

IX.—*Inquiry into the Earlier History of the Clan Gregor, with a view to ascertain the causes which led to their Proscription in 1603.*

By DONALD GREGORY, Esq. Secretary S. A. Scot.

[Read to the Society 22d March 1830.]

THE History of the Clan Gregor, a race characterized by an illustrious Author, in the notes to one of his most popular poems, as "the most unfortunate and most persecuted, but neither the least distinguished, least powerful, nor least brave of the tribes of the Gael,"¹ has of late years, owing chiefly to the gifted individual above mentioned, been viewed with that romantic interest which attaches to every subject treated of by his magic pen. As, however, it is not in works of fiction, even the most interesting, that the Antiquary must look for that historical information in which he almost exclusively delights, I trust I shall be indulged by the Society, whilst, putting romance and tradition aside, I endeavour, from authentic sources, to trace the History of this Clan, with the view of accounting, if possible, for that state of insubordination in which they appear to have been for a considerable period previous to the proscription of their name.

The total want of private papers and title-deeds connected with the different branches of this family (a fact unfortunately but too easily accounted for by their sufferings for many generations), and the defective state of the earlier records of Scotland, in relation more especially to the Highlands, have made this investigation no easy task. These disadvantages, however, are compensated, in some measure at least, by the very full and very clear intimations afforded by the records during the later part of the period embraced by the proposed inquiry.

An early, if not the original seat of the Clan Gregor, a family which is generally allowed to be one of the most ancient and renowned of the Highland

¹ *The Lady of the Lake*, a Poem by Sir Walter Scott, Bart., first published in 1810.

Tribes, was the valley of Glenurchy, in the district of Lorn.² From Glenurchy, accordingly, they took their style for many generations.³

It appears that John of Glenurchy, the chief probably of the family, was made prisoner by King Edward of England at the battle of Dunbar, anno 1296;⁴ and that he had afterwards his lands and possessions restored by order of that Monarch, on condition of going to France to serve him in his wars in that kingdom.⁵ In the public instruments connected with the fate of those of the Scottish Leaders captured at Dunbar, John de Glenurchy is ranked as one of the "*Magnates Scotiæ*,"—a proof that his possessions holding of the crown were far from inconsiderable. This individual had, as would seem, died in France; for his name does not again appear in any of the transactions of the period. He left a daughter and heiress, Margaret, who carried the barony of Glenurchy to her husband, John, son of Sir Neil Campbell of Lochawe, by Lady Mary Bruce, sister of King Robert.⁶ This John Campbell, on whose mother her Royal Brother had conferred the Earldom of Athole,⁷ became in her right Earl of Athole.⁸ He fell in the battle of Halidon, anno 1333,⁹ leaving issue by his wife a child, who survived a few years only.¹⁰ On the death of this

² This district was in ancient times very extensive, stretching from Breadalbane to the sea; and in this sense it occurs in the following passage from a manuscript in Advocates' Library, Edinburgh, anonymous, but, as there is reason to think, composed by Timothy Pont (who flourished in the later part of King James VI.'s reign), and which contains some original information in regard to the History and Topography of Scotland. "Next Argyle lies Lorne, a fair, plain country, in which Argyle and his friends, and specially the Laird of Glenurchy [Campbell], have the principal lands; but the name of Macgregor is the special Clan, which is very cummersome and broken."

³ Buchanan of Auchmar's *Highland Families*, voce *Macgregor*.

⁴ *Rotuli Scotiæ*, i. 43.

⁵ *Rotuli Scotiæ*, i. 45. Trivet (301) mentions that Edward I. actually carried with him to Flanders such of the Scottish leaders as he had captured at Dunbar, with the exception of those who were considered above the suspicion of disaffection.

⁶ Robertson's *Index to Charters of the Sovereigns of Scotland, from Robert I. to Robert Duke of Albany, Regent, inclusive*, some of which (and this amongst others) are missing, 44, 7.

⁷ *Ibid.* 26, 11.

⁸ Douglas's *Peerage of Scotland*, new edition, i. 135.

⁹ *Ibid.* i. 135.

¹⁰ Rymer's *Fœdera Angliæ*, iv. 711. By an indenture dated 12th December 1335, printed by Rymer, between Edward Baliol and John Lord of the Isles, the ward of the heir of the Earldom of Athole, then a child of three years of age, was given, or to be given, to the Lord of

child the barony of Glenurchy appears to have returned to the family of Macgregor, for there is undoubted evidence of the death, so late as 1390, of "John Macgregor of Glenurchy."¹¹

I have been thus minute in tracing the history of this barony, as I conceive it to have been the last freehold possession of any consequence held by the name of Macgregor.

Glendochart is another district with which the Clan appear to have been connected at an early period. John Glendochir witnesses a charter by Malduin, third Earl of Lennox, 3d March 1238,¹² and Malcolm and Patrick de Glendochart, probably sons of John, do homage to Edward I. at Berwick-upon-Tweed, 28th August 1296,¹³ being a short while after the disastrous conflict of Dunbar. In the lists of the Scots on this occasion, printed by Prynne, Malcolm de Glendochart is mentioned twice, and in separate *pecie*, once as Malcolm de Glendochart simply, and again, in company with, amongst others, Alexander de Argyll (Lord of Lorn), as "King's Tenant in Perthshire."¹⁴ From these facts the obvious inference is, that Malcolm de Glendochart held lands both as a free baron and as a kindly tenant. That the individuals designed of Glendochart were Macgregors, appears highly probable, when, in addition to the well-known fact of the long settlement of the Clan in this quarter, we find that the names Malcolm and Patrick were common in the tribe.

But these were not the only territories in which the Clan Gregor succeeded in gaining a footing. The numbers of the name that have for centuries been found in the adjacent districts of Rannoch, Glenlyon, Glenlochay, Strathfillan, and Balquhiddy, and in Breadalbane generally, to all of which there is easy access from Glenurchy, testify the ancient power of the family, and warrant the suppo-

the Isles. William Douglas, Lord of Liddesdale, had been created Earl of Athole before 1341, for in that year he resigned the Earldom to Robert, the Great Steward of Scotland. Robertson's *Index*, 48, 29. It is evident, therefore, that the issue of John Campbell, Earl of Athole, had become extinct in or soon after 1335.

¹¹ Manuscript Latin Chronicle, chiefly an obituary, composed by Sir James Macgregor, Notary Public from 1511 to 1559, and latterly Dean of Lismore; preserved along with a variety of Gaelic Poems, &c. in the archives of the Highland Society of Scotland. This interesting manuscript has been printed in the Transactions of this Society, vol. iii. part ii.

¹² *Chartulary of Lennox*, Adv. Lib.

¹³ Prynne's *History of England*, quoting the original documents in the Tower of London, iii. 654.

¹⁴ *Ibid.* iii. 656.

sition that parts at least of these ample territories were held as free baronies by the chieftains of the Clan.

If this supposition be thought not unreasonable, it will not be difficult to account for the loss of many of these possessions under the reign of Robert Bruce.

The Lord of Lorn, who married a sister of John Cumin the Black, brother-in-law of King John Baliol, took, as is well known, a very active part in favour of Baliol, and, after the dethronement of that unfortunate prince, attached himself to the Cumin party, displaying a constant and energetic opposition to the claims of Bruce. The family of Macgregor, from the situation of their principal property, Glenurchy, in Lorn, and probably through their possessions in Perthshire also, were necessarily in strict alliance and otherwise closely connected with the House of Lorn, and would naturally follow the fortunes of that very powerful family, in a question more especially admitting of so much dispute as that of the succession to the Scottish Crown. We find, accordingly, that Bruce had no sooner established himself on the throne, than the House of Lorn, with all its followers and allies, suffered severely by forfeiture.¹⁵ Nor were the Macgregors exempted from their share of the loss. Glenurchy could not be forfeited, being the property of an heiress and a minor; but the wardship and the marriage were probably given by the King to Sir Neil Campbell of Lochawe, his brother-in-law.¹⁶ Glendochart was granted to Alexander Menzies,¹⁷ who had married Egidia, sister to the High Steward, husband of the Princess Marjory Bruce. The barony of Fortingal became, by the royal bounty, the property of Thomas Menzies,¹⁸ son probably of Alexander; and part of Rannoch fell, by the same process, to the ancestor of the family of Strowan Robertson,¹⁹ who had been a staunch adherent to Bruce. To the power of the Clan Gregor these various grants must have given a fatal blow; and it is from this reign that we must date the downfall of this ancient tribe.

¹⁵ The Campbells and the Macdonalds increased very much their lands in Argyleshire about this time, and chiefly, it may be presumed, at the expense of the Lord of Lorn. Robertson's *Index*, Reign of Robert I.

¹⁶ See what has already been stated of the marriage of Margaret de Glenurchy.

¹⁷ Robertson's *Index*, 19, 98. This grant had most probably proceeded on the forfeiture of Malcolm de Glendochart.

¹⁸ *Ibid.* 19, 88. The barony of Fortingal is situate in the mouth of the romantic vale of Glenlyon. The castle of Garth is the principal messuage.

