206.
 Knockasneg, 254, 313.
 Knockmoligan, 259.
 Knocknafinag, 259, 282, 297.
 Knocknatariga, 231.
 Knocknate, 231, 259, 282, 298, 313, 321.
 Knocktaightarloch, 254.
 Knockteirmartine, 284, 305, 312.
 Knocktellegan, 282, 297.
 Knox, John, 145.
 Knoydart, 25, 26, 55.
 Konbeg, 253.
 Krossiegers, in Tیره, 290.
 Kyleakin, 57.
 Kyllin, 252-254, 258, 278.
 Kylls, 255, 297.
 Kynedward, 94, 200 *n*.

- LACHNAMILL, 302.
 Lag, 252, 258, 279, 316.
 Lagan-Ulva, 301.
 Lagebread, 49.
 Laggan, 252-253, 258-260, 287.
 — Achadrom, 55.
 Lakerth, 325.
 Lamont, Duncan, in Collicheles, 300.
 — Jean, wife of Gilbert MacNaughton of that ilk, 112.
 — sir John, of Ineryne, 112.
 Landnavers, 325.
 Largs, battle of, 105, 199 and *n.*
 Larnish, 297.
 Larsaig, 299.
 Lauchlan, ancestor of the Macleans of Duart, 21-23 and *n.*
 — Allan vic Lauchlan, in Pattisorrell, 298.
 — Dow M'Ean, in Uskin, 297.
 — M'Charles vic Ean dui, in Auchnacraig, 269, 272-273.
 — vic Ean duy, in Killinack, 299.
 — ur Donald vic Donald, in Beach, 299.
 Lauder, Jean, 130 *n.*
 Lauderdale, duke of, 229.
 Laudile, 259, 286, 301.
 Leadbeg, 258, 278, 302.
 Leadmoir, 258, 278, 302, 316.
 Leault, 213.
 Leech, Duslan M'Ean, 300.
 Legitimacy in succession, 74.
 Leighton, Henry, bishop of Moray, 121-122.
 Leirbeig, 315.
 Leirfredaig, 283.
 Leslie, Andrew, 124.
 — Margaret, countess of Ross, wife of Donald, lord of the Isles, 28.
 — Robert, 129 and *n.*
 Letterbeg, 258, 278, 316.
 Letterchulane, 130.
 Letterewe, 226 and *n.*
 Letterinymer, 227, 234.
 Lettermoir, 258, 278, 301, 316.
 Lewnow, 254.
 Leylands, 134.
 Leywast, 314.
 Lidistill, 259, 285.
 Lie, 258, 282.
 Lindsay, John, of Menmuir, 130 *n.*
 — Patrick, bishop of Ross, 228.
 Line, 134.
 Little Budgate, 130-131.
 — Cragie, 130.
 — Urchany, 131.
 Livingstone, Elizabeth, 47 *n.*
 — Margaret, 35.
 Loban or Logan Gilligorm, in Ardmeanoch, killed in a fight with the Frasers, 202-203.
 Lochaber, 26, 39.
 Lochalsh, 54.
 Lochbroom, 48, 59, 65, 72.
 Lochbuy, 242.
 Lochcarron, 54, 212, 218-219.
 Lochgairn, 62.
 Lochindorb loch, 131.
 Lochkerran, 114.
 Lochnamell, 258, 277, 315.
 Lochow, 105, 108 and *n.*, 176, 185.
 Lochpabill, 66.
 Lochskolpig, 66.
 Lochstoddan, 299.
 Lockhart, sir George, 257.
 Logy, prebend of, 111 *n.*
 — James, writer in Edinburgh, 323.
 Lords of the Isles, ceremony of their installation, 23; constitution of the government of the Isles, 24.
 Lorinaballoch, 294.
 Lorne, 12, 176 and *n.*, 185.
 — lord. *See* Argyll, Archibald, earl of.
 Lort, Elizabeth, wife of sir Alex. Campbell of Calder, 136.
 — sir Gilbert, 136.
 Lovat, 199, 201 and *n.*, 202, 204-205.
 — lord, 132.
 — Hugh, lord, 201 *n.*
 — — 3rd lord, killed at the battle of Kinloch Lochy, 217 and *n.*
 Loynge, 176, 185.
 Lude, lairds of, 20.
 Lundy, 64.
 M'ADAM, CHARLES, in Icolumkill, 298.
 M'Alister, Alister Bearnich, 67.
 — Angus, 115.
 — Donald Bean, in Blachaig, 300.
 — Duncan, 115.
 — — bane, 115.
 — Hector, 114.
 — John or Ranald More, 67.
 — — Dow, 115.
 M'Alisters in Arran, 51.
 — of Loup, 16.
 M'Allan, Allan, vic Lauchlan, in Beach, 299.
 — — vic Lauchlan, in Kilvicewn, 297.
 — Donald, vic Lauchlan, in Beach, 299.
 — — John, in Sandlaig, 296.
 M'Andrie, John, in Blachaig, 300.
 M'Andro, *alias* Saymen, 115.

- M'Arthur, Archibald, 148 *n.*
 — Airthure, in Ardindowane, 148 *n.*
 — Donald, in Assoboll, 298.
 — — in Tirerigan, 297.
 — Dougall, sheriff clerk of Argyle, 191.
 — Duncan, in Kilimachir, 299.
 — Ferquhar, 297.
 — Gilbert, in Tirerigan, 297.
 — John, 297.
 — Weir, 114.
 M'Aulay, constable of Eilandonan, 209.
 Macauri, Dougald, 166.
 M'Bain, William, 134.
 M'Baxter, Gillechrist, 115.
 M'Beath, thane of Calder, 119-120.
 M'Beolan, 209 and *n.*
 M'Callum, John, 114.
 — Mildonich, 115.
 M'Calyan, Henry, advocate, 158.
 M'Carlich, John, 325 *n.*
 M'Cartin, Achilles Bay, 61.
 — Hector, 115.
 M'Charles vic Eachin oir, 269.
 — vic Eachin vic John M'Condachie vig, in Ardnadrochit, 272.
 M'Clarglane, John, 114.
 M'Clartie, Archibald, 115.
 M'Condoquhy, Donald, 114.
 — John, oig, 283.
 — — in Ardnadrochit, 269, 272-273.
 — — vic Callum, 115.
 — — vic Ean vic Onochie *alias* M'Arthur, 301.
 — — vic Keries, 171.
 — Keyoch, 171.
 M'Connell, Angus, of Dinivaig, 171.
 M'Cormick, Duncan, 173.
 — Lachlan, vicar of Coll, 84.
 M'Cotter, Murdo, 37.
 M'Culloch, Christian, 226.
 — Duncan, of Park, 226.
 M'Dacharus, John, 302.
 — Sorle, 302.
 M'donachie. *See* M'Donochie.
 M'Donald of Glengarry, 64.
 — of Knoydart, 49.
 — of Lundy, 54.
 — of Pitmain, 54, 64.
 — Agnes, daughter of Dunnyveg, 67 and *n.*
 — Alexander, lord of the Isles, and earl of Ross, 31, 34-38, 44-47 and *n.*, 122; legitimation of his three sons, 92; papal mandate to admonish him, and Christina, his concubine, 93-95.
 — — of the Braes of Lochaber, 49.
 M'Donald, Alexander, of Glengarry, 54, 55, 63-65.
 — — of Isla, 56.
 — — of Keppoch, 41, 55, 63.
 — — of Kintyre, 57, 58; hanged at the Borrowmuir, 59.
 — — son of Alexander, lord of the Isles, 92.
 — — son of Donald of the Isles, 15-17, 28.
 — — son of Dugall, of Morar, 54.
 — — son of Gillespig, 54-56, 64.
 — — son of John Cathanach, 61-62.
 — — soldier, 114.
 — — Roy, 67.
 — — sir Alexander, son of Celestine of Lochalsh, 54, 64.
 — — Alister Carrich, ancestor of the Macdonalds of Keppoch, 26, 32, 33, 40, 81.
 — — Allan, ancestor of the Macdonalds of Moidart and Morar, 28.
 — — in Assoboll, 298.
 — — of Moidart, 41, 50, 59, 60.
 — — son of Roderick, of Moidart, 63, 66.
 — — Glass, in Uskin, 297.
 — — Angus, lord of the Isles, 14-16, 23 and *n.*
 — — og, son of John, lord of the Isles, 47; demolishes Inverness castle, 48; defeats the earl of Athole, 49; murdered, 51-52.
 — — of Dunyveg, 163 and *n.*
 — — of Glengarry, killed at Caill-each Rock, 221.
 — — son of Donald, of Glengarry, 221-222 and *n.*
 — — son of Godfrey, 27.
 — — Beusich, 28.
 — — Collach, 63-68.
 — — Du, 63, 65, 68-69.
 — — Roy, 54, 64.
 — — Archibald, or Celestine, or Gillespig, of Lochalsh, 47 *n.*, 53 and *n.*, 54, 64 and *n.*, 96, 98.
 — — or Gillespic Du, murders his two brothers, 63-66, 69; an outlaw, 67 and *n.*; killed by his nephews, 69-72.
 — — Bain, 67.
 — — Clerich, 72.
 — — son of Godfrey, 27.
 — — Roy vic Errochar, 298.
 — — vic Lauchlan, tacksman of Cornebeg, 296.
 — — Austin, 35 and *n.*, 37, 48, 49, 59, 60-62.

