

## I.

## NOTICE OF FOUR CONTRACTS OR BONDS OF FOSTERAGE; WITH NOTES ON THE FORMER PREVALENCE OF THE CUSTOM OF FOSTERAGE IN THE SCOTTISH HIGHLANDS. BY ALEXANDER O. CURLE, W.S., F.S.A. Scot.

"Fosterage," says Sir Henry Maine in his *Early History of Institutions*, "the giving and taking of children for nurture," is "now known to have been widely diffused among Aryan communities." This fosterage, however, to which the following notes refer, is not to be confused with fosterage as popularly understood at the present time—the putting out of children to nurse in infancy—but was a custom closely akin to adoption. We find that the custom existed among the Irish and among the Norsemen at an early date, and in Ireland survived as late at least as 1600. In the *Senchus Mor*, the code of ancient Irish laws, compiled in all probability about the ninth or tenth century, the most minute regulations are laid down as to the manner in which the fostering is to be undertaken by the various classes of the community, and the entertainment and education to be provided for the foster-child, varying according to its rank. Children were mutually given from different families to be nursed and brought up; and inferiors, we are told, instead of expecting any reward for their care, purchased the honour of fostering the children of the rich: hence, it is said, a stricter connection and confederacy were formed between families and tribes.<sup>1</sup> There also existed in Ireland a form of fosterage known as Literary Fosterage, which was an institution connected with the Brehon Law Schools, and sprang out of the relationship established between the Brehon teacher and the pupils he received into his house for instruction. The tie between the pupil and the Brehon teacher was regarded as peculiarly sacred, and as closely resembling that of father and son. The same *Patria Potestas* was created by it as by actual paternity, and the literary foster-father had a claim through life upon portions of the property of the literary foster-son. "There are some

<sup>1</sup> Leland's *History of Ireland*, Preliminary Discourse, p. 38.

faint traces of fosterage in the Hindoo law," says Sir Henry Maine, "but substantially it has dropped out of the system: the vestiges of literary fosterage are, however, tolerably abundant and very plain." The Brahmin teacher of Brahmin pupils receives no payment for his services, but the Hindoo law repeatedly reserves to him a remote succession to their property. Biddulph,<sup>1</sup> in his account of the tribes of the Hindoo Kush, mentions fosterage as still being practised in the neighbourhood of Gilgib. In Bell's *Residence in Circassia*,<sup>2</sup> in 1840, the author gives a detailed account of the ceremonies attending the return of a pupil or foster-child to his parents practised in that country. The tutor or foster-parent gave costly gifts to his foster-child on his return to his own family, and in turn the foster-parent was rewarded with horses and cattle by the parent of the child.<sup>3</sup> In the ancient Welsh laws there are several references to fosterage. The following passage occurs in the Code of Gwynedd:—"If an uchelwr (high man) places his son to be reared with the aillt (villeyn) of a lord, by the permission or by the sufferance of the lord, for a year and a day, that son is to have a son's share of the aillt's land, and ultimately of his property."<sup>4</sup> Thorpe, in his Glossary appended to his edition of the *Ancient Laws and Institutions of England*, under the heading "Foster," says "it would seem that the custom of placing a child out as foster son or daughter with another having a child or children, so that all might be bred and educated together, was as prevalent among the Anglo-Saxons as among the Scandinavian nations."

In the Icelandic Sagas the mention of foster-fathers and foster-children is frequent, and the custom, as observed among the Norsemen, was in many points similar to that observed in this country. The recognised symbol of adoption was to place the child on the foster-father's knee, hence foster-children were called by the name of "knesœter." In the saga of Harald Harfagr it is related how, when Harald Harfagr, in order to avenge himself for a slight put on him by

<sup>1</sup> Biddulph, *Tribe of the Hindoo Kush*, Calcutta, 1880.

<sup>2</sup> Vol. ii. p. 369.

<sup>3</sup> See *Songs of the Cherkies*, p. 17.

<sup>4</sup> *Ancient Laws and Institutions of Wales*, p. 95.