¹⁹ See history of this family in Douglas's *Baronage of Scotland*, p. 405.

Some of the Clan, however, appear to have taken the other side; for in 1293 John Baliol, then King of Scotland, issued a mandate to Alexander de Ergadia (Lord of Lorn), and to the Bailie of Lochawe,²⁰ charging them to summon "Sir Angus Macdonald, Knight, Lawmund Macgregor, and Angus son of Duncan Macgregor," to appear in the royal presence on a specified day, to do homage and various other things obligatory upon them.²¹ The first of these three individuals is evidently the son and heir of the Lord of the Isles, and the same as he who proved afterward so steady a friend to Robert Bruce. It would thus seem that Sir Angus, and the two Macgregors mentioned along with him, and who from the terms of the writ are evidently *free barons*, holding their lands of the crown, had not acquiesced in the award which placed Baliol on the Scottish throne; an inference which, as it seems perfectly legitimate, will serve to account for Glenurchy's being, as we have seen, in 1390, the property of John Macgregor. This, however, did not prevent the chiefs of the Campbells, who, by their close alliance with the new dynasty, had now commenced that rise which has been not less permanent than it was rapid, from acquiring a superiority over the Macgregors, which was improved by every succeeding generation. At what time the barony of Glenurchy was finally lost to the Macgregors, by becoming as it did the property of the Campbells, is a point on which, so far as I can learn, there is no extant evidence. Nor is it certainly known *how* the change took place. It has already been stated from good authority that John Macgregor of Glenurchy died in 1390. This individual was contemporary with Sir Colin Campbell of Lochawe, of whom I find it said, in a manuscript history of the Campbells, that he added greatly to the property of his family. The words of the manuscript are:—"But never any of that family showed himself a more worthy man than he, according to the times he lived to see; and although, by every one of his predecessors, some lands were added to the estate and honours of that family, yet none of them purchased more of both than he. In effect, he it was (as the proverb is) who broke the ice and opened a door to all the after grandeur of the family, by suppressing the Islanders, and curbing all oppressors."²² Duncan, first Lord Campbell,

²⁰ Sir Neil Campbell was now probably Bailie of Lochawe; for he appears as such three years after in the *Rotuli Scotiae*.

²¹ Rymer's *Fœdera*, first edition, ii. 64.

²² For a perusal of this history (a copy apparently) I am indebted to the kindness of the Rev. Dr Norman Macleod of Campsie.

son of Sir Colin above mentioned, married a daughter of Robert Duke of Albany, brother of King Robert III., and many years Governor of Scotland. This Duncan Lord Campbell, long known as Sir Duncan Campbell of Lochawe, was one of the wealthiest and most powerful of the Scottish barons.²³ He held under the Jameses I. and II. the office of King's Lieutenant in Argyleshire,²⁴ which invested him with very extensive powers against rebels to the King's authority. Whether he exercised those powers to strip the Macgregors of the territory of Glenurchy, or inherited this possession from his father, are points on which, in the present state of our information, it is impossible to come to a decision.²⁵ This much, however, is certain, that he possessed Glenurchy, and gave it in patrimony to a younger son, Sir Colin, founder of the House of Breadalbane, who is mentioned in a charter by the style of Glenurchy, anno 1442.²⁶

I have now brought down the history of the Clan Gregor to the time when I find them in a situation totally different from that of any other Clan in the Highlands, namely without an acre of land held free of the crown.²⁷ Although, however, this was a very singular situation for a clan so numerous, and so long and extensively established, I have not discovered, from any authentic source whatever, that they had at this time become distinguished any more than the neighbouring tribes for a predatory disposition. In Perthshire the crown still possessed extensive lands, on which the chieftains of the tribe were seated, nominally as crown tenants, but in reality, from the unsettled state of the country, as the absolute proprietors; their numbers and their warlike habits making it very difficult, or next to impossible, for the crown to enforce payment of the rents.²⁸ Such a state of things could not last. During the

²³ Rymer's *Fœdera*, vol. x. p. 302. At the return of James I. of Scotland from captivity, A. D. 1424, Duncan Campbell, Lord of Argyle, was one of the several hostages for payment of the stipulated ransom, and is ranked as one-third richer than most of the rest, some of them Earls; nor does this appear to be a clerical error, for the *Fœdera Angliæ* and the *Rotuli Scotiae* agree in the statement.

²⁴ *Register of the Great Seal of Scotland*, iv. 21.

²⁵ The histories of the Campbells are silent on this point.

²⁶ *Register of the Great Seal of Scotland*, iv. 21.

²⁷ The Macdonalds of Keppoch and Glencoe can hardly be considered exceptions, as they were branches merely of a very powerful tribe the other members of which held extensive freehold possessions. The misfortunes of these two septs, however, bear a striking analogy to those of the Clan Gregor, and thus confirm the hypothesis brought forward in this Essay.

²⁸ Of the numbers of the Clan Gregor some idea may be formed, from the preamble to an

government of Albany, accordingly, and in the minorities of the four immediate successors of James I., owing to the above, and other causes not less important, these lands gradually passed into the possession of the various powerful barons in that part of the country whom it was the interest of a weak government to conciliate.

Although it be well known that the Duke of Albany, in order to strengthen his party during the captivity of James I., dilapidated the royal revenues to a very great extent, by bribing the most powerful families with grants of the crown-lands on very favourable terms in every part of the kingdom;²⁹ yet I have not been able to trace any such transactions relating to the part of Perthshire of which we speak while he held the government. It appears, however, that the governor himself, besides the lands which he held in the Highlands as Earl of Menteith, and as heir to the earldom of Fife,³⁰ acquired extensive possessions in Breadalbane. He had, in 1375, a royal charter of the lands and barony of Glendochart, proceeding on the resignation of Alexander de Menzies.³¹ A large portion of this territory, comprehending Glenfalloch, Strathfillan, and the upper half of Glendochart, was held under Albany, by Arthur Campbell of Strachur,³² the representative of a family which had long been seated in this part of the country.³³ The lands conveyed to Campbell (afterwards erected into the barony of Glenfalloch) were, in later reigns, and we may therefore presume at this time also, almost exclusively occupied by the Clan Gregor.³⁴

Act of Parliament in 1617, at which time the Clan was much broken and dispersed. It states that "the bare and simple name of Macgregor made that whole Clan to presume of their power, force, and strength." *Acts of the Parliament of Scotland*, latest edition, commenced in 1814, vol. iv. p. 550.

²⁹ Tytler's *History of Scotland*, vol. iii. passim.

³⁰ Isabell, Countess of Fife, resigned into the hands of King Robert II. (amongst other lands) the barony of Strathurd, Strathbrand, Discher, Toyer, with the Isle of Loch Tay in Perthshire, 22d June 1389. This resignation is mentioned by Sir John Skene, in his work *De Verborum Significatione*, voce *Arage*.

³¹ *Mag. Sig.* vol. i. (printed.)

³² *Ibid.*

³³ Prynne, iii. 656. Arthur Campbell, king's tenant in Perthshire, did fealty to Edward I. of England anno 1296. Iver Campbell (son probably of this Arthur) had two charters of these lands, the later dated 30th July 1340, from Alexander Menzies, son and heir of that Alexander who, as formerly mentioned, obtained Glendochart from Robert Bruce. Crawford's *Manuscript Collections*, Adv. Lib. Jac. V. 2. 14.

³⁴ *Record of Court of Session*, vol. clxix. 91.

The mischievous system, introduced by Albany, of granting the crown-lands to those families whose support he wished to gain, without reference, as may easily be supposed, to the antiquated claims of the Celtic occupants, was checked for a time under the active and vigorous sway of James I.; but, during a century after the untimely death of that Monarch, and particularly under the long minorities with which Scotland was afflicted during this melancholy period of her history, we can trace the rise of several distinguished families, through their acquisition principally of the hereditary property of the Crown. A contemporary writer of undoubted authority says, under the year 1452, "Ther wes sindrie landis gevin to sindrie men be the Kingis Secreit Counsall; that is to say, the Lord Campbell, to Schir Colyne Campbell, to Schir Alexander Hwme, to Schir David Hwme, to Schir James Keyr, and to uthir sindrie, quha wer rewardit be the said Secreit Counsall, the quhilk men demyt wald nocht stand."³⁵ Many such grants having been made during the minorities of the respective sovereigns, were, on their attaining majority, revoked; whilst others, according to the influence of the grantees, were confirmed. The uncertainty attending these new titles to the crown-lands must, doubtless, have encouraged the actual occupants to despise the authority of the charters by which over-lords were imposed upon them, and, in many cases, from families with whom they had long been at mortal feud. The Macgregors, as may be supposed, soon rendered themselves obnoxious to such of the families as had been fortunate enough to obtain charters to any of these lands; and consequently it became, in almost every instance, an object of the new proprietors to expel them. Resistance, though natural enough, became in the end ruin to the weaker party; and it may, I think, be safely affirmed that, in proportion as the Macgregors, from being kindly tenants of the Crown, became subject to their neighbours, who had a greater interest and better opportunities, and were consequently more successful than the King and his Bailies had formerly been in depriving them of lands to which they could produce no better title than occupancy, the Clan grew remarkable for opposition to law and order. This position will appear to have a better foundation, if we enter a little more into detail as regards the history of the Campbells of Glenurchy, of the family of Menzies, and of others of the Perthshire families closely connected, in one way or other, with the Clan Gregor.