- M'Donald, Colin, bean, in Hyrem, 297.
 — Donald, lord of the Isles, 26-32, 34 and *n*.
 — — ancestor of the Macdonalds of Glengarry, 28.
 — — son of Alexander, lord of the Isles, 92.
 — — in Glenan, 300.
 — — of Balranald, 68.
 — — of Dunnyveg, 97, 98.
 — — sir Donald, of Sleat, 321-323.
 — — Donald Bain, of Moidart, 67.
 — — Balloch, 31-32, 40, 41-44.
 — — du, son of Angus og, imprisoned in Inch Chonnill, 50, 54-55, 57, 64.
 — — du Maclauchlane, 54.
 — — Gallich, of Sleat, 37, 50, 62-63, 65-69, 102 and *n*.
 — — Galdach (Gauld), 54 and *n*, 56, 59, 64.
 — — Germoch, 115.
 — — Gorm, of Sleat, 102, 163 and *n*.
 — — gow, 298.
 — — Gruamach, of Sleat, 57, 67-69, 72, 102 and *n*; killed at Eilandonan, 72 and *n*, 102 and *n*, 215-216 and *n*, 239.
 — — Mor, of Sleat, 99-102 and *n*, 163 and *n*.
 — — M'Donill Gorm, 102 and *n*.
 — — M'Neill, in Ballanachean, 261.
 — — roy, bean, in Dalquhum, 301.
 — — vic Ean, in Collicheles, 260, 300.
 — — sir Donald Gorm moir, 219-220.
 — — Dougall MacRanald, of Muidart, 34, 64.
 — — Eupheme, 28.
 — — Ewin, moir, in Ardvarginch, 299.
 — — vic Ean, in Dissag, 300.
 — — Finlay, in Glenan, 300.
 — — M'Neill, in Glenan, 269, 272-273.
 — — vic Ean, in Glenan, 260.
 — — gow, in Ardvarginch, 299.
 — — Godfrey, ancestor of the Macdonalds in North Uist, 25 and *n*, 27, 59-60.
 — — Hector, ancestor of the Macdonalds in Connaught, etc., 17.
 — — vic Ean, in Tirergan, 297.
 — — Hugh, of Sleat, son of Alexander, lord of the Isles, 92, 94; charter in his favour by his brother, John, lord of the Isles, 48 *n*, 96-99, 100.
- M'Donald, Hugh, supposed author of the History of the Macdonalds, 2, 23 *n*.
 — — John de Insulis, of Dunyveg, 199 *n*.
 — — — son of Austin, 63.
 — — — son of Godfrey, 27.
 — — — Sprangach, ancestor of the MacIans of Ardnamurchan, 12, 14 *n*.
 — — — Maol, ancestor of the Macdonalds of Tireoin, 13, 17-18.
 — — — lord of the Isles, 16, 23 and *n*, 25-27, 81; dispensation for marriage with Anie MacRuari, 25 *n*, 73; indenture between John of the Isles and John of Lorn, 21 *n*, 75.
 — — — lord of the Isles, and earl of Ross, 47 and *n*, 124, 125, 209 *n*, 242; resigns his lands to the king, 48, 50 and *n*; grants charter in favour of his brother Hugh, 48 *n*, 96-100.
 — — — in Glenan, 260.
 — — — in Icolumkill, 298.
 — — — of Glengarry, 63.
 — — — tutor to Roderick Macdonald, 45-46.
 — — — Cathanach, hanged at the Borrowmuir, 59-60.
 — — — Caum, 54.
 — — — More, ancestor of the Macdonalds of Kintyre, etc., 26, 30, 32, 33, 38, 39, 81.
 — — — Muidortach, 65.
 — — — vic Eachan, in Assoboll, 298.
 — — — vic Ean, in Auchadabeg, 300.
 — — — vic Ean, in Icolumkill, 298.
 — — — vic Iphatrick, 297.
 — — — vic Kay, 115.
 — — — vic Neil erich, 298.
 — — — bean, buy, 299.
 — — — gorum vic Lauchlan, in Knockinfinage, 297.
 — — — gow, in Ardvarginch, 299.
 — — — Lauchlan dow, vic Ean, 301.
 — — — Malcom, in Glenan, 300.
 — — — Malcolm M'Neil, 269, 272-273.
 — — — Marion, 34 *n*.
 — — — Marius, 25.
 — — — Martin, vic Ilvray, 301.
 — — — Neill, 273.
 — — — in Glenan, 260, 269, 272, 300.
 — — — oig, 296.
 — — — vic Ean, in Drumcragag, 302.
 — — — vic Errochar, 299.

- M'Donald, Neill vic Neel, 297.
 — Pat., piper, in Feirgeyll, 314.
 — Gregune, in Icolumkill, 298.
 — Ranald, son of Donald Herrich, 69-72.
 — — tutor to Donald, lord of the Isles, 59.
 — Ranald Bain, ancestor of the Macdonalds of Lairgy, 32, 40, 41, 47, 50, 54.
 — — Bain, of Moidart, 66, 67.
 — Reginald, ancestor of the Macdonalds of Moidart, 25, 27, 28, 32.
 — Ronald, son of Godfrey, 27.
 M'Donalds in the Braes of Lochaber, 26.
 — of Antrim, etc., 44.
 — of Ardnamurchan. See M'Ean.
 — of Glencoe, 23.
 — of Glengarry, 28.
 — of Keppoch, 26.
 — of Kintyre, Antrim, etc., 26.
 — of Largie, 41.
 — of Moidart and Morar, 28.
 — of Sleat, 63.
 — of Tireoin, 13, 18.
 M'Donochie, Donald, vic Lavish, in Icolumkill, 298.
 — Dugald, of Stronecharmaig. See Campbell.
 — Duncane Garve, 193.
 — Ewin, eioch, 300.
 — — moir, in Torgrinag, 300.
 — — vic Ean a brich, 296.
 — Finlay, in Torgrinag, 300.
 — John, in Ardnoduchead, 300.
 — — Dow, vic Neil, 299.
 — Martin, vic Ilvray, 301.
 — Neil, in Donansland, 298.
 — — vic bean, 299.
 M'Dougall, Algive, 25 and *n*-27.
 — Allan, 25.
 — — of Rarray, 159, 175.
 — Duncan (Mac Coul), of Dunollie, 164, 165, 167, 171, 176, 184-186, 190.
 — John [Baccach], of Lorn, 15 and *n*, 20-22.
 — — of Lorn, grandson of John [Baccach], 21 *n*, 75.
 — Malcolm, beg, canon of Lismore, 84, 87-88, 92.
 — Roderick, 25.
 — Scroll, 310.
 M'Dougalls of Lorne, 11 and *n*, 15, 25.
 M'Dowie, Neil, in Ochnocraig, 300.
 M'Duff, thane of Fife, 16.
 M'Duffie, 25, 34.
 — of Colonsay, 41, 47, 54.
 — John ure, 299.
 M'Duffies, 13.
 M'Eachan, Hector, vic Alester, in Ulval, 299.
 — John, vic Ean, in Corngate, 298.
 — oig, John Dow, in Ardtounish-over, 298.
 M'Eachern, in Mull, 24.
 M'Ean of Ardnamurchan, 12, 14 *n*, 41.
 — Angus, roy, 302.
 — Archibald, roy, 302.
 — — vic Eun, in Ballinochard, 301.
 — — vic Gillespie, in Ballinahard, 299.
 — Charles, Dow, 299.
 — Donald, 61, 62.
 — — garvie, in Ardunaig, 298.
 — — vic Donald bean, in Icolumkill, 298.
 — — vic Ean, in Burg, 299.
 — — vic Neil, in Ballinmacken, 299.
 — — Roy, 60.
 — Ferquhar, bean, in Ardeach, 301.
 — Fynvola, 96.
 — John, Bain, in Knock, 300.
 — — moir, in Scarasdale, 299.
 — — vic Neill, in Hafforlane, 298.
 — John Brayoch, of Ardnamurchan, 56-58, 60, 62, 69, 72.
 — Malcolm, vic Martin, in Suy, 298.
 — Neill, vic Ilphadrack, in Cornacallich, 302.
 — — ur, in Ardunaig, 298.
 — Patrick, Glass, in Fillichen, 301.
 — Somerled, 61, 62.
 M'Eck, Donald, vic Illespie, 302.
 M'Ellar. See M'Kellar.
 M'Errocher, Angus, in Suy, 298.
 M'Eun, Duncan, gow, 298.
 — John, *alias* Fledger, 298.
 — — ur vic Finlay, 298.
 M'Ewene, John, 181.
 M'Fadzen, Malcolme, in Auchtabeg, 260, 300.
 M'Farlane, John, his account for work done at Duart castle, 318-319.
 — Katharine, in Catahame, 298.
 — Neil, in Ardunaig, 298.
 M'Fingan, Archibald, vic Ean vic Donald, 296.
 — Neil, 296.
 — Donald Roy, in Sallochiar, 298.
 — Duncan, in Collicheles, 300.
 — Ewan Roy, 18.