Athelstane of England, sent his "jarl" Hauk into England with his son Hakon to the king, Hauk took the child and set him on the king's knee; and on Athelstane asking the meaning of this strange proceeding, Hauk replied, "Harald the king bids thee foster his servant-girl's child." The saga then goes on to state that "it is the common observation of all people that the man who fosters another's children is of less consideration than the other."<sup>1</sup> Athelstane evidently recognised the obligation, for Hakon was brought up at his court. In Scotland the symbol of adoption was evidently the same, though in this country adoption, where we find instances of it, was not necessarily fosterage, but evidently a practice closely related thereto, as may be gathered from the following instance.<sup>2</sup> In the *Black Book of Taymouth*, p. 182, there is a bond in the following terms:—"At the Castle of Glenurquhay the 21st day of the moneth of Julij 1538 compeirit Johne Makgillespi dwelland in Inverovir . . . Maturli advysit of his awin propir motif wil, the gud and profit of him his son. Evir thair ofspring considerat — resaut ane honorabil man Johne Campbell laird of Glenurquhay as his awin sone and tuk him on his knee calland him *filium adoptivum* that is to say his chosen son and in the meantym he beand on his knee gef to the said Johne the half of his gudis mouable and onmouable," &c. &c. Now this Johne Campbell was the fifth laird of Glenurquhay, and died in the year 1550 at the age of 54: he was therefore at the date when Johne Makgillespi took him on his knee 42 years old. Here is another tale from the Icelandic saga of Hen Thorir, which shows in a marked degree the similarity of the practice among the Norsemen of the ninth or tenth century and the Highlanders of the West of Scotland in the sixteenth:—"On a day Thorir went his way from home and rode to Northtongue to see Arngrim the priest and crave to have the fostering of a child of his. 'I would,' said he, 'take to me Helgi thy son, and heed him all I can, and have thy friendship in return, and furtherance herein, to wit, the getting of my rights from men.' Arngrim answered, 'Little furtherance to me do I see in this

<sup>1</sup> Laing's translation of the *Heimskringla*, chap. 42, p. 309.

<sup>2</sup> As to the connection between fosterage and adoption, see *Legend of Perseus*, vol. ii. p. 418 *et seq.*

fostering.' Answered Thorir, 'I will give the lad my money to the half part rather than lose the fostering of him; but thou shalt right me, and be bound thereto with whomsoever I may have to do.' Arngrim answered, 'Sooth to say, I will not put from me so good an offer.' So Helgi went home with Thorir." Now compare that with the following, which is the oldest Scotch bond published. It is also from the *Black Book of Taymouth*, and runs as follows:—"Johne Neill Vreck in Stronferna and Gregoure his brother receives Coleyne lawful third son to Coleyne Campbell, eldest son and heir to Sir Duncan Campbell of Glenurquhay in fostering and gives him a bairnis part of gear in giving to said Sir Duncan and his heirs their bonds of manrent and calps, that is the best aucht in their housis the time of thair deceiss. The saidis Sir Duncan and Coleyne being bound to defend the saidis Johne and Gregoure in the lands of Stronferna and the rest of the rowmis they possess as law will."—Dated 29th April 1510. This Coleyne afterwards became sixth laird of Glenurquhay, and died in 1583 at the age of 84. He was thus 11 at the date of this bond.

In Scotland the custom must have existed from an early date, and survived in the Western Highlands till the end of the last century,—no doubt, a long time after it had died out elsewhere.

The number of published contracts is small, and almost all are in the *Black Book of Taymouth*. The earliest of these is that already quoted, dated 29th April 1510, and the latest is dated 15th August 1584. There are two published in the *Collectanea de rebus Albanicis*—dated respectively 1641 and 1665. There is one, written in Gaelic, reproduced in the *National MSS. of Scotland*, the date of which is 8th October 1614, and, with the exception of those published in the Appendix to this article, and which are in his possession, the writer has been unable to discover any more.

The close connection between adoption already referred to, which was often employed solely as a means of transmitting property, and fostering, is shown by the terms of the following bond published in the *Collectanea*. It is dated 1641, and relates how Sir Donald Campbell of Ardnamurchan took in fostering Neill Campbell, second son of the Earl of Argyll, "to advance the said Neill Campbell to a fortune," and

granted a bond for 6000 merks, to be paid to the said Neill in 1646, on his attaining the age of 14. The country being very unsettled, it was not thought prudent to send the said Neill to his foster-father. Neill Campbell's elder brother Archibald, afterwards the unfortunate Earl of Argyll, who was executed in 1685, was brought up in fostering in the House of Glenurchy.