³⁵ *Short Chronicle* chiefly of the reign of James II., by a contemporary author; in the archives of Boswell of Auchinleck, and lately printed by Thomas Thomson, Esq. Deputy Register of Scotland.

In the reign of James III., but in what year is uncertain, Sir Colin Campbell, first of Glenurchy, acquired the large barony of Lawers, on Loch Tay, in the hands of the Crown since the forfeiture of Thomas Chalmer, who had been executed for aiding in the murder of James I.³⁶ He acquired also the lands of Achriach or Achinrevach in Glendochart, which, along with Lawers, he gave to his youngest son John, ancestor of the Campbells of Lawers.³⁷

In 1473, John Stewart of Fortingal, and Neil Stewart his son and heir, had from the same King a nineteen years' lease of the lands and lordships of Apnadull, Glencoich, Glenlyon, Strathbrawin, and Rannoch, all in Perthshire.³⁸ They had, besides, a royal grant, for the same term, of the office of bailiary of those lands; and it was at the same time provided, that they should have the lands of Rannoch, free of all duties and services, during the whole of the period above mentioned,³⁹—a plain proof, that so far as Rannoch was concerned, it was not expected to prove, in any other way at least, beneficial to the lessees. This lease expired in 1492; and, to Stewart's great mortification, was not renewed. A great part of the power which it had conferred on this family passed, as we shall have occasion to see, into the hands of Glenurchy.

In the minority of James IV., anno 1488, being the first of his reign, a parliamentary act was passed for the "stanching of thift, reiff, and uther inormiteis throw all the realme;" and, amongst others of the barons, the following became bound to seek out and punish such as should be guilty of those crimes in the districts over which their authority *in cumulo* extended, and they were for this purpose furnished with extensive powers, viz. Duncan Campbell of Glenurchy, Neil Stewart of Fortingal, and Ewyne Campbell of Strachur (proprietor of Glenfalloch). The districts were Disher and Toyer,⁴⁰ Glen-

³⁶ *Mag. Sig.* xx. 151.

³⁷ *Ibid.* vii. 28, 129.

³⁸ *Ibid.* viii. 57. The lands of Rannoch mentioned here must not be confounded with that part of the ancient Lordship of Rannoch, granted by Robert Bruce to the ancestor of Robertson of Strowan; the former being in fact what remained to the Crown of the lordship after that grant, and, as I believe, comprising the greater part of it.

³⁹ *Ibid.* viii. 57. The father died at Garth 10th December 1475, and the son at the same place 31st January 1499–1500. See Sir James Macgregor's Latin manuscript formerly mentioned and described. The Stewarts of Fortingal were descended of a natural son of the celebrated Wolf of Badenoch, by Johaneta de Menzies, heiress of Fortingal. See Duncan Stewart's *History of the Stewarts*, and *Mag. Sig.* under the reign of Robert II.

⁴⁰ The lordship of Disher and Toyer comprehended the lands on both sides of Loch Tay (with some exceptions), and likewise the rich valley of Glenlochay, lying between Glenlyon

urchy, Rannoch, Apnadull, Glenlyon, and Glenfalloch.⁴¹ It is evident that, if this Act was enforced at all, it must have fallen with accumulated severity upon the landless and consequently desperate Clan Gregor. It is much to be doubted, however, if the morals of this now obnoxious race would be greatly improved by such discipline; and whether it was not rather to be expected that their feelings, in the situation in which they found themselves placed relatively to these powerful barons, must, in even a people far less high spirited, have been indignation and the thirst of vengeance.

Sir Duncan Campbell of Glenurchy, in this reign, made vast additions to the property of his family in Perthshire. He acquired the King's Lands of Balloch (now Taymouth), and others on Loch Tay, in 1492.⁴² About the same time he obtained the important office of bailiary of the crown-lands of Disher and Toyer, Glenlyon, and Glendochart,⁴³ in most of which he was, moreover, the principal tenant.⁴⁴ The acquisition of the office of bailiary was in this, as in most other cases, merely a prelude to the lands becoming hereditary in his family. Accordingly in 1502 he had a charter of the lands of Glenlyon, which he gave to his son Archibald, founder of the family of Campbell of Glenlyon.⁴⁵ Some years later he acquired, from private individuals, the barony of Fynlarig, at the west end of Loch Tay;⁴⁶ the lands of Scheane and others,⁴⁷ and the lands of Crannych,⁴⁸ all in the same district; so that before his death (in the Battle of Flodden) in 1513,⁴⁹ he had undoubtedly become one of the most influential barons of Perthshire; and, if we take into account his possessions in Argyle, there were few barons of greater power in Scotland.

Whilst the Laird of Glenurchy was thus extending the influence of his house in one part of the territory occupied by the Clan Gregor, the head of the ancient family of Menzies followed his example in another. Robert Men-

and Glendochart. Disher and Toyer are Gaelic; the former signifying a tract of country having a southern exposure, the latter a northern; and, in this instance, seem to be applied to the shores of Loch Tay, which runs nearly east and west. The district of Morar in Inverness-shire is divided into Disher and Toyer.

⁴¹ *Acts of the Parliament of Scotland*, latest edition, vol. ii. p. 208.

⁴² *Mag. Sig.* xii. 340.

⁴³ *Ibid.* xiii. 282.

⁴⁴ *Record of the Crown Rents in the Reign of James IV.*

⁴⁵ *Mag. Sig.* xiii. 539.

⁴⁶ *Ibid.* xiii. 595, xiv. 462.

⁴⁷ *Ibid.* xiv. 469.

⁴⁸ *Ibid.* xvii. 69.

⁴⁹ *Latin manuscript* by Sir James Macgregor, formerly mentioned.

zies of that Ilk had, in 1502, a royal charter of what remained to the Crown of the lands of Rannoch,⁵⁰ a district claimed by the Clan as more peculiarly their own.

It may naturally be supposed that these proceedings were viewed with a favourable eye, neither by the Macgregors (the actual occupants), nor by the Stewarts of Fortingal, so lately all but proprietors of Glenlyon and Rannoch. Deadly feuds immediately arose; and the ink on his charter of Rannoch had scarcely dried, when Menzies's castle of Weyme was burnt to the ground by Neil Stewart and his associates, and all his lands laid waste.⁵¹

These dissensions attracted the attention of the Government, and in 1504 the Earl of Athole, a near kinsman of Stewart, Stewart himself, and the lairds of Glenurchy and Strowan Robertson, with Macgregor, were summoned to attend the Parliament on a charge of treason.⁵² What the final result was does not appear. Rannoch was still the theatre of intestine broils, nor could the chartered holder make good his title by actual possession. To strengthen himself, he in 1505 entered into a contract with the Earl of Huntly, which contained among other the following stipulations: 1. Menzies's eldest son, Sir Robert, became bound to marry Lady Jean Gordon, the Earl of Huntly's daughter. 2. The lands of Rannoch were by Menzies let to Huntly for five years, the latter binding himself to stock it with the best and most obedient tenants that could be found; and also to assist and maintain the Laird of Weyme and his son in the peaceable enjoyment of their lands in Perthshire, to aid them in all cases of need, and to help them in getting tenants for their lands.⁵³

About this time Neil Stewart resigned his lands of Fortingal to Huntly.⁵⁴

⁵⁰ *Mag. Sig.* xiii. 539.

⁵¹ *Latin Manuscript* by Sir James Macgregor, formerly mentioned. The Lord High Treasurer's Books contain the following entry under 12th October 1502. "Item to Robert Wallace, Messengeir, to pass in Stratherne to warne the Lordis of the countrie to pas to freithe the Lard of Weyme quhen Neill Stewart segit him, vij. s." Some details of the damage done on this occasion will be found in a note appended to Sir James Macgregor's MS. printed in the *Transactions of this Society*, vol. iii. part ii.

⁵² *Acts of the Parliament of Scotland*, latest edition, vol. ii. p. 255^b, 256^a, under 4th June.

⁵³ Transumpt of this Instrument, in Macfarlan's *Collections*, Advocates' Library, Edinburgh, *Diplomatium Collectio*, vol. i.

⁵⁴ *Mag. Sig.* xiv. 204. The person who burned the castle of Weyme, and who resigned Fortingal to the Earl of Huntly, was grandson to John and son to Neil Stewart of Fortingal.