*Mr. MacEwan, antiquary of the
 House of Argyle 105*

- M'Fingan, John, 115, 300.
 ——— Dow, in Corngate, 298.
 ——— Malcolm, moir, in Icolumkill, 298.
 ——— vic Ean, 300.
 M'Finnon, 21-23, 25, 33, 45, 47, 65.
 M'Gee of the Rinds of Isla, 24, 41.
 M'Gilcreist, Archibald, 296.
 ——— Gillascop, 107 *u.*
 ——— John, in Bassaboyll, 296.
 ——— in Blachaig, 300.
 ——— Mary, 232.
 M'Gille Adamnan, 204 *u.*
 M'Gillespik, Alexander, vic Alester, in Beach, 299.
 ——— Charles, 301.
 ——— Donald, in Breve, 301.
 ——— Duncan, 115.
 ——— Gilchrist, 115.
 ——— John, in Ardunaig, 298.
 M'Gillian. *See* M'Lean.
 M'Gillichallum. *See* M'Ilchallum.
 M'Gilligorm crotach, a priest, 203 and *u.*, 204.
 M'Gillimertine, Ard., 302.
 ——— John, 115.
 M'Gillinan, 204.
 M'Gillivray, in Mull, 24.
 ——— Archibald, in Starfine, 297.
 ——— in Teerfine, 301.
 ——— Donald, in Teerfine, 301.
 ——— Gorum, in Pennyail, 299.
 ——— grave, in Starfine, 297.
 ——— M'Ean vic Ilvray, 297.
 ——— Duncan, 280.
 ——— in Scur, 297.
 ——— Ewin, in Knock, 300.
 ——— in Scur, 297.
 ——— Farquhar, 133.
 ——— Hew, 280.
 ——— John dow, 284, 300.
 ——— Lauchlan, in Knock, 300.
 ——— Malcom, in Killive, 301.
 ——— Martin M'Donald vic Ilvray, 297.
 ——— M'Onochie vic Ilvray, 297.
 ——— Neelchallin, in Ardchevage, 297.
 ——— Neil, in Dissag, 300.
 ——— in Glenrannar, 300.
 ——— in Sallochiar, 298.
 M'Gillivrays, 5.
 M'Gilliwie, Malcolme, 114.
 M'Gowrie, Hector, in Oskamull, 301.
 ——— John, in Ulva, 301.
 ——— Lauchlan, tacksman of Ulva, 301.
 M'Gra, Harie, harper, 115.
 M'Gregor, Gregor, vic Jeane, 173.
 ——— John, a servant of Ardkinglass, 194.
 M'Gregors, 179-180.
 M'Guire or Macquarry, 23.
 M'Hearliety vic Each, in Ober, 262.
 M'Ian. *See* MacEan.
 M'Ilchaller, Dougall, 299.
 M'Ilchallum vic Ilphadrick, 298.
 ——— Donald, 116.
 ——— vic Iloray, in Forwachlie, 299.
 ——— in Pennycross, 299.
 ——— in Torminach, 299.
 ——— Duncan, in Kilchanich, 296.
 ——— Ewin, 296.
 ——— Finlay, 296.
 ——— vic, in Laggan, 302.
 ——— Kenneth, 297.
 ——— Neel, vic Ildonich, 300.
 M'Ildonich, Donald, in Cuilhelis, 260.
 ——— John, vic Ewn, in Thurgill, 298.
 ——— Malcom, in Collicheles, 300.
 M'Ilendrish, Duncan, 301.
 ——— Ewen, 301.
 ——— Neil, 299.
 M'Illemhool, Lachlan, 60.
 M'Illegin, John, in Buist, 296.
 M'Ilmanus, Mildonich, in Penniemore, 260.
 M'Ilmichell, Ewin, in Ardjura, 300.
 ——— Bean, *alias* M'Illeinish, 300.
 ——— Hew, in Ferremoir, 301.
 M'Ilneive, John, 298, 301.
 M'Iloray, Donald, in Larsaig, 299.
 ——— John, in Pennygail, 299.
 ——— Dow, in Glenliddell, 299.
 ——— Malcom, 299.
 M'Ilpeich, John, in Breve, 301.
 M'Ilphadrick, Archibald, in Ledmoir, 302.
 ——— John, 302.
 ——— vic Ean, in Sandlaig, 296.
 M'Ilroy, Donald, 296.
 M'Ilroy, Hector, in Pennycross, 299.
 M'Ilvail, Neill, in Pennygail, 299.
 M'Ilvorich, Angus, 297.
 ——— John, 298, 302.
 ——— Malcom, in Forwachlie, 299.
 M'Indullam, Umphra, 115.
 M'Inish, Ewin, in Collicheles, 300.
 ——— John, vic Ilphadrick, 297.
 M'Inlay. *See* M'Kinlay.
 M'Inroy, John Dow, Ewn
 M'Eachan [?], 298.
 M'Innar, John Dow, 301.
 M'Innes of Ardgour, 26, 27.

- M'Inneses, 5.
 M'Intaggart, John, 218.
 M'Intayleor, Neel, 300.
 M'Intosh, progenitor of, 16.
 — Callum Beg, 29, 31, 40, 41, 44.
 — Duncan, laird of, 126.
 — Hector, tutor to MacIntosh, 127.
 — Hutcheon, 125.
 — Lachlan, captain of Clan Chattan, 128.
 — — of Dunachton, 129.
 — — son of Angus, 132.
 M'Intyre, Archibald, in Icolumkill, 298.
 — Colin, in Bassaboyle, 296.
 — Donald, in Lochstoddan, 299.
 — Duncan, 115.
 — John, in Ardochoyle, 300.
 — — in Lochstoddan, 299.
 — — in Thiarnell, 302.
 — Neil, in Ballinchagonich, 296.
 M'Intyres, origin of the name, 7.
 M'Kachen, Lachland, 115.
 Mackalman, John, 115.
 M'Kan, Gillespik, 115.
 M'Kay, in Mull, 24.
 — Hugh, of Strathnavern, 34, 40, 41.
 — John Guamach, 16.
 — Neill, 115.
 — Ovan, 115.
 M'Kellar of Cruachan, 166.
 — Donald, messenger-at-arms, 270, 272.
 — Gillimertine, 153, 162, 181.
 — Gillipatrik oig, murderer of Campbell of Calder, 149, 153-154, 156 *n*, 160, 162, 165, 175, 181-183, 188, 190.
 — John Glass, 166.
 M'Kenzie, Agnes, of Kincaig, 230.
 — Alexander, brother of Fairburn, 224.
 — — chamberlain of Ferintosh, 235.
 — — of Balloan, 231.
 — — of Culkowie, 321-323.
 — — of Dachmaluack, 235, 238.
 — — of Kilcoy, 223.
 — — of Kintail, 209.
 — — of Lentron, 233.
 — Anable, 213.
 — Anne, 233, 238.
 — Charles, of Cullen, 238.
 — Colin, of Kincaig, 230.
 — Dugal, priest of Kintail, 215, 217.
 — Ewen, of Hilton, 236.
 M'Kenzie, Finlay suidergach, 209.
 — Florence, 236, 238.
 — Dr. George, his *Genealogical Account of the Mackenzies*, 199.
 — — a son of Fairburn, 236.
 — sir George, 248.
 — Giles, 233.
 — Hector, of Garloch, 211.
 — — birrach, 209.
 — Isabell, 217, 231.
 — John, 51-52.
 — — minister of Lochalsh, 228.
 — — of Auch, 235.
 — John, of Kintail, 128, 211, 215-217.
 — Kenneth, of Coul, 212, 213.
 — — of Kintail, 219, 221, 225-226.
 — — merchant in Dingwall, 233.
 — — Achiench, 27.
 — Margaret, 234, 237.
 — Mary, 235, 237-238.
 — Murdoch, of Kintail, 209.
 — — of Redcastle, 234, 237.
 — — minister of Dingwall, 230.
 — Rory, of Dachmaluack, 237.
 — — tutor of Kintail, 226.
 — — moir, of Achagluanchan, 211-212.
 — Simon, of Torridon, 238.
 — William, 228.
 — — of Shildaig, 213.
 M'Kenzies, 105, 106 *n*, 199 and *n*, 204.
 — of Achilty, 211.
 — of Fairburn, 212.
 — of Kintail, 208, 209 *n*.
 M'Kerras, Alexander, in Bollimenoeh, 297.
 M'Kerrichare, Angus vic, 297.
 M'Kiltosche, Malcolm, 115.
 M'Kilvane, John, 115.
 M'Kinlay, Allan, in Killinack, 299.
 — Donald, 297, 301.
 — Finlay, vic Ean, in Darhowage, 300.
 — Johnne, 148 *n*.
 — Malcolm, 296.
 M'Kinnon, Florence, of Corrichat-
 achan, 230.
 — John, in Ninipoyll, 297.
 — Lachlan, 234.
 — Neil, in Boreraig, 234.
 M'Kinquorcher, John, 115.
 M'Korren, Murdo, 116.
 M'Lachie, Patrick, 114.
 Maclaide, Christina, concubine of Alexander earl of Ross and lord of the Isles, 93-95.

- M'Lauchlan, Allan, ur, in Beach, 299.
 — Charles, vic Ean, 280.
 — Donald, in Icolumkill, 298.
 — — oig, 289.
 — Dougal, in Camishallock, 261, 301.
 — — in Glencubastill, 301.
 — John, Dow, in Beach, 299.
 M'Laughtie, Donald, in Kyell, 297.
 M'Lean of Ardgour, 49, 273, 286-287.
 — of Bororay, 34.
 — of Brolos, 265, 266.
 — of Duart, 113.
 — of Kinlochaline, 273, 291.
 — of Lochbuie, 113, 273, 303.
 — of Torloisk, 273, 303.
 — Agnes, wife of John MacNaughtan of Dunderaw, 113.
 — Alexander, brother of Kingerloch, 304, 307-308.
 — — in Larnish, 297.
 — — in Killintine, 302.
 — — in Pennymoir, 297.
 — Allan, in Balliphelis, 296.
 — — in Collicheles, 300.
 — — in Corngate, 298.
 — — in Glencrubastill, 261.
 — — in Larsaig, 299.
 — — in Mungastill, 261.
 — — of Ardgour, contract with the earl of Argyll, 323, 324 and *n*-333; letters of certification in his favour by the marquess of Montrose, 333-334.
 — — of Ardtornies, 321.
 — — of Drimnin, 243, 320; his action against John, duke of Argyll, 245, 250.
 — — of Inner Skavadill, 286, 304, 307-308.
 — — M'Charles, in Mishenish, 304.
 — — — vic Lean, 302.
 — — M'Ean vic Eun vic Lean, 302.
 — — M'Eun vic Lean, in Mungistill, 302.
 — — son of Charles M'Allan, 307.
 — — vic Donald Glass, in Port-wiskine, 301.
 — — sir Allan, of Duart, 199, 246-247, 249, 255-256, 275, 288; decret of maills and duties in an action by the earl of Argyll, 251; agreement with John Maclean of Ardgour and Hew Maclean, his eldest son, 335; action of decret of removing obtained by the earl of Argyll against the Macleans, 260; funeral expenses, 295.
- M'Lean, sir Allan, of Duart (1771), 243, 250, 251.
 — Angus, in Lettirmoir, 301.
 — — glass, in Amoir, 302.
 — — roy, in Porvell, 302.
 — Archibald, 304, 307.
 — — brother of Ardgour, 308.
 — — in Torgrinag, 300.
 — — of Auchnacroiss, 284.
 — — M'Allan moir, 300.
 — — M'vic Ewn, brother of Ardgour, 314.
 — — Ard, in Ballinahard, 299.
 — Charles, constable of Urquhart castle, 205 *n*.
 — — in Ardintibert, 261.
 — — in Ardnacroish, 277, 278, 308.
 — — in Claguran, 301.
 — — in Fiunarie, 320-322.
 — — in Icolumkill, 298.
 — — in Kenlochtherchoist, 302.
 — — in Larnish, 297.
 — — in Tayneish, 289.
 — — in Ulval, 299.
 — — of Iverscadel, 324 *n*, 332.
 — — M'Allan, in Ardnacroish, 304, 307.
 — — vic Ean duy, 302.
 — — M'Ean Larnish, in Suy, 298.
 — — — vic Allister, in Ulvaill, 261.
 — — — vic Donald, in Pennymoir, 297.
 — Daniel, of Brolos, 247, 250.
 — Donald, drover, 294.
 — — in Ardtoiniss, 261, 302.
 — — in Ardtounishnether, 298.
 — — in Balliwilling, 296.
 — — in Barr, 261.
 — — in Calgarie, 321.
 — — in Icolumkill, 298.
 — — in Killibeg, 302.
 — — in Knockatuy, 297-298.
 — — in Manuall, 297.
 — — in Pennymoir, 297.
 — — in Tirergan, 297.
 — — tacksman of Bow, 296.
 — — tacksman of Ledbeg, 278, 302.
 — — tacksman of Tornodiu, 300.
 — — Dow, in Icolumkill, 298.
 — — Glass, 279, 287, 288, 300.
 — — M'Allans Ean du *alias*
 M'Laine, in Tormagag, 260.
 — Gorum, in Sheba, 297.
 — — M'Charles, in Arroiss, 304, 308.

- M'Lean, Donald M'Charles vic Lean, in Ardchillamish, 297.
 ——— M'Eachan oig, 299.
 ——— M'Eachan *alias* M'Lean, 299.
 ——— M'Martine vic Lean, in Dalquhum, 301.
 ——— Moir, in Glenan, 300.
 ——— Roy, vic Donald, 297.
 ——— son of Lauchlan, kills MacInnes, 27.
 ——— vic Allan, in Arivulchine, 301.
 ——— vic Allean vic Ean, in Barr, 261.
 ——— vic Finlay, in Ardnoduchead, 300.
 ——— Duncan Dow, in Killiemure, 299.
 ——— Roy, vic Neel, in Ochnocraig, 300.
 ——— Eachine M'Ewin vic Eachin, in Kainburg, 261.
 ——— Evon M'Charles, 304.
 ——— Ewen, 70, 71, 308.
 ——— in Carnag, 300.
 ——— tacksman of Ochnocraig, 300.
 ——— in Tiree, 288.
 ——— yr of Ardgour, 337.
 ——— M'Charles, 300, 307.
 ——— M'Ean vic Lean, in Archalastill, 301.
 ——— vic Lean, in Sallachin, 302.
 ——— oig, in Ardchevage, 297.
 ——— Eun M'Eun, in Killintine, 302.
 ——— Ferquhar, in Ardochar, 297.
 ——— Finlay, vic Donald, in Sallum, 296.
 ——— Dow, 299.
 ——— Fioris, 296.
 ——— sir Fitzroy Donald, 337.
 ——— Glislellan, 296.
 ——— Hector, archer, 115.
 ——— in Assoboll, 298.
 ——— in Auchnacroich, 260.
 ——— in Burg, 299.
 ——— in Drumcraigag, 261.
 ——— in Knockatuy, 297-298.
 ——— in Muidill, 296.
 ——— in Sallochar, 298.
 ——— in Sorobie, 297.
 ——— in Tanzie and Strone, 261.
 ——— minister in Morven, 337.
 ——— of Auchacharn, 287.
 ——— of Aucharanich, 301.
 ——— of Duart (1495), 74, 242.
 ——— (1549), 325.
 ——— of Lochbuy (1495), 242.
 M'Lean, Hector, fiar of Lochbuy (1675), 304, 305, 307, 308.
 ——— of Torloisk, 296, 300-301, 308.
 ——— soldier, 263.
 ——— son of Charles M'Allan, 307.
 ——— son of Donald M'Charles, 308.
 ——— son of John, of Kenlochaline, 304, 307, 308.
 ——— oig, brother of Brolos, 303, 306, 307; commission of fire and sword against, 308.
 ——— M'Allan vic Lean, in Tangie, 301.
 ——— M'Charles, 304.
 ——— M'Eun vic Lean, in Drumcragag, 302.
 ——— Roy, 29; killed at Harlaw, 30.
 ——— sir Hector, of Duart, killed at the battle of Inverkeithing, 247 and *n*, 255 *n*.
 ——— of Duart, in the '45, 249.
 ——— Hugh, 273.
 ——— bailie of Tiree, 296.
 ——— brother of Kingerloch, 304, 307, 308.
 ——— fiar of Ardgour, 304, 307, 308.
 ——— in Assoboll, 298.
 ——— in Ballephetris, 291.
 ——— in Bea, 299.
 ——— in Lagan, 260, 262, 269, 271.
 ——— son of John, of Ardgour, 335.
 ——— M'Charles vic Lean, in Glenan, 300.
 ——— John, in Ardtounish-over, 298.
 ——— in Arrois in Kilhawre, 302.
 ——— in Balliwilling, 296.
 ——— in Crinall, 296.
 ——— in Darhowage, 300.
 ——— in Derryvyll, 301.
 ——— in Kendvarr, 297.
 ——— in Killmoir, 261.
 ——— in Knockatuy, 297-298.
 ——— in Lettirmoir, 302.
 ——— in Pennymoir, 297.
 ——— in Sallachin, 302.
 ——— in Tirergan, 297.
 ——— of Ardgour, 246 *n*, 302-303, 307-308, 320-322, 329-332; agreement with sir Allan Maclean of Dowart, etc., 335.
 ——— of Boreray, 70, 71.
 ——— of Coll, 41, 47, 99.
 ——— of Kenlochallan, 296, 303-304, 307-308.

- M'Lean, John, of Keylis, 296.
 ——— of Lochbuy, 98.
 ——— presbyterian minister of Kintail, 233.
 ——— tacksman of Corneckmoir, 296.
 ——— sir John, of Duart, 249, 337.
 ——— John Dorish, in Ballimartine, 297.
 ——— Garbh, 73-74, 79.
 ——— Garvie, in Knockintoy, 320-321.
 ——— M'Charles vic Lean, tacksman of Sallum, 296.
 ——— M'Donald oig vic Lean, 296.
 ——— vic Lean, in Sallum, 296.
 ——— M'Ean, in Landill, 301.
 ——— vic Ewn vic Allan, pyper, 312.
 ——— MacEchin vic Ean, *alias* M'Clean, in Sheba, 297.
 ——— M'Ean vic Allan, in Ferrenish, 302.
 ——— vic Allan, in Kellimoir, 301.
 ——— dowie vic Lean, in Camisallich, 302.
 ——— M'Hector vic Lean, of Kenlochallan, 301.
 ——— oig, in Ballemeanach, 289.
 ——— oig, vic Neil, in Kilmuir, 299.
 ——— roy, 278.
 ——— roy, in Laudill, 301.
 ——— Lachlan, 36, 273, 288.
 ——— his marriage with Mary de Insulis (1367), 23 *n*, 78, 242.
 ——— baillie of Terie, 306.
 ——— in Arros, 261-262, 269, 272, 302.
 ——— in Achnacraig, 300.
 ——— in Brolos, 262, 269, 272.
 ——— in Dalrerish, 299.
 ——— in Gortenbouie, 300.
 ——— in Inchchrinich, 301.
 ——— in Kilimachir, 299.
 ——— in Killive, 301.
 ——— in Kilmuir, 299.
 ——— in Moreineish, 260, 308.
 ——— in Muidill, 296.
 ——— in Revaig, 291.
 ——— in Sallachir, 261.
 ——— of Auchauist, 301.
 ——— of Brolos, 249, 261, 267-269, 275, 299, 337; articles of agreement between Brolos and Argyll, 275; his intrusions with the estate of Duart, 293-295; act of adjournal, 1675, 303-308; commission of fire and sword against Brolos, 308; execution of the offer of indemnity, 309; commission to the earl of Argyll to treat with Brolos and other rebels, 310.
 MacLean, Lachlan, of Calligourie, 301.
 ——— ——— (1430), 73.
 ——— ——— (1495), 74, 96-98.
 ——— of Torloisk, 261, 277, 300, 301, 304, 308.
 ——— tacksman of Rowage, 296.
 ——— son of Charles M'Allan, 307.
 ——— sir Lachlan More, of Duart, 188 *n*; his complicity in the murder of Campbell of Calder, 163 and *n*-165.
 ——— of Duart, 245 and *n*, 246 and *n*, 320, 321.
 ——— Lauchlan M'Charles, 279, 304.
 ——— M'Ean roy, in Laggan, 302.
 ——— vic Lean, in Salvarie, 302.
 ——— MacThearlaich, killed at the battle of Park, 210 and *n*.
 ——— Moir, in Sallachan, 287.
 ——— oig, 74.
 ——— oig M'Lean M'Eun, in Auchnatibert, 302.
 ——— oig M'Lean M'Eun, in Bachore, 302.
 ——— M'Allan M'Charles, in Misheneisk, 308.
 ——— Malcolm, in Arrois in Kilnawre, 302.
 ——— in Darhowage, 300.
 ——— M'Neil vic Lean, in Arrois, 301.
 ——— Mildonich, 198.
 ——— Murdoch, of Lochbuie, 135.
 ——— Neill, in Ducheran, 301.
 ——— in Kendvarr, 297.
 ——— M'Ean vic Neill, *alias* M'Claine, 269, 272-273.
 ——— vic Lean, in Douchartie, 301.
 ——— son of Lachlan, of Duart, 73.
 ——— Rorie, in Muidill, 296.
 ——— Thomas, schoolmaster at Ord, 235.
 M'Leans, 21-23 and *n*, 45-46, 105-106 *n*, 131, 199, 205 and *n*, 317; decret of removing by the earl of Argyll (1673), 260; executions of deforcement (1674), 261; letters of treason issued (1674), 263; letters of intercommuning (1674), 269; commission of fire and sword (1674), 271.
 ——— of Ardour, 245 *n*, 248.