All the power, however, of this nobleman, which the acquisition of Fortingal tended to increase in relation to the projected settlement of Rannoch, failed to put his ally Menzies in quiet possession of this turbulent territory. In 1523, Menzies having, by Janet, Countess of Athole,⁵⁵ been charged to expel thence the Laird of Macgregor and his Clan, on account of some depredations alleged to have been committed by them upon the Countess's tenants, stated to the Lords of Council that it was impossible for him to comply, "*seing that the said Macgregour on force enterit the said Robertis landis of Rannoche, and withhaldis the samyn fra him maisterfullie, and is of fer gretar powar than the said Robert, and will nocht be put out be him of the saidis landis.*" Upon this statement he was absolved from all liability till the matter should be further investigated.⁵⁶ Several years appear to have passed over before any very vigorous measures were taken against the Clan Gregor in this quarter. In 1530, the "Lard of Enoch," Menzies of that Ilk, "askit instrumentis that without sum gud rewle be fundin for the Clan Gregour, he may nocht ansuer for his landis, nor be bundin for gud rewle in the samin as he allegit." It was probably in consequence of this representation that, in 1531, John Earl of Athole was sent by the King against the offenders, and succeeded in taking the Castle in the Isle of Lochrannoch, and in expelling thence the "brokin men of the Clan Gregour." The negligence of the Government, however (which can only be accounted for from the King being engaged at this time in reducing the Islesmen to obedience), neutralized any good effects that might have been expected to result from Athole's success; for in December 1531 we find the Earl complaining that his expenses in this expedition, which he states to have been very high, had not been reimbursed to him, and that the whole charge of garrisoning and keeping the Castle, from the time of the siege, in October preceding, had been defrayed by him in addition, notwithstanding repeated applications to the Council on the subject; and finally, making a solemn protest that any inconvenience that might arise from the Council refusing or delaying to receive the Castle from him should not be laid to his charge.⁵⁷ It may be presumed that his complaints still passed unheeded, and that the Earl in disgust left the Island Fortress to be occupied by the former inhabitants; for no great time elapsed before the Laird of

⁵⁵ This Lady is omitted in both editions of *Douglas's Peerage*.

⁵⁶ *Acta Dominorum Concilii*, in General Register House, Edinburgh, xxxiii. 185, [MS].

⁵⁷ *Ibid.* 2d December 1530, and 12th December 1531.

Weyme found himself under the necessity of obtaining an exemption from answering for the police of his lands of Rannoch, on the score of the alleged untameable insubordination of the Clan Gregor dwelling therein. This state of things was in full force so late as the year 1684, when Sir Alexander Menzies of Weyme obtained an exemption of this kind, which refers to two former exemptions granted by Mary of Guise, Queen Regent, and by her daughter Queen Mary, respectively.⁵⁸ It was long after even this late period ere the family of Menzies succeeded in enforcing all the rights of free property in this large barony.

A proof of the tenacity with which, amidst all their sufferings, the Clan Gregor adhered to the claim thus kept up by successive generations of "broken men" to the ancient possessions of their race, is to be found in a certificate from the great Marquis of Montrose, King's Lieutenant in Scotland, to the Laird of Macgregor of the period, who had followed the fortunes of that accomplished leader with unshaken fidelity, and who distinguished himself by many gallant actions in the course of these wars. In this certificate, which is dated 7th June 1645, the Marquis, after bearing testimony to the services performed by this gallant gentleman and his Clan, promises, in name of his royal master, restitution to them of "whatsoever lands and possessions belonging justly to the said Laird of Macgregor and his predecessors in Glenlyon, Rannoch, or Glenurchy, or whatsoever lands belonging justly to his friends and their predecessors that are now in the possession of rebels and enemies to his Majesty's service,"⁵⁹ when it shall please God to put an end to these troubles.⁶⁰

The Clan Gregor had during the reign of James V. become very numerous in Balquhiddy, and in the adjacent district of Strathearn, and, as may well be supposed, were proportionally annoying to the Lowlands next to that great natural boundary by which the Highlands are so strikingly defined. This appears from several passages in the Justiciary Records, and likewise from a deposition made before the Lords of Council on 2d December 1530, by John Drummond of Innerpefferay, and William Murray of Tullibardin, to the following effect: "That Sir John Campbell of Caldor, Knycht, be autorite, supple and help of the Erle of Ergile, may cause the Clan Gregour to keep gude

⁵⁸ *Record of Secret Council*, anno 1684.

⁵⁹ The Lairds of Glenurchy and Weyme, and the gentlemen of their families, are evidently the persons here alluded to.

⁶⁰ Transcript of this certificate, in the author's possession.

rewle within thair boundis, siclik as uther pacifeit landis adjacent to them; and that the Kingis liegis may lief in rest and pece for onie skaith to be done be the said Clan Gregour, the said Sir John bindand him thairfoir with support of the said Erle as said is."⁶¹ This proceeding was two days after followed by a respite to the Clan Gregor from all criminal actions for the space of ten days, with licence to them to appear before the King and Council within that time, "to wirk and mene for thaim of all attemptatis bigane, and to geif plegeis and sufficient securitie for gud rewle in tyme to cum."⁶²

In making such incursions, the Macgregors did nothing which others of the Highland Clans were not more or less in the habit of doing. But as their depredations were generally committed in the neighbourhood of Perth or of Stirling, where the Secret Council often met, and the Sovereign frequently resided, so they became peculiarly the terror of the Government, and subject consequently to the operation of measures which, from their extreme severity, as well as from the conflicting interests of the great barons employed in putting them into execution, failed in producing the desired effect, and only succeeded in forcing this devoted Clan to further acts of desperation. By this time, indeed, many of the principal Macgregors were, under one pretext or other, denuded of every lawful mean of supporting themselves and their families. Is it therefore to be wondered at that they should have perpetrated frequent spoliations, impelled as they were by the most stern necessity? Such results, however deplorable, flowed naturally and necessarily from the system, alike impolitic and inhuman, pursued with lands alleged to belong to the Crown; and by which, as we have seen, a numerous tribe was driven from one degree of privation to another, to *struggle for existence* against those who had law, no doubt, as well as power, but hardly justice, on their side.

About the year 1560 arose a deadly feud between the Macgregors on one side and Sir Colin Campbell of Glenurchy⁶³ on the other.⁶⁴ From the representations on this subject to the Secret Council, a commission of fire and sword was in 1563 issued to sundry noblemen and barons, against the Clan

⁶¹ *Acta Dominorum Concilii*.

⁶² *Ibid.* 4th December 1530.

⁶³ This individual, in addition to the extensive estates inherited by him, acquired from the Laird of Macnab considerable lands in the lower part of Glendochart; and, at a later date, added to his possessions the barony of Glenlochay in Breadalbane, comprehending a great portion of the ancient Lordship of Disher and Toyer. *Mag. Sig.* xxxi. 181, xxxii. 486.

⁶⁴ *Record of the Privy Seal*, xxxi. 52.

Gregor.⁶⁵ Of this most anomalous production (the precursor of many such, in later times, and which, in the preambles, indulge like this in the most unqualified abuse of the unfortunate race against whom they were directed), a prominent feature is the strict manner in which it is directed that the Clan be expelled from all the districts in which they dwelt, or to which they were in the habit of resorting, without specifying or so much as hinting at any other district into which they might be received. The impolitic and remorseless severity of this measure, which could only have been carried into effect by a universal massacre, naturally rendered it abortive. Another commission was accordingly next year (1564) issued to *two* only of the *nine* former commissioners;⁶⁶ from which we may infer that the former had not answered its purpose.

Sir Colin of Glenurchy had, about the date of the first of these commissions, been individually armed with a separate and additional commission of fire and sword against the *Harbourers* of the Clan Gregor, in whatever part of the kingdom,⁶⁷—a proof that the Secret Council not only neglected to provide a place to which the Clan Gregor might, when ejected from their homes, retire, but absolutely attempted to exclude them from every spot on which they might, on retiring, seek shelter, or even existence. Sir Colin, under colour of his individual commission, perpetrated on the lieges, as appears, atrocities not inferior to those alleged against the Clan Gregor; and, in consequence of a regular complaint by the barons and landlords of Strathearn, was, in the following year, threatened with the loss of his commission,⁶⁸ and in 1565, having been deaf to remonstrance, and persevering in the most intolerable outrages, actually deprived of it.⁶⁹

As Glenurchy had been thus pre-eminent in severity against all whom he

⁶⁵ *Record of Secret Council* ad annum 1563. The commissioners, and the districts over which they had control, were as follows:—The Earl of Moray in Braemar, Badenoch, Lochaber, Strathnairn, and Strathdearn; the Earl of Argyle in Argyle, Lorn, Lennox, and Menteith; the Earl of Athole in Athole, Strathardill, Glenshee, and Dunkeld; the Earl of Errol in Logyalmond; Lord Ogilvy in Brae of Angus; Lord Ruthven in Strathbrawin; Lord Drummond in Strathearn; Colin Campbell of Glenurchy in Breadalbane and Balquhidder; and John Grant of Freuchy (Laird of Grant) in Strathspey, Strathavon, and Brae of Strathbogy.

⁶⁶ The Earls of Argyle and Athole. *Record of Secret Council* ad annum 1564.