- M'Leans, of Duart, 21, 79, 243, 303.
 — of Lochbuy, 21, 248.
 M'Lennans, 216; their origin, 204
 and *n*.
 M'Leod of Assint, 34.
 — of Harris, 32, 46.
 — of Lewis, 31, 46, 56, 57.
 — of Raasay, 56, 58.
 — Alex., of Harris, 68.
 — Janet, wife of Donnachdnam-
 Pios, 237.
 — John, 67.
 — — of Dunvegan, 321-323.
 — — of Harris, 29, 63.
 — Julian, 249.
 — Norman, of Macleod, 236.
 — Paul, 302.
 — Roderick, of Leoghys, 98.
 — — of Lewis, 29, 33.
 — — of Talliskar, 323.
 — — Du, his daughter conspires
 against Angus Og, lord of the Isles,
 51.
 — — Torkill, of the Lewis, 50, 63, 67,
 72.
 — — William, of Glenelg, 98.
 — — of Harris, 37, 49, 50.
 M'Leods, 221.
 — of Garloch, 211.
 M'LERICH, Duncan, in Buist, 296.
 — Lauchlan, 291.
 M'Lier, of Strath, in Skye, killed by
 Somerled and Olay, 7.
 M'Lugas, Archibald, in Kilimachir,
 299.
 — Donald Roy, 299.
 — John, in Kilimachir, 299.
 M'Lulichs or Pittullich's, 13.
 M'Lun, Archibald, 298.
 M'Maines, Callich Frigadell M'Ildo-
 nich, 301.
 M'Maller, Donald, 114.
 M'Manus, Mildonich, 279.
 M'Martine, Donald, in Sallochar,
 298.
 — Lauchlan, in Ballimacken, 299.
 — — in Ballinrenoch, 299.
 — — in Ormsaig, 269, 272-273.
 M'Michael, Donald, 115.
 — John, 115.
 M'Millan, 24.
 — Finlay, 297.
 — Hew, 115.
 — Malcolm, 115.
 M'Murich, poet, 45, 52.
 — of Ardpun, 16.
 M'Nab, Donald oig, 300.
 M'Nabs, 16.
 M'Nagills, 13.
 M'Nair, Thomas, 171.
 M'Naughtan, Alexander, obtains a
 grant of lands from David II., 110
 and *n*.
 — — baron, 110 and *n*, 111.
 — — colonel, raises a company of
 Scottish archers in 1627, 113-116.
 — — of Dunderaw, killed at
 Flodden, 112.
 — — son of John, of Dunderaw,
 113.
 — — archer, 115.
 — Ath, son of Malcolm, 106 *n*.
 — Bethoc, 106 *n*.
 — Donald, of that ilk, baron, an ad-
 herent of Robert the Bruce, 109-110.
 — — rector of Weem, and bishop
 of Dunkeld, 111 and *n*.
 — Duncan, of that ilk, 111-112.
 — — brother of John, of Dun-
 deraw, 193.
 — Gilbert, of that ilk, 112.
 — sir Gilbert, 106 *n*.
 — Gilchrist, 106 *n*, 108 *n*; charter
 of Alexander III. appointing him
 keeper of Fraoch-Elan castle, 107
 and *n*.
 — John, of Dunderaw, 113.
 — — of Dunderaw [son of the
 above], 113.
 — — of Dunderarrow (1596), 193.
 — Malcolm, 106 *n*.
 — — of Dunderaw, 113.
 — Maurice, 111 *n*.
 M'Naughtans, their origin, 105-108.
 M'Neil of Barra, 25, 33, 46, 49, 50.
 — Angus Dow, in Kilimachir, 299.
 — — Glass, 300.
 — Charles, bean, in Cheneish, 297.
 — Donald, 115.
 — — in Ardtounish-over, 299.
 — — Dow vic Dougall, in Gil-
 patrick, 299.
 — — cir M'Neil vic Neil M'Mar-
 tin, in Sheba, 297.
 — Duncan, 298.
 — Ewin, vic Ilchallum, 301.
 — Ferquhar, in Tormtarroch, 299.
 — — vic Donald ur, in Beach,
 299.
 — Finlay, vic Ean vic Finlay, 301.
 — — vic Finlay, 297.
 — Gilcallum, vic Donald, in Glenan,
 300.
 — Hector, in Ballifuill, 297.
 — — in Kendvarr, 297.
 — — of Thyneis, 333.
 — — vic Ean, in Tarnaskioch, 300.
 — Hew, in Ochnocraig, 300.

- M'Neill, John, 115.
 ——— of Letterbeg, 278.
 ——— M'Neill vic Ean, in Tourreas-
 ceachs, 260.
 ——— reoch, 115.
 ——— vic Ean, in Ardunaig, 298.
 ——— vic Ean duy, 297, 300.
 ——— vic Neil, 298.
 ——— vic Rorie, in Lettirmoir, 301.
 ——— Hew, 300.
 ——— Lachlane, archer, 115.
 ——— Malcolm, 269, 272.
 ——— ensign, 114.
 ——— in Arros, 262.
 ——— vic Ean, in Balliemoir, 301.
 ——— Maurice, his posterity called Mac-
 Intyres, 7; assassinate Somerled, 9.
 ——— Neil, in Hyrem, 296.
 ——— gow, in Ardochoyle, 300.
 ——— vic Roy, in Tirrgan, 297.
 ——— Patrick, dow, in Glenrannar, 300.
 ——— roy, pyper, 269, 272-273.
 ——— Philip, 114.
 M'Neills, 14.
 M'Nicoll, in North Uist, 8.
 ——— in Portree, 24.
 ——— Gillere, 114.
 M'Niven, constable of Dunivaig, 62.
 M'Norcard, Duncan, in Scur, 297.
 ——— John Dow, 297.
 ——— Malcolm, 297.
 M'Obnach, Donald, in Slumaboll, 301.
 M'Onich, Martin, 297.
 M'Onlay, Duncan, 302.
 ——— John, 302.
 M'Onochie, Archibald, grave, 297.
 ——— Donald, grave, 297.
 ——— John, in Auchacharie, 302.
 ——— vic Ilphadrick, 302.
 ——— Thomas, vic Avish, in Icolumkill,
 298.
 M'Orew, Donald roy, 115.
 M'Phaden, Angus, in Sheltoone, 300.
 ——— Donald, in Auchadabeg, 300.
 M'Phain, Donald bean, 300.
 ——— John More, 299.
 M'Phale, John, 114.
 M'Pherson, Angus M'Earn bean, 299.
 ——— Ann, 135.
 ——— Duncan, of Clunie, 135.
 M'Phersons, 20.
 M'Phie of Colonsay, 25.
 M'Plader, Duncan, 115.
 M'Poke, a hermit, blinds Godfrey
 Du, 8.
 M'Quarry of Ulva, 30, 41, 45.
 ——— Archibald, 115.
 ——— Cathell, 114.
 ——— Donald, in Lagan, 260.
 M'Quarry, Hector, 280, 304, 307-308.
 ——— John, in Ulva, 260, 262, 265,
 267-269, 271, 273, 308.
 ——— Roy, 304, 307.
 M'Queen, Finlay, 72.
 ——— Patrick, a minister and an expert
 in witchcraft, 151, 167 and n, 168,
 169.
 M'Ra of Achyark, 238.
 ——— of Cluns, 202, 205.
 ——— Abigail, 233.
 ——— Alexander, 233-234, 237-238.
 ——— merchant in New York, 233.
 ——— of Achyark, 224.
 ——— of Druideg, 232.
 ——— of Inverinate, 223, 227, 234-
 237.
 ——— officer of Kintail, 212.
 ——— priest, 235, 238.
 ——— son of Alexander, of Inveri-
 nate, 237.
 ——— son of Christopher, 213.
 ——— son of Donald, minister of
 Kintail, 236.
 ——— son of Donald oig, 223.
 ——— son of John, minister of
 Dingwall, 230.
 ——— son of John du, 213.
 ——— son of John oig, 213.
 ——— taxman of Arigugan, 231.
 ——— writer, in Chanony of Ross,
 210.
 ——— oig, 235.
 ——— MacGilchrist oig, 224.
 ——— Roy, 213.
 ——— Allan, 239.
 ——— son of Alexander, of Inveri-
 nate, 237.
 ——— Anne, 223, 231, 234, 238-239.
 ——— Barbara, 239.
 ——— Catherine, 233, 235-238.
 ——— Christian, 232, 236, 238.
 ——— Christopher, 238-239.
 ——— ancestor of the MacRas of
 Strathglass, 217.
 ——— constable of Eilandonan
 castle, 211, 212, 214.
 ——— in Arigugan, 207.
 ——— in Carr, 234.
 ——— in Dall, 234.
 ——— in Drudag, 234.
 ——— killed at Sheriffmuir, 236.
 ——— officer of Kintail, 213.
 ——— a sergeant in the 78th regi-
 ment, 237.
 ——— son of Alexander, of Druideg,
 232.
 ——— son of Alexander, of Inveri-
 nate, 237.

X Cathell m'quharie
 X = Mac Phàic? (Pulkeson)

- M'Ra, Christopher, son of Donald oig, 213.
 ——— son of Duncan MacGillchrist, 218-220.
 ——— son of Farquhar, 212.
 ——— son of Finlay, 209, 210, 223.
 ——— son of John, 223.
 ——— son of Murdoch, of Balnain, 232.
 ——— taxman of Arigugan, 233.
 ——— beg, 212.
 ——— oig, son of Christopher MacConnochie, 220, 224.
 ——— Colin, 237-238.
 ——— killed at Sheriffmuir, 236.
 ——— printer in London, 233.
 ——— son of Donald, minister of Kintail, 232.
 ——— sir Colin, 197.
 ——— Donald, 232, 234, 239.
 ——— in Torlisich, 236.
 ——— minister of Kintail, 207, 231-232.
 ——— minister of Lochalsh, his descendants, 213.
 ——— of Camusluing, 207.
 ——— schoolmaster in Fortrose and minister of Kintail, 235, 236.
 ——— son of Alexander, 213.
 ——— son of Alexander, of Inverinate, 237.
 ——— son of Alexander Roy, 213.
 ——— son of Christopher, 210, 212.
 ——— son of Duncan, of Balnain, 232.
 ——— son of Farquhar, 212, 227.
 ——— son of John, 223.
 ——— son of Myles, 233.
 ——— Bain, son of Murdoch, of Balnain, 232.
 ——— beg, son of Christopher MacConnochie, 220, 225.
 ——— Dahiter, 213, 214.
 ——— du, 223.
 ——— MacEan vayns, 212.
 ——— MacGilchrist vic Coil dui, 212.
 ——— oig, 212-214.
 ——— chamberlain of Kintail, 223.
 ——— Duncan, 232-236, 238-239.
 ——— in Lochalsh, 213.
 ——— killed at Fort Pittsburg, 235.
 ——— minister, 223-224.
 ——— of Arigugan, killed at Sheriffmuir, 234.
 ——— of Balnain, 231, 232.
 ——— of Inverinate, 224.
- M'Ra, Duncan, son of Alexander, 213.
 ——— [Donnachd-nam-Pios], son of Alexander, of Inverinate, 237 and *n.*
 ——— son of Christopher, 220-221.
 ——— son of Christopher, at the battle of Park, 210-211.
 ——— son of Christopher, in Arigugan, 207.
 ——— son of John, 223.
 ——— son of John, killed by Monk's soldiers, 218.
 ——— son of John oig, killed at Auldearn, 213.
 ——— tutor of Conchra, 231, 232.
 ——— du, son of Farquhar, 213.
 ——— MacGilchrist, 212, 214, 217, 218; defends Eilandonan castle against Donald Gorm Macdonald, 215-216.
 ——— MacUlay, 212.
 ——— MacUrchie, of Balnain, 236.
 ——— Moir, son of Donald oig, 213.
 ——— oig, 212.
 ——— Roy, 210, 234.
 ——— Farquhar, 224, 233-234, 236, 238.
 ——— minister of Kintail and constable of Eilandonan castle, 220, 225-229.
 ——— of Inverinate, 197, 203 *n.*, 207, 232.
 ——— of Morrich, 236.
 ——— son of Alexander, of Inverinate, 234, 237-238.
 ——— son of Christopher, 212.
 ——— son of Donnachd-nam-Pios, 238.
 ——— son of Duncan, of Balnain, 232.
 ——— son of Duncan oig, 214.
 ——— son of John oig, 213.
 ——— son of Murdoch, of Balnain, 232.
 ——— MacGilchrist, 210, 212.
 ——— Moir, son of Duncan, 213.
 ——— oig, 239.
 ——— Finlay, 238.
 ——— in Bundaloch, 234.
 ——— in Duiligg, killed at Glensheil, 234.
 ——— minister of Lochalsh, 231-234.
 ——— son of Christopher, 210, 211, 220, 223.
 ——— son of Donald, 212, 214.
 ——— du, 212.
 ——— MacGilchrist, 217-218.
 ——— du Macgilchrist, 209.

- M'Ra, Finlay MacEan Roy, of Letter-
inymer, 212.
— Florence, 233-234.
— Giles, 233.
— Gilipatrick, 211.
— Harry, bailie of Dingwall, 231.
— Hector, taxman of Ardelve, 231.
— Helen, 228, 235, 238.
— Hugh, 237, 239.
— Isabell, 228, 231-233, 235, 238.
— — wife of (1) John MacRa of
Conchra; (2) Alexander Mackenzie;
(3) George Mackenzie, 236.
— — wife of William Morrison in
Baloogu, 237.
— James, of Balnain, 231.
— Janet, 232-235, 238.
— John, 234, 238-239.
— — gunsmith in Kintail, 213.
— — in Achyark, 207.
— — in Chanonry of Ross, 210.
— — in Jamaica, 233.
— — in North Carolina, 236.
— — merchant in Inverness, 206.
— — minister of Kilmorack and
afterwards of Dingwall, 196, 202
and *n*, 227, 229-230 and *n*, 235, 237-
238.
— — yr. of Achyark, 236.
— — of Conchra, killed at Sheriff-
muir, 231, 236.
— — — [son], 231.
— — — son of Christopher, 220, 222-
223.
— — — son of Christopher oig, 224.
— — — son of Donald, 233.
— — — son of Donald oig, 213.
— — — son of Donald, minister of
Kintail, 232.
— — — son of Donnachd-nam-Pios,
238.
— — — son of Duncan, of Balnain,
232.
— — — son of Duncan MacGilli-
christ, 218.
— — — son of Duncan oig, 213.
— — — son of Farquhar, 227.
— — — son of John du, 213.
— — — son of Maurice, 212.
— — — taxman of Arigugan, 233.
— — — tutor to MacLeod of Mac-
Leod, 236.
— — — vicar of Kintail, 209.
— — — Carach, 205.
— — — du, 213.
— — — Duncanson, in Dornie, 237.
— — — Mac Ulay voir, 210.
— — — moir-na-cas, 211.
— — — oig, 236.
- M'Ra, John, son of Donald, 212, 213.
— — — Ryach, 212.
— — — Kenneth, 207, 232, 239.
— — — son of Donnachd-nam-Pios,
238.
— — — Malcolm, son of John oig Mac-
Unlay Dhui, 228.
— — — Roy, son of Farquhar, 213.
— — — Margaret, 210, 224, 232, 235-
236, 238-239.
— — — Marion, 233, 238.
— — — Mary, 230, 233, 235, 237-239.
— — — Maurice or Murrich, 210; his
descendants, 211.
— — — son of Christopher, drowned
in Strathglass, 220, 224.
— — — son of Farquhar, 212.
— — — Milmoir or Myles, 211; his de-
scendants, 212.
— — — son of Farquhar, 227, 232.
— — — MacFinlay, 212.
— — — Murdoch, 213, 233, 238-239.
— — — killed in North Carolina,
233.
— — — of Balnain, 231.
— — — son of Alexander, of Inveri-
nate, 237.
— — — son of Farquhar, 227, 233.
— — — Ranauld, son of Duncan oig,
214.
— — — Rebecca, 233.
— — — Roderick, 235, 238.
— — — in Tain, 212.
- M'Ras, 204-205; origin of the clan
and variations in the spelling, 198;
contract of friendship with Campbell
of Craignish, 206-208.
— — in Ireland, 209.
— — of Kintail, 210, 214.
— — of Strathglass, 217.
- M'Rath, 198 and *n*.
- M'Ronald, Donald, in Icolumkill, 298.
— — Dougald, in Icolumkill, 298.
- M'Rorie, Donald Dow, in Ballinoo,
297.
— — — Duncan, in Suy, 298.
— — — Fergus, 198.
— — — John, in Ballinoo, 297.
— — — vic Donald bean, 298.
— — — Lauchlan, 297.
— — — Neil Rioch, 297.
— — — Rorie, vic Allan, 297.
— — — Finlay, gow, 298.
— — — John, in Carnag, 300.
- M'Ruari, Amie, 79, 81, 242; dispen-
sation for marriage with John of Yle,
lord of the Isles, 25 *n*, 73.
— — — Reginald, of Garmoran, 18 and *n*,
25 *n*.