⁶⁷ *Record of Secret Council* ad annum 1563.

⁶⁸ *Ibid.* 1564.

⁶⁹ *Ibid.* 1565.

chose to suspect of tenderness towards the persecuted Clan Gregor, we may fairly presume that his conduct towards the latter was not remarkable for moderation. In the manuscript history, indeed, of the Campbells of Glenurchy, and in a passage written by order of his son and successor, it is expressly asserted of him that “he wes ane greit Justiciar all his time, throch the quhilk he sustenit that deidly feid of the Clan Gregour ane lang space; and, besides that he causit execut to the death mony notabill lymmaris, he behedit the Laird of Makgregour himself, at Kenmor, in presence of the Erle of Athole, the Lord Justice Clerk, and sindry other nobill men.” With the assistance, as appears, of Macdonald of Keppoch, he invaded Rannoch, the Clan Gregor’s stronghold. His proceedings, however, on this occasion were formally complained of by the Laird of Weyme;⁷⁰ whence we may infer that, in this, as in other instances, Glenurchy had overleaped the limits of his double and but too ample commission.

There occurs in the history of the Clan at this time a singular instance of the weakness of Government, and of the difficulty of administering the laws in the then state of the Highlands. A number of the best disposed of the Macgregors had, on being charged to that effect, given hostages and found security for their good behaviour. While still under this obligation, one of them lost his life in a private feud with some neighbouring Highlanders. His kinsmen, eager for revenge, but at the same time deterred by the penalty in the bond from taking it on the spot, applied to the Sovereign (Queen Mary), and obtained, not the trial of the alleged culprits, but a warrant to relieve themselves from their obligation to keep the peace, seeing, as the warrant expresses it, “that nane ar mair mete for persequitioun of the tressonabill murthouraris of the said umq^{le} Gregor nor the foirnamit persones hauing thair neir kinsman slane quhilkis dar nocht put on armes and persew the said murthouraris be ressoun of thair souerteis standand undischargit.”⁷¹

It cannot be surprising that the disorders of the Clan Gregor, far from being suppressed, should, under such a Government, have increased with each succeeding year. I find, accordingly, that in the year 1566, the tenants and feuars of Menteith presented to the Government a supplication praying to be relieved

⁷⁰ *Record of Secret Council*, 1564. The tutor of Glennevis (Cameron) also assisted Glenurchy upon this occasion.

⁷¹ Warrant preserved in the books of Adjournal, dated in June 1565.

from payment of their rents and duties, the whole Lordship having, as stated in the complaint, been laid waste by the Clan Gregor.⁷²

That the Clan Gregor were in many instances the tools merely of their more powerful neighbours is highly probable. The celebrated George Buchanan, in a political pamphlet, printed and circulated in 1571, alluding to the Hamilton Faction, introduces, as illustrative of this theme, a passage descriptive of the then known state of society in Scotland. "Howbeit," says he, "the bullerant blude of a King and a Regent about thair hartis quhair of the lust in thair appetite gevis thame little rest, dayly and hourly making neu provocatioun; yit the small space of rest quhilk thay haue beside the executioun of thair crewaltie thay spend in devising of generall unquyetness thro' the haill countrie; for, nocht content of it that thay thameselfis may steal, bribe, and reave, thay set out ratches on euerie side to gnaw the pepillis banes, after that thay haue consumit the flesch, and houndis out, ane of thame the Clan Gregour, another the Grantis and Clanquhattane, another Balcleugh and Fairnyhirst, another the Johnstounis and Armstrangis."⁷³ The peculiar circumstances, doubtless, in which the Clan Gregor had so long been placed in relation to their ancient possessions, must have disposed them to enter with alacrity into every plan, however violent and rapacious, by which they might have the slightest chance to better their condition; and more particularly as, in any event, they had nothing to lose.

In 1581 an act of the Legislature, reprehensible for its glaring iniquity, was passed under the title "*Ane additioun to the Actis maid aganis notorious Theiffis and Sornaris of Clannis*."⁷⁴ By this it was made lawful for any individual who might happen to sustain damage from a notorious thief, or from a ruffian insisting to be an inmate of a family, living at its expense, and on the best it could produce,⁷⁵ provided the actual delinquent could not be laid hold of, *to apprehend and slay the bodies, and arrest the goods, of any of the Clan to which the culprit belonged*, until satisfaction was made to the injured party by the rest of the said Clan. This act must have been severely felt by the Clan Gregor, whose feud with the family of Glenurchy still continued to rage with unabating animosity. About this time, accordingly, Gregor Macgregor

⁷² *Record of Secret Council*, 1566.

⁷³ *Admonitioun direct to the trow lordis*.

⁷⁴ *Acts of Parliament of Scotland*, latest edition, vol. iii. p. 218.

⁷⁵ Such is the definition of the technical word *sorner*.

of Glenstray, Laird of Macgregor, was executed by Duncan Campbell, younger of Glenurchy.⁷⁶

As there is something singular in the history of the Macgregors of Glenstray, the noticing of a few particulars concerning them may be not irrelevant.

Soon after the extinction (whether real or apparent) of the very ancient family of Macgregor of Glenurchy, I find a branch of the Clan Gregor holding the small estate of Glenstray⁷⁷ (20 merks old extent) as vassals of the Earl of Argyle.⁷⁸ The Macgregors of Glenstray were allied matrimonially to most of the principal families of the name of Campbell; and so long as they continued to hold their lands of the Argyle family, they appear to have flourished so as to become, in process of time, the most consequential house of their Clan. On the other hand, when the Earl of Argyle had conveyed the superiority of Glenstray to Campbell of Glenurchy⁷⁹ (which he did in 1554), these Macgregors shared the wretched fate of the rest of the Clan, as it was obviously the great aim of the Glenurchy family to get rid of every vassal of the name of Macgregor. They refused to enter Gregor Macgregor of Glenstray as heir to his father, on the ground possibly of his being a rebel in the eye of the law; and after the death of Gregor (who, as formerly mentioned, was executed by Campbell younger of Glenurchy), they denied the proper feudal investiture to his son Allaster,⁸⁰ who in 1590 was legally ejected from the lands of Glenstray, on the assertion that he was merely tenant of these lands against the will of the proprietor, as Sir Duncan Campbell was pleased to style himself.⁸¹ We see, then, that at this time the leading family of the name of Macgregor was in no better situation than others of the landless Clan.

⁷⁶ *History of the family of Glenstray*, in the *Book of Taymouth*.

⁷⁷ Glenstray lies to the north-west of Glenurchy, and between that valley and the mountainous ridge of Cruachan. At the mouth of the glen, and near to the Castle of Kilchum, is Stronmelochan, the principal messuage, which occupies a very commanding station.

⁷⁸ *Earl of Argyle's Book of Casualties* in the beginning of the 15th century. See also Sir James Macgregor's Latin manuscript.

⁷⁹ *Record of the Privy Seal*, xxxvii. 107.

⁸⁰ From the investiture of Allaster's nephew, John Murray, otherwise and properly Gregor Macgregor, who was restored to these lands in 1624, it appears that neither Allaster nor his father were infeoffed in Glenstray; and the *Sheriff Books of Perth* mention, under 3d May 1598, that Glenurchy appeared in court to oppose Allaster's service, in which, however, no farther steps were taken.

⁸¹ *Record of Secret Council*, 1590.

In January 1584-5 the Secret Council summoned several of the Highland Chiefs and Barons connected with Perthshire and Argyleshire, and amongst the rest Ewin Macgregor, Tutor of Glenstray, to appear personally before the King and Council, to answer to such things as should be inquired at them touching the suppression of the Lymmars and broken men of the Highlands, by whom the countries of Lennox, Menteith, Stirlingshire, and Strathearn had, as alleged, been cruelly harassed.⁸² What proceedings, if any, were adopted by the Council, does not appear. It is probable, however, that they now commenced the draft of a long act of Parliament, vulgarly called "*The General Bond*," and which was passed in 1587. By one of the many sections of this voluminous act, it was declared that theft committed by landed men should be reckoned treason, and punished as such. It was further ordained, that the Captains, Chiefs, and Chieftains of the Clans, both Border and Highland, be noted in a roll, and obliged, under pain of fire and sword, to surrender to the King and Council certain pledges or hostages, liable to suffer death if redress of injuries were not made by the persons for whom they lay.⁸³ We shall presently have occasion to see the attempts made, under the operation of this act, to reduce the Clan Gregor to obedience.

The slaughter of Drummond of Drummondernoch, Under King's Forrester of Glenartney, said to have been committed in 1589 or 1590, by some of the Clan Gregor, induced the Secret Council to grant, in 1590, a commission of fire and sword to various noblemen and gentlemen, for pursuit of the whole Clan, of whom nearly 200 are mentioned *nominatim* in the commission;⁸⁴ and which is said to have been executed with extreme severity, in the district of Balquhidder especially, and around Lochearn.⁸⁵

In July 1591, Sir Duncan Campbell of Glenurchy had a commission of fire and sword against the Clan Gregor, who are described as being for the most part rebels, and at the horn, for diverse horrible crimes and offences committed

⁸² *Record of Secret Council*, January 1584-5.

⁸³ *Acts of the Parliament of Scotland*, latest printed edition, vol. iii. pp. 461b to 467a.

⁸⁴ *Record of Secret Council*, 1589, 1590. The commissioners were the Earls of Huntly, Argyll, Athole, Montrose; the Lord Drummond, the Commendator of Incheaffray, the Lairds of Lochnell, Glenurchy, Calder, and Ardkinlass (Campbells), Mackintosh, and Macfarlane; Sir John Murray of Tullibardine and Sir George Buchanan of that Ilk, Knights; and the commission was to endure for three years.

⁸⁵ *Quarterly Review* for 1816; Review of the Culloden Papers.

by them; and also against their harbourers; with power to convocate the lieges of Breadalbane and the adjacent districts to aid in the execution. The various noblemen and barons of these countries are enjoined, under severe penalties, to aid Sir Duncan with all their power. The King, as stated in the commission, had been informed of certain bonds of maintenance subsisting between Sir Duncan on one part, and some of the more leading individuals of the Clan Gregor on the other, and between the last mentioned and sundry others of the noblemen, barons, and gentlemen; and which, if suffered to remain in force, might, as was thought, hinder the execution of the commission. All such bonds, therefore, were declared void and null, and Glenurchy strictly prohibited from entering into any engagements of this nature.⁸⁶ Six months, however, had scarce elapsed, when Sir Duncan obtained his Majesty's licence to enter into bonds of friendship with the Macgregors, including an oblivion of all past animosities, and authorizing him to liberate such of the Clan as were then in his custody,⁸⁷ in consequence, as may be presumed, of his fidelity in the discharge of his late commission against them. In virtue of the royal licence, a contract was entered into by the principal barons in the Highlands of Perthshire,⁸⁸ amongst others Sir Duncan Campbell on one part, and Allaster Roy Macgregor of Glenstray, having 26 of the leading persons of the Clan Gregor as his sureties, on the other. The parties became bound to abstain from mutual slaughters and depredations; and, in any disputes that might arise, to renounce their own jurisdictions, and submit to the commissariat of Dunblane.⁸⁹ The youthful Laird of Macgregor soon found, to his confusion, that he had undertaken a task beyond his strength; nor was it long ere he incurred the usual penalties of the law for non-fulfilment.⁹⁰

On 1st February 1592-3, Archibald, seventh Earl of Argyle, *whilst yet in nonage*, had, from the King and Council, a commission "aganis all and sundrie of the wicked Clan Gregour and the Stewartis of Balquhidder;" with power to charge them by his precept to appear before him, to find surety, or to enter

⁸⁶ *Record of Secret Council*, 1591.

⁸⁷ *Ibid.* 1591-2.

⁸⁸ These were, John Earl of Montrose; John Earl of Menteith; Patrick Lord Drummond; Alexander, Master of Livingstone; James, Commendator of Incheaffray; Sir Duncan Campbell of Glenurchy, Knight; Sir John Campbell of Lawers; Sir James Chisholme of Dundurne; Colin Campbell of Ardbeth; Colin Campbell of Glenlyon; Donald Robertson of Strowan; Harie Shaw of Cambusmoir; and Alexander Reidheuche of Cultebragane.

⁸⁹ *Record of Hornings for Perthshire*.

⁹⁰ *Ibid.*

pledges for the preservation of peace and order, as the Earl should think most expedient. Recusants were given over to the discipline of fire and sword; and Argyle empowered to convocate the lieges within the sheriffdoms of Bute, of Tarbet, and of so much of those of Perth and Stirling as lay within 21 parishes specified,⁹¹ for pursuit of the persons of the Clan Gregor and the Balquhider Stewarts. A proclamation, accordingly, was issued to all the barons and landed gentlemen within the districts above mentioned, to assist with their whole force; whilst 15 principal householders of the name of Macgregor were ordained to be charged to appear before Argyle, as his Majesty's Justice General and Lieutenant in those parts, on a certain and early day, to answer to such things as should be laid to their charge touching their obedience to the laws, under pain of being held "part-takers" with the "broken men" of the Clan in all their wicked deeds, and punished accordingly.⁹²

About this time, those barons and gentlemen who had the Clan Gregor as tenants, and who in the Records are forensically styled "landlords of the Clan Gregor," forced by the severe enactments of the General Bond, which made every landlord answerable for the misdemeanours of his tenants, began to take measures for an universal ejection of the Clan from their possessions; and, as far as the forms of law could go, numerous ejections did in consequence take place,⁹³—to such an amount, indeed, that when, in July 1596, the Laird of Macgregor appeared personally before the King and Council at Dunfermline, and bound himself for the good behaviour of his Clan, there was, as may confidently be affirmed, scarce a single farm occupied by a Macgregor, unless by force, and in defiance of the proprietor. On this occasion the Chief, after acknowledging his past offences, and expressing his contrition, promised to remain in attendance on the King, as a hostage for the obedience of his tribe.⁹⁴ He seems, however, to have soon become tired of this unwonted thralldom,

⁹¹ These parishes were, Fortingal, Maclagan, Inchadin, Ardewnay, Killin, Strathfillan, Rannoch, Balquhider, Comrie, Tullichettle, Strowan (in Strathearn, Perthshire), Monyvaird and Monzie, the Port, Callander, Kilmahog, Lany, Aberfoyle, Luss, Drymen, and Inchealzeoch (now Buchanan).

⁹² *Record of Secret Council*, 1593.

⁹³ *Record of Sheriff Court of Perthshire; Register of Hornings for Perthshire; Register of Decrees of the Court of Session.*

⁹⁴ *Record of Secret Council* regarding the order of the Borders and the Isles.

where he found himself out of his natural element, and to have made his escape to the mountains.

Situate as this unfortunate Gentleman, and his no less unfortunate Clan, now were, they appeared to Argyle (who, though yet only a youth, had already begun to distinguish himself by that crafty policy which marked the whole of his long and crooked career) fit instruments for extending his power and influence in the Highlands, and for avenging his private quarrels, as will be illustrated in the sequel; and it will scarcely be believed that *distant tribes under the order of this nobleman plundered and laid waste the lands occupied by the Clan Gregor*, in order, no doubt, that the measures of retaliation which the latter were expected to adopt might still farther widen the breach between them and the constituted authorities, and make them more ready to follow the perfidious counsels of this arch-dissimulator.⁹⁵ The Laird of Macgregor, however, took the uncommon step of resorting to a court of law for redress, being induced to this, probably, by the persuasions of his real friends, or by the heavy penalties under which he lay. He succeeded in obtaining a sentence of the court for a large sum of damages; but, as may be supposed, it was easier to obtain the sentence than to put it in execution in a state of society of which some notion may be formed from the terms of a protest taken by Macgregor's counsel in this suit, "*that the Laird of Macgregor and his kyn wer the first sen King James the First his tyme THAT CAM AND SOCHT JUSTICE.*"⁹⁶ This assertion cannot be taken literally, but there must evidently have existed good grounds for making it.

In May 1599, the barons on whose lands any of the Clan resided were charged to produce before the King and Council, on 3d July, each of them the persons of the name of Macgregor for whom he was bound to answer; and the chief and his whole Clan were charged to appear on the same day, "to underly such order as should be taken with them touching the weal and quietness of the country."⁹⁷ On 25th July "Offeris for Allaster Makgregour of Glenstray" were in his name presented to the King by Sir John Murray of Tullibardine, Knight, Sir Duncan Campbell of Glenurchy, Knight, and John Grant of Freuchy (known as Laird of Grant). This document is as follows:—

⁹⁵ See the Laird of Macgregor's Declaration, Appendix A.

⁹⁶ *Record of the High Court of Justiciary.*

⁹⁷ *Accounts of the Lord High Treasurer of Scotland.*

“ Because it is impossible to the said Allaster, to find inland caution upoun the conditionis of the General Band conform to the act of Parliament, in respect nather is he responsall in the sowmes whereupoun the caution is fundin, and that na inland man will be caution for him in respect of the bipast enormiteis of his Clan; thairfoir it is offerit that the said Allaster, for satisfioun of his Majesties honnour, sall cum in his Hienes will for onie offens committit be himself, and that he sall deliver to his Majestie thrie plegeis of sax, to be namit be his Majestie oute of the thrie houses of that Clan, his Majestie nameand tuo for everie hous, John Dow Makgregour [brother to Allaster], being alwaies exceptit, to be placeit quhair his Majestie and Counsall sall appoint, to remane as plegeis for the gude rewle and obedience of the haill Clan and name of Macgregor; and for suche of the said Clan and name as be inobedient, he sall ather entir thame to his Hienes or his Justice, or else use justice upoun thame himself, he hauing his Majesteis commissioun to that effect. Mairattour we obliiss us to present ourselfis befor his Majestie and his Counsall upoun the 28th instant, and geif a resolute ansuer to his Majestie and his Counsall, anent the dew performance of thir offeris in everie respect.