M'Shirie, Farquhar, 301.
 — John, 262, 269, 272-273, 302.
 M'Sochan, Charles, 261.
 M'Sorle, Finlay, 296.
 — John, 296.
 M'Sparren, Duncan, 115.
 M'Spynner, Neill, 116.
 M'Staker, Lachlane, 115.
 M'Sween, Mariota, 84, 89.
 — Mor (daughter of Mariota), 84, 89.
 M'Ulvoyll, Donald, in Knockulligan, 297.
 M'Urigh, Donald, 300.
 M'Vadder, Donald, 114.
 M'Vane, John, 115.
 — Patrick, 114.
 M'Viker, Neill, 115.
 M'Vrartech, Lachlan, 301.
 M'William, John, 116, 269, 272-273, 300.
 — Patrick, in Ardunaig, 298.
 — Rorie, in Ardunaig, 298.
 Macyvar, Eugenius, 111.
 Magenburg, 83.
 Magnus, king of Denmark, 13.
 Maitland, sir John, lord Thirlestane, 146-147, 149, 176, 179 and *n*, 184-185, 188, 190.
 Makeller, Archibald, 115.
 Malcolm I., 53.
 Malcolm II., 53.
 Malcolm III., 120.
 Malcolm IV., seeks to deprive Somerled of his possessions, 8-10.
 Malcolm Charles vic Adam, in Icolumkill, 298.
 — M'Charles vic Ean, in the isle of Erraie, 298.
 — Mac Ean Charich, constable of Eilandonan, 211, 214.
 — M'Ean dow vic M'Neel, 300.
 Mammore, in Lochaber, 52.
 Manapii, 34.
 Mangecheles, 83.
 Mannall, in Tiree, 252, 289, 297.
 Maolmory, son of Somerled II., 12.
 Maoshinish, 33.
 Mar, Alexander, earl of, 29, 30, 31, 39; defeated at Inverlochry, 40-42.
 — John, earl of, 179 and *n*, 188-190, 192.
 — William, earl of, 107.
 March, earl of, 12.
 Marischal, George, earl, 179 *n*.
 Markarna, 83.
 Marriages among the clergy of the Celtic church, 85.
 Mary de Insulis, her marriage with Lachlan Maclean, 23 *n*, 78, 242.

Mary voir Nicvolvoire vic Coil vic Neil, in Lismore, 166.
 Masson, George, 114.
 Matheson, in Lochalsh, 234.
 — of Fernaig, 232.
 — Alex., of Bennetsfield, 235.
 — Dugal, in Balmacarra, 223.
 — James, 235.
 — John, in Durinish, 235.
 — — du, constable of Eilandonan, 215-216.
 Maule, William, bailie of Edinburgh, 159 and *n*.
 Maurice, vicar of South Uist, 63.
 Meadows, Frances, 138.
 — Philip, 138.
 Megines, colonel, 318.
 Meikle Achyark, 237.
 — Budgate, 134, 137.
 — Craigie, 130.
 — Davie, 130.
 — Urchany, 134.
 Melvary, 212.
 Melville, Andrew, principal of St. Mary's college, St. Andrews, 145-147 and *n*, 150.
 — James, minister of Kilrenny, 145-147 and *n*.
 Meneteth, John de, 111.
 Michell, John Dow M'Gillie, 114.
 Middletown, Robert, 263-265, 267.
 Miller, James, procurator, 323.
 Milne, Alexander, abbot of Cambuskenneth, 111.
 Mishenish, 304.
 Moidart, 12, 26, 60.
 Molbowie, 255, 285.
 Molbrey, 260.
 Monk, general George, 218, 229.
 Monro. *See* Munro.
 Monteith, Donald, *alias* Barroun of Curquhyn, 167 *n*.
 Montgomery, of Eglinton, 27.
 Montrose, James, marquess of, 333.
 — John, earl of, 179.
 Moor, sir Adam, 26, 28.
 Moray, Agnes, countess of, 144.
 — Archibald Douglas, earl of, 122.
 — James, earl of, 130, 131, 135, 144, 146, 148, 176, 184-185, 189.
 — earldom of, 144.
 Moraylaws, 134.
 Mordoner, 110.
 Moreneish, 252, 258, 260, 279, 294, 304; rental, 279, 316.
 Morison, Allan, 58.
 — William, in Balooag, 237.
 Morloss, 253.
 Moror, 26.

Makemachane
 115

- Morton, John, earl of, 176 and *n.*, 184, 185, 190.
 — William, earl of, 116.
- Morvern, 5, 26, 47, 242-243, 252-253, 293, 321; rental, 285.
- Moy, 121, 124-125, 275.
- Moyness, 134, 137.
- Moythes, William, thane of, 121.
- Muchdanach, 12, 17.
- Muckarn, in Lorn, 127, 133, 136-137, 186 and *n.*
- Muckle. *See* Meikle.
- Muddenard, 110.
- Muidill, 296.
- Mulchoich, 125.
- Mull, 12, 15, 17, 20, 21 and *n.*, 244, 251; rental, 311.
- Multhallen, Patrik, 114.
- Mungastill, 253, 259, 261, 286, 302.
- Munro, sir George, 218.
 — Hector, of Fowles, 127.
 — Robert, of Fowlis, 128.
 — Thomas, rector of Kilmanawik, 99.
- Munroes, 20.
- Murchison, Murdoch, constable of Eilandonan, and priest of Kintail, 220, 227.
- Murdo, ancestor of the Shiol Mhurchy Macdonalds, 16.
- Murdoll, in Tiree, 290.
- Murray, Donald, 113, 114.
 — Elizabeth, wife of Malcolm MacNaughtan of Dunderaw, 113.
 — Hutcheon, 114.
 — Mungo, 229.
 — Patrick, of Achtertyre, 113.
- NACHALOSTICH, 302.
- Nagagnane, 251.
- Nairn, miln of, 124; sheriffship, 121, 123, 137.
 — William, of Balquhonzie, 121.
- Naper, Robert, 115.
- Narauchane, 325.
- Naughtan, ancestor of the Macnaughtans, 105, 108 and *n.*
- Nechtansmere, in Angus, 108 *n.*
- Neil Dow vic Arthur, 297.
 — Garvie M'Neil vic Ean duy, 300.
 — M'Ean vic Alistair, in Auchnacraig, 300.
 — — vic Eachine, in Dowart, 269, 272-273.
 — — vic Ean, in Ballimacken, 299.
 — — vic Earg, in Dowart, 262.
 — M'Eun vic Allaster vic Lauchlan, 302.
- Neil, Malcolm, in Arros, 261.
- New Calgadie, 252.
- Newline, 253.
- Nichachlerich, in Blargoir, 166.
- Nicholchannich, in Dunnache, 167.
- Nicholson, Thomas, advocate, 158.
- Nicrichert, in Dunache, a witch, 167.
 — in Soraba, a witch, 167.
- Nikkeoll, Ewphrick, a witch, 166.
- Ninipoyll, 297.
- Nisbet, Syme, 179.
- North Uist, 48, 59, 65, 72.
- Norvel, George, advocate, 257.
- O'BEOLAN, 209 *n.*
 — Austin more, 34.
 — Normand, 34.
 — Patrick, 34.
- Obrian, Edmond More, 50.
- O'Carby, Art, murders Angus Oig, lord of the Isles, 52.
- O'Conochar, Donald, physician, 134 *n.*
- O'Docharties, 20.
- Ogilvie, lord, 180 *n.*
 — of Findlater, 130.
 — sir Alexander, killed at Harlaw, 30.
 — James, son of lord Ogilvie, 128.
 — John, of Carnucie, 127.
- O'Kaine, Guy, 20.
 — Margaret, wife of Angus Oig, lord of the Isles, 20.
- Olay, king of Man, 5-8, 13, 15.
- Old Calder, 123.
- O'Millans, 20.
- O'Neill, Brian Ballach, 20, 27.
 — Counn, 44.
- O'Neills, 20.
- Orkney, earl of, 36; killed by Murdo MacCotter, 37.
- Ormissaig, 315.
- Orsay, 257.
- Orvinsaig, 97, 100.
- Oskamull, 255, 258, 261, 280, 301, 316.
- Over Lochow, 111 *n.*
- PACOK, ALEXANDER, notary public, 323.
- Paniter or Panter, David, bishop of Ross, 129 and *n.*
 — Robert, abbot of Cambuskenneth, 129 *n.*
- Park, battle of, 210 and *n.*
- Patrick M'Ean Glass, in Hafforlane, 298.
- Pattissorrell, 298.
- Paul M'Ean vic Errochar, in Sheba, 297.