(Signed)

TULLIBAIRDIN.

DUNCANE CAMPBELL off Glenurquhay.

JOHNE GRANT off Freuquhie.⁹⁸

In pursuance of these offers, various proceedings took place, in which the anxiety of the Council to reduce the Clan Gregor to obedience without undue severity is very manifest. All their good intentions, however, were secretly frustrated by Argyle, who undid in the Highlands what had been done at court; whilst the whole blame, meanwhile, rested upon the unfortunate Laird of Macgregor, who was charged by the Council with having dishonourably violated his most solemn engagements. For proof of this assertion, reference is made to the dying declaration of Macgregor, which is appended to this paper; and likewise to a statement made by the gentlemen who had become his sureties, that the “ default of the not entrie of the said Allaster with his said plege, at the peremptour day appointit to that effect, wes not in thame [the sureties], bot proceidit upoun sum occasionis quhilk intervenit and fell oute befor the day of his entrie, quhilkis discourageit and terrifeit him to keip the first dyet.”⁹⁹

At last the King and Council, in despair of reducing the Clan to the obedience of the laws by the existing plan, constituted the Earl of Argyle his Majesty's Lieutenant and Justice in the whole bounds inhabited by the Clan Gregor,

⁹⁸ Original of this paper in the General Register House, Edinburgh.⁹⁹ *Record of Secret Council*, ad annum 1601.

and invested him with the most ample powers, extending over as well the harbourers of the Macgregors as the Macgregors themselves; and it was provided that the former should be responsible for the crimes of those of the latter to whom they might give shelter and protection. The commission was to continue in force for a year, and longer if not specially discharged; and the King promised not to show favour or to grant pardon to any of the Macgregors during the continuance of the commission, but to remit them and their suits to the Earl's disposal.¹⁰⁰

Under Argyle's administration, the Clan, as might be expected from the policy pursued by that nobleman, became daily more troublesome to the Lowlands, and to such of the proprietors more particularly as had the misfortune to be at feud with Argyle. The Lairds of Buchanan and Luss suffered severely from the incursions of the Clan Gregor; and those of Ardkinlass and Ardincaple escaped assassination only by the Laird of Macgregor's refusal to execute in *their* cases the revolting fiats of the King's Lieutenant.¹⁰¹ Finally, in the spring of 1603, at the instigation of Argyle, couched probably in the most imperious terms, Macgregor, with his men of Rannoch, invaded the Lennox, and fought the celebrated conflict of Glenfrune, opposed by the Colquhouns and their friends and dependants; and having routed these with great carnage, ravaged the whole district, and carried off an immense booty.¹⁰²

¹⁰⁰ *Record of Secret Council*, 1601.¹⁰¹ See the Laird of Macgregor's Declaration, appended to this Essay, Appendix A.¹⁰² *Ibid.* The following extract from Mr Pitcairn's *Criminal Trials*, vol. ii. p. 431, is here introduced in justice to this much calumniated race:—“ The popular accounts of the conflict of Glenfrone charge the Macgregors with two atrocities, committed after the battle, viz. the murder of Sir Humphrey Colquhoun, who had fled from the field of battle, and had taken refuge in the castle of Bannachrea; and the slaughter of a number of defenceless boys, from the Grammar School or ‘ College’ of Dumbarton,¹ who, from curiosity, came to see the fight, and had by Colquhoun's order been put into a barn for safety, where, on the success of the Highlanders, they were said to have been murdered. In justice to the Clan Gregor, it is but fair to mention, that, on investigating this subject, it clearly appears that Sir Humphrey was murdered in his castle of Bannachrea in July 1592, above eleven years before this conflict, by *his own brother John*, with the assistance of some of the Macfarlanes, under circumstances of extreme atrocity. He was succeeded by his brother Sir Alexander, who was alive anno 1610. The then Laird of Luss must therefore have fled from the field of battle, leaving his vassals
¹ So called, probably, from their education being conducted in the Collegiate Church there, or under the auspices of the Clergy of that establishment, by virtue of some charitable endowment.

The King and Council, horrified by the intelligence of this hostile inroad, proceeded to take the most severe measures for bringing the offenders to justice. A series of sanguinary enactments against the unhappy Clan Gregor was crowned by that of the proscription of the names of Gregor and Macgregor, under pain of death, which bears date 3d April 1603.¹⁰³ Argyle was the first to turn upon the unfortunate chief, whom, and several gentlemen of his Clan, he betrayed in circumstances peculiarly infamous;¹⁰⁴ and all inquiry into the origin of the Raid was studiously stifled to save the Earl.¹⁰⁵ The Declaration, however, of his victim, produced on the trial, and preserved in the original, distinctly charges Argyle with having caused Macgregor not only to violate the engagements under which he had come to the King and Council in 1599, as above detailed, but to commit many of the crimes for which he was about to suffer death.¹⁰⁶

I have thus, in the preceding pages, endeavoured to show that the causes of the proscription of the Clan Gregor were closely connected with the impolitic system on which the ancient crown lands were managed; and that this Clan suffered more severely under that system than others from having lost their early freehold possessions, or at least the greater part of these, by forfeiture, as early as the reign of King Robert Bruce, and being thus deprived of that

to be cut to pieces by their victorious antagonists. As to the slaughter of the schoolboys, it is enough to state that this circumstance forms no point of any of the dittays against those of the Macgregors who were tried for their share in this battle, although every criminal act which could possibly be adduced against each of them is carefully inserted in their indictments. Such an atrocious fact could not have escaped the notice of all his Majesty's Advocates for such a length of time, and there was no lack of informers."

¹⁰³ See *Excerpts of Record of Secret Council* in the Earl of Haddington's Manuscript Collections, preserved in Advocates' Library, Edinburgh. The volume or volumes whence these Excerpts for the years 1603-4-5 were taken are unfortunately missing.

¹⁰⁴ See Sir Robert Gordon and other contemporary historians.

¹⁰⁵ This is evident from there being a packed Jury on the trial of the Laird of Macgregor, notwithstanding the notoriety of the crimes charged, and from the indecent haste which marked the whole of the proceedings in Edinburgh; not to mention what appears from Calderwood's *History*, and other sources, that seven gentlemen of the name of Macgregor were executed along with the Laird of Macgregor, *without a trial*, although, as asserted by the candid historian, "reputed honest for their own parts."

¹⁰⁶ See the Laird of Macgregor's Declaration, Appendix A.

weight in the Councils of a rude nation which uniformly accompanies the possession of extensive land-property. This view is farther confirmed by a fact which I have lately discovered, that King James V. actually proscribed the Clan Chattan, by acts equally severe with those directed by his grandson against the Clan Gregor.¹⁰⁷ Yet the proscription of the former has been forgotten, whilst the effects of that of the latter are still felt. Wherein consisted the difference between the two Clans? The answer is obvious. The Captain of the Clan Chattan, and several of the chief gentlemen of his tribe, held extensive possessions under the Crown, and were thus in a measure independent of the great families in their neighbourhood. How different the case was with the Clan Gregor we have already seen; and the fate of the Macdonalds of Glenco (who in other respects were much more favourably situated) is nearly parallel to that of the Macgregors, and may be traced to the same causes.

Having now brought down the history of this family to the date of the proscription of their name, I may on a future occasion, should the present attempt meet with the approbation of the Society, give a sketch of the history of the Clan during the proscription; which, as may be supposed, possesses considerable interest, and for which the records offer abundant materials.

I cannot conclude without expressing my obligations to Thomas Thomson, Esq. Deputy Clerk Register, to Alexander Macdonald, Esq. and to the Rev. William Macgregor Stirling, for the assistance these gentlemen have afforded me in my investigations on this and similar subjects.

¹⁰⁷ See Appendix B.

APPENDIX.

(A.)

THE LAIRD OF MACKREGOUR'S DECLARATION, *producit the tyme of Convictioun.*¹

I, ALLESTER MAGRIGOUR of Glenstra, confesse heir before God, that I have bein persuadit, movit and intysit, as I am now presentlie accusit and trublit for; also, gif I had usit counsall or command of the man that hes Intysit me,² I wald have done and committit sindrie heich Murthouris mair; ffor trewlie, sen I was first his Majesteis man,³ I culd never be at ane eise, by my Lord of Argylls falshete and inventiones; for he causit McClaine and Glenchamrowne⁴ committ herschip and slauchter in my roum of Rennoche, the quhilk causit my pure men thereafter to bege and steill: also, thereafter, he moweit my brother and sum of my freindis to commit baith herschip and slauchter upone the Laird of Luss: Alsua, he persuadit myselve, with message, to weir⁵ aganis the Laird of Boquhanene, quhilk I did refuse; for the quhilk I was contentowalie bostit⁶ that he sould be my unfreind; and quhen I did refuse his desire in that point, then he intysit me with uther messengeris, as be the Laird of M'knachtane and utheris of my friendis, to weir and truble the Laird of Luss; quhilk I behuffit to do for his fals boutgaittis.⁷ Then, quhen he saw I was at ane strait, he cawsit me trow⁸ he was my guid freind; bot I did persave that he was slaw⁹ therin: Then I made my moyan¹⁰ to pleis his Majestie and Lords of Counsall, baith of service and obedience, to puneische faultouris and to saif innosent men; and quhen Argyll was maid foresein¹¹ thereof, he intysit me to stay and start fra thay conditionis, causing me to understand that I was dissavit, bot with fair wordis; to put me in ane

¹ The original of the very interesting and important paper now given (which has been printed by Mr Pitcairn in his valuable and interesting criminal trials, in the appendix to the trial of the Laird of Macgregor, ii. p. 435) is preserved in the General Register House, and is in the hand of the then Clerk of Secret Council, James Primrose. It is marked as "PRESENTIR BE MR WILLIAME HAIRT" (of Levilands), as an article of evidence of Macgregor's guilt at his trial. This person officiated as Justice-depute on the occasion.

² The Earl of Argyle, King's Lieutenant in the bounds of the Clan Gregor since July 1596. (*Record of Secret Council.*)

³ He had taken the usual oath to be his Majesty's 'house-hald man' 27th July 1596, as appears from the *Record of Secret Council.*

⁴ Clan Cameron.

⁵ Wage war.

⁶ Threatened.

⁷ Deceitful courses; literally, 'round about ways.'

⁸ Believe.

⁹ Slow, slack.

¹⁰ Did my endeavour, *moyen.*

¹¹ Advertised, informed.

snair, that he mycht gett the lands of Kintyre in feyell¹² fra his Majestie, begane to putt at me and my kin: The quhilk Argyll inventit, maist schamfullie, and persuadit the Laird of Ardkinlaiss to dissave me, quha was the man I did maist trest into; bot God did releif me in the mean tyme to libertie maist narrowlie.¹³ Neuertheless, Argyll maid the oppin brutt,¹⁴ that Ardkinlass did all that falsheid by¹⁵ his knowlege; quhilk he did intyse me, with oft and sindrie messages, that he wald mak my peace and saif my lyfe and landis, only to puneis certane faltouris of my kin, and my innosent freindis¹⁶ to renunce thair sirname, and to leif peaseable. Vpone the quhilk conditionis, he was suorne be ane ayth to his freindis; and they suorne to me; and als, I haif his warrand and handvryit therevpon. The quhilk promeis, gif they be honestlie keipit, I let God be Juge! And at our meting, in oure awin chalmer, he vas suorne to me, in witnes of his awin freind. Attour,¹⁷ I confess, befor God, that he did all his craftie diligence to intyse me to slay and destroy the Laird Ardinkaippill, M'kallay,¹⁸ for ony ganes kyndness or freindschip that he mycht do or gif me.¹⁹ The

¹² Fee, feu-farm. This refers to the royal promise of reward to Argyle, after February 7, 1603, for apprehending Glenstray; which reward, as he had earned it, he afterwards received; and it was confirmed to him by the Parliament 1607.

¹³ His escape, which forms a very romantic incident in his melancholy history, is thus narrated by a contemporary but anonymous chronicler, whose MS. is preserved in the Advocates' Library, A. 4. 35.

"Now, on the second day of October (1603), the Laird of Arkinles takis in hand to the Erll of Argyll, to tak the Laird of Macgregour; and callis him to ane bankatt¹ in his hous, quhilk hous stuid within ane loche; and thair takis him prissoner to send him to Argyll. And putting him in ane boitt, with fyve menne with him, by² thame that rowit the boitt; he seeing himself betreissit,³ gettis his handis lowse; and striking him our burd that wes narrest to him, he lowpis in the watter and out sowmis⁴ to the land."—Pitcairn's *Criminal Trials*, vol. ii. p. 434.

¹⁴ Report. French, *bruit.*

¹⁵ Without, contrary to his knowledge.

¹⁶ Such of them as were innocent of the crimes charged against the Clan generally.

¹⁷ Moreover.

¹⁸ Awlay Macawlay.

¹⁹ In the *Lord Treasurer's Books* of Scotland, November 1802, is the following entry: Item, to Patrik McOmeis, messenger, passand of Edinburghe, w^t Lettres to charge Ar^d Earle of Argyle to compeir personallie befor the Counsall the xvj day of December nixt, to ansuer to sic thingis as sal be inquirit at him, tuiching his lying at await for the Laird of Ardincapill, vpon set purpois to have slane him, xvj li.

¹ Invites him to a banquet.

² Betrayed.

³ Forbye, over and above, besides.

⁴ Outstrips the boat by his swimming.

quhilk I did refus, in respect of my faithfull promeis made to M^ckallay of-befor.²⁰ Also, he did all the diligence he culd, to mowe me to slay the Laird of Arkyndlas in lyk maner; but I neuer grantit therto;²¹ throw the quhilk he did invy me gretumly.²² And now, seing God and man seis it is greidenes of warldlie geir quhilk causis him to putt at me and my kin, and not the weill of the realme, nor to pacifie the samyn, nor to his Majesties honour, bot to putt down innozent men, to cause pure bairnes and infanttis bege, and pure wemen to perisch for hunger, quhen they ar heriet of their geir: The quhilk, I pray God, that thais faltis lycht not upon his Majestie heirefter, nor upon his succession.²³ Quherfor, I wald beseik God that his Majestie knew the weratie, that at this hour I wald be content to tak Baneisment, with all my kin that was at the Laird of Lussis slauchter,²⁴ and all utheris of thame that ony falt can be laid to their charge. And his Majestie, of his mercie, to lat pure innozent men and young bairnes pas to libertie, and lerne to leiff as innozent men: The quhilk I wald fulfill, but ony kynd of fail,;²⁵ quhilk wald be mair to the will of God and his Majesteis honour nor²⁶ the greidie, crewall forme that is devysit, only for leuf of geir, haueing nather respect to God nor honestie!

(B.)

ACT OF PROSCRIPTION OF THE CLAN CHATTAN, dated 22d June 1534.²⁷

Item, it is ordanit and statut, that for [samekle as the Capitane of the] Clanquhattane, callit Makintosche w^t [his kyn, freindis, assistaris, and pairt]takaris, hes bene doaris, committaris of grete slauchteris, heirschippis, birningis, mur[thouris]. . . . barnys, preistis, byrning of kirkis, and uther grete crymes within this realme, and specialie upoun the Inhabitantis of Ar[der]sere perteing to the Bishop of Ross; and wes nevir profitable to the Kingis grace nor realme in weir nor pece;

²⁰ Glenstray and Macaulay had entered into a bond of Clanship May 27, 1591, in which the latter owns his being a cadet of the house of the former, and promises to pay him 'THE CALP.'—*Paper in the General Register House.*

²¹ Ardkinlass, as appears from the *Book of Taymouth*, was Glenstray's near kinsman. He had been at feud with Argyle for some years, on account of his alleged share in the murder of Sir John Campbell of Calder (who at the time of his death was guardian to the Earl). It is probable that Ardkinlass hoped to make his peace with the Earl, by apprehending the Laird of Macgregor.

²² Bore a great or mortal grudge at me.

²³ This prayer seems almost prophetic.

²⁴ The Laird of Luss not having been killed at Glenfroom, these words must mean "at the slaughter of the Laird of Luss's friends." See Note 102, p. 28.

²⁵ Without failure or evasion.

²⁶ Than.

²⁷ *Acta Dominorum Concilii et Sessionis*, v. 31.

thairfoir that lettres be direct till the sheriffis and thair deputis of Abirdene, Banff, Elgen, Forres, Cromarty, Nairne, and Innernes, to command and charge all and sundrie our Souerane Lordis liegis that nane of thame tak upoun hand to naime or obey to this Makintosche, callit Capitane of the Clanquhattane nor to nane utheris in tyme to cum, nor that nane be namit nor chosen Capitanis of that Clan, nor nane callit of the Clanquhattane fra this furth; becaus the Kingis Grace, with awiss of the Lordis of his Counsale, hes dischargeit and cryit down perpetuallie the said Capitane and Clan and name of Makintosche, and all uther maner of heid or chiftane of that sorte of the Clanquhattane; bot thai to serve the Lord or Laird under quhome or upoun quhais landis thay duell, as utheris the Kingis liegis dois; and that all our Souerane Lordis liegis be chairgit heirto under the pane of deid; and that it be ane point of dittay, in the Justice-air gif onie cumis in the contrair heirof; and ordainis the Justice Clerk present and to cum to tak dittay heirupoun as effeiris &c.

[This act follows some instructions, much obliterated, to the Earl of Huntly for repressing the Clanchattan. These instructions appear, from the few words which can still be read, to have been particularly severe; yet they do not seem to have produced much effect. William Macintosh, Captain of the Clanchattan, was executed in or about the year 1550 by the Earl (or as some say the Countess) of Huntly. It can hardly be supposed, however, that this was in consequence of an act of council, dated 16 years before, and while Macintosh was in minority.]