- Penniemoir, 252, 258-260, 279, 282, 297, 301, 313, 316.
 Pennycross, 299 *n.*, 314.
 Pennygaill, 299, 314.
 Phanmoir, 280.
 Philiphaugh, battle of, 334 *n.*
 Pierpont, lady Frances, 138.
 Pinkerton, barony of, 149, 176 and *n.*, 185.
 Pitmain, 54, 64.
 Pollock, Ruth, 135.
 Portavate, 287.
 Portboat, 255.
 Portvale, 259.
 Portwiskine, 301.
 Pottie, 254, 259, 282, 313.
 Primogeniture, its place in Celtic succession, 74.
 Pryse of Gogerthen, 137.
 — Elizabeth, 137.
- RAILWAY**, 286.
 Raite, 123, 124, 127, 134; castle, 134.
 — sir Alexander, of that ilk, 121.
 Raitloan, 134.
 Ramishallich, 301.
 Ramsay, David, commissioner of the Isles, 282, 306-308.
 — in Beach, 304.
 Ravenscraig. *See* Keith, John.
 Reginald, son of Somerled, 11-13 and *n.*, 17, 76, 82.
 Reid, Andrew Roy, 114.
 — David, notary public, 175.
 — John, in Kyell, 297.
 — Thomas, principal of Edinburgh university, 225.
 — William, 114, 310.
 Reranakeill, 290.
 Revaig, 291.
 Robert the Bruce, 108, 109.
 Robert II., 19, 51 *n.*, 81, 82, 111.
 Robert III., 81, 111 *n.*
 Robertsons, Arthowr, 263.
 Robertsons in Athole, their descent, 13.
 — of Struan, 18, 20.
 Rochoy, 302.
 Rollock, Peter, bishop of Dunkeld, 158, 159.
 — Robert, professor of divinity, 225.
 — Thomas, advocate, 133.
 — sir William, 13; killed by Donald of the Isles, 14.
 Rorie M'Ean vic Donald, in Breve, 301.
 Rose, Hugh, of Kilravock, 125, 127, 135.
- Rose, Hugh, of Lovat, 201 *n.*
 — Isabel, 125-126.
 — Margaret, 135.
 — Mary, 201 *n.*
 Roses of Kilravock, 20.
 Rosneath, 153, 177.
 Ross, in Mull, 243, 245, 254, 280, 283, 294, 321; rental, 280, 312.
 — earldom of, 28-31, 33, 54, 123, 200 *n.*
 — earl of, kills Reginald Mac Ruari in Elcho monastery, 18 and *n.*
 — Alex., 'pretended' earl of. *See* Macdonald, sir Alex., of Lochalsh.
 — of Belnagown, 128.
 — Farquhar, earl of, 34.
 — Hugo de, baron of Geddes, 121.
 — John, lord of the Isles and earl of. *See* Macdonald.
 — William, earl of, 28.
 Rothes, George, earl of, 129 *n.*
 Rowage, 296.
 Rum, island of, 26, 110.
- SADELL**, in Kintyre, monastery of, 14.
 St. Fyndoca of Inishail, church of, 106 *n.*
 St. Fynnoga's of Coll, vicarage, 84.
 Salchur, 281, 313.
 Salfuer, 254.
 Salim, in Tiree, 291, 296.
 Sallachan, 253, 259, 261, 287, 302.
 Sallachanbeg, 325.
 Sallachanmoir, 325.
 Sallochar, 298.
 Samdaig, 289.
 Sandlaig, 296.
 Savarie, 253, 259, 287, 302.
 Say, 254.
 Scarasdale, 257, 285, 299, 312.
 Scarba, 255, 285.
 Scarvenies, 253.
 Schairpe, Mr., advocate, 158.
 Scour, 280, 297, 312.
 Scrimgeour, Helen, wife of Alex. MacNaughtan of Dunderaw, 112.
 — sir James, of Dudhope, 112 and *n.*
 Seaforth, Colin, earl of, 224, 227.
 — George, earl of, 227, 229, 234, 321-322.
 — Kenneth, earl of, 196, 227, 234.
 Second sight, 167.
 Segabald, 253.
 Seirpheyne, 254, 259, 281, 313.
 Senvallie, 257, 284.
 Seton, sir Alexander, afterwards earl of Huntly, *q. v.*

*Reginald
 Arthowr, 17.*

- Seton, David, of Parbroith, 100.
 — Elizabeth, wife of Alexander, lord
 of the Isles and earl of Ross, 35 *n.*
 93.
 Seuir, 254.
 Shaw, Lauchlan, minister of Elgin, 118.
 — Robert, 333.
 Shawfield, 137 and *n.*
 Sheba, in Mull, 254, 258, 280, 297,
 312.
 Shelton, 300.
 Sheriffmuir, battle of, 231, 234, 236.
 Shippinag, 14.
 Skane, 258.
 Skaneir, 252.
 Skerehow, 97, 100.
 Skolpie, 100.
 Skriden, 254.
 Sleat, 25, 48, 59, 65, 72, 100, 101.
 Slias Rittachi, 54.
 Slumaboll, 301.
 Smith [?], Finlay, 297.
 — [?], John oig, in Erraie, 298.
 Somerled Macgillebride, 4, 5 and *n.*
 10.
 — son of Somerled, succeeds his
 father as thane of Argyle, 12.
 — son of Donald of the Isles, 13,
 14.
 Sorobie, in Tیره, 289, 297.
 South Uist, 27.
 Spens, Richard, advocate, 158.
 — William, 319.
 Spynie, Alex., lord, 188 and *n.*
 Stank house, 123.
 Starfine, 297.
 Steill, William, pyper, 114.
 Stewart, Duncan, of Appin, 273.
 — of Lennox, 28.
 — Henrietta, daughter of the earl of
 Moray, 135.
 — John, of Appin, 171, 176, 184-
 185, 190.
 — Malcolm Roy, 19.
 — lady Margaret, wife of John, lord
 of the Isles, 26, 27, 73, 81.
 Stornua loch, 6, 7.
 Straglasch, 252.
 Strane, 252.
 Strathbogie castle, 150.
 Strathbren, 206.
 Strathconan, 206, 213.
 Strathern, M., earl of, 107.
 Strathford, in Sutherland, 54.
 Strathgarve, 206.
 Strathglass, 201, 217-218.
 Strathloch, lairds of, 20.
 Strathnairn, barony of, 127, 129, 130.
 Strathnavern, 35.
 Strom castle, 219.
 Stromragane, 325.
 Strone, 257, 261, 278, 302, 315.
 Strongartwne, 111 *n.*
 Suenpelsich, 253.
 Sunelache, Donald, 114.
 Sunneboyle, 252, 258, 279.
 Surd, 254.
 Sutherland, Alexander, of Dunbeath,
 34 *n.*, 124 and *n.*
 — Margaret, 124 and *n.*, 125.
 — Thomas, 114.
 — William, 114.
 Suy, 255, 258, 282, 298, 314.
 Swynepoill, 316.
 Syald, 254.
 TAIBE, 130.
 Talawmartin, 97.
 Tangheir, 253.
 Tangunlay, 253.
 Tantallon castle, 31, 38.
 Tanzie, 261, 301, 315.
 Tarbert, 116.
 Tarnaskioch, 300.
 Tarraklen, 254.
 Tarskivaig, 65.
 Tayneish, 289.
 Teanga, 258, 278.
 Teerfine, 301.
 Teerkill, 254.
 Teirgaragane, 254, 313.
 Teirgell, 254, 258.
 Terchladen, 254.
 Tereyd, 77.
 Ternaïd, 287.
 Thanas, 27, 119 and *n.*
 Thiarnell, 302.
 Thirlestane, lord. *See* Maitland.
 Thomas, Isaac, 21 *n.*, 76.
 Thomson, Alex., advocate, 158.
 Thornie, 254.
 Thurgill, 298.
 Tیره, 37, 242, 244, 252-253, 255,
 306; rental, 260, 288.
 Tirergan, 259, 297.
 Tober vic Ra, 206.
 Toftingal, 20 *n.*
 Torgormaeg, 251, 257, 284, 312.
 Torgrinag, 300.
 Torloisk, 300.
 Tormagag, 260.
 Torminach, 299.
 Tormtarroch, 299.
 Tornad, 259.
 Tornaskeach, 311.
 Tornaskeachbeg, 257, 284, 312.
 Tornaskeachmore, 257.
 Tornodiu, 300.

- Torossie, 251.
 Torphichen, lord, 133.
 Torranbeg, 314.
 Torranichtrich, 314.
 Torranovachtrich, 314.
 Torsay, 293-294 ; rental, 283, 311.
 Tosken, 254.
 Tournaskeoches, 251, 260.
 Traisane, 254.
 Transelk, 325.
 Tressinose, 252, 258, 294.
 Trotter of Mortonhall, 135.
 — Katherine, 135.
 Trotternish, 32, 48, 59, 65, 72, 101.
 Tuach, George, 230.
 Tullibardine, Patrick, earl of, 2, 31
 and *n.*
 Turergan, 281.
 Turnor, Archibald, messenger-at-arms,
 262, 265.
- UGARIE, 258.
 Uisdean, 102.
 Uladill, 252.
 Ulva, 252, 258, 260, 280, 294, 301,
 321 ; rental, 316.
 Ulvaill, 261, 299.
 Urchany beg, 122.
 Urquhart, 205.
 — priory, 131.
- Urquhart, Alexander, of Cromarty,
 126.
 — Elizabeth, 133.
 — John, of Meldrum, 135.
 — sir Thomas, of Cromarty, 133.
 Uskeyn, 281, 297, 313.
- VAILL, 253, 255, 291.
 Vawne, 252.
 Villenterne, 253.
 Vushin, 259.
- WARDLAW PARISH, 196.
 Weem, 20, 111 *n.*
 Wester Large, 130.
 Westfield, 131, 134.
 Wevall, 314.
 Whales at Stornoway, 56.
 William, bishop of Aberdeen, 99.
 — the Lion, 83 *n.*
 Wishart, William, archdeacon of St.
 Andrews, 201 *n.*
 Witchcraft, 165-169.
 Witches of Loine, 160.
 Wynleis, 100.
- YOUNG, GEORGE, advocate, 158.
 — Robert, in Edinburgh, 159.
 Yule, John, of Darleith, 295.
 — Nicol, notary public, 295, 308.

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the artery called in Gaelic stiurossach 216

= (cur sàradh am fion 's'gàid) 219.

Inauguration Ceremony of the Lord
of the Isles 23.

Mr. O'Connell 105

Il' Gilligan crotechi 203 on, 204

Gilligan 202

"three things to be avoided" p. 58

galley 77

$$\begin{array}{r} 16 \\ 4 \\ \hline 64 \end{array}$$