The foster-parent was always of lower rank than him whose child he fostered. This seems to have been the case wherever we find that the custom existed. Duncan Campbell, fiar of Glenurchy, sent his son Duncan in 1580 to be fostered with his native servant Gilcreist Makdonchy Duff V'Nokerd and Katherine Neyn Douill Vekconchy his spouse, to be sustained in meat, drink, and nourishment by them till he be sent to the schools, and afterwards at the schools. In Burt's *Letters from the North of Scotland*,<sup>1</sup> written in the middle of the last century, the writer says: "When a son is born to the chief of a family, there generally arises a contention among the vassals which of them shall have the fostering of the child when it is taken from the nurse, and by this means such differences are sometimes fomented as are hardly ever after thoroughly reconciled." Johnston, in the account of his journey to the Western Isles, in describing the custom as he found it in 1773, says:—"A laird, a man of wealth and eminence, sends his child, either male or female, to a tacksman or tenant to be fostered. It is not always his own tenant, but some distant friend that obtains this honour; for an honour such a trust is very reasonably thought."

When the child went to its foster-parents there was handed over by its father a certain number of cattle, to which were added a similar number by the foster-parent. The number varied, but was usually, as far as one can accurately tell, four or five cows and stirks, and perhaps a horse, from either side. The small herd was called the "Makallow," "Macalive," or "M'heliff goods," and was the absolute property of the child, as was also the increase, but no part of it was allowed to be disposed away without the father's consent. In Mull, according to Johnston, only half of the increase belonged to the child, the other half being the property of the fosterer. Sometimes the stock was put in the

<sup>1</sup> Vol. ii. p. 140.

hands of a "mediate man," a third party, to be attended to, and who was answerable for it and its offspring. The fosterer evidently had to provide the pasture free of charge, but was allowed the milk of the cows. Only in one of the sixteenth century contracts in the *Black Book* is there any mention of Makallow cattle.<sup>1</sup>

Among the Irish, when the foster-child returned to its own parents, the fostering being at an end, the foster-father had to present it with a parting gift, in amount proportionate to its quality.

In each one of the contracts printed in the Appendix there is a stipulation for a certain annual payment for board. This does not appear in any of the previously published contracts. The sum to be paid is usually £20 Scots: in one case it is 26 merks for the first two of the seven years for which the fostering was to last, and 22 for the remaining five years. In the contract dated 1655, the payment is stated at two bolls meal—the boll of meal being about that time, according to the prices quoted in Balfour's *Annals*, worth £10 Scots.

In all the published contracts which are of earlier date, in return for the fostering and the share of inheritance to be taken by the foster-child, the father binds himself to protect the foster-parents; but, either owing to the possession of property being more secure in the latter half of the seventeenth century, or because the bonds are granted by people of less power than the Campbells of Glenurchy, in the later contracts this obligation has given place to one to pay a sum of money, as before mentioned.

It was an invariable custom for the foster-child to be given a share in the inheritance of the foster-parents, and this share is always stated as a bairnis part of gear, *i.e.*, a child's legal share of his father's free movable estate. Under the Welsh law, apparently, the foster-child took a share of the heritage also, but this was not so in Scotland. In the contract No. 3 of the Appendix the wording of the clause disposing the bairnis part of gear is rather peculiar: it states that "in failing airs (of the foster-parents') owne bodies the said Patrick is to be the second

<sup>1</sup> An interesting case dealing with the subject of Makallow cattle is preserved in Lord Campbell's *Collection of Session Papers*, *Maclean v. Maclean*, 25th Feb. 1772, vol. 21, No. 83.

bairne to the said Johne and Effie or his heirs whatsomevir." This seems merely a method of stating that the child was to be an heir *in mobilibus* only. In another contract,<sup>1</sup> "Donald Dow M'Ewin and Roiss N'Odochardi his spouse sells and dispones" (to their foster-daughter Isobell Campbell) "without recalling ane bairnis pairt and portioun naturell of thair hail guds and geir which sall pertain to them the time of their deceiss as if she was their awin lawful chyld. Providing if they die childless it sall be lesum to them to appoint aither of them ane dilapach" (heir) "to succeed to them in equal portion with thair foster."

At what age the child went to his foster-parents it is difficult exactly to state, but probably when he was about 7 or 8 years old. In Burt's *Letters*, before quoted, the writer says it was when the child was taken from the nurse; but it is a fact deducible from the *Black Book of Taymouth*, by means of the dates and family genealogy given there, that the children of the House of Glenurchy were sent out at a later age.

The period during which the child stayed with his foster-parents seems to have been seven years. Among the Irish the child remained till it arrived at a marriageable age, which was considered 14 in girls and 17 in boys.

The custom must have come to an end in the latter half of the last century, which saw the last of many ancient Highland institutions. Johnston described it as a custom still remaining in the islands; though fast passing away. That was in 1773. Between the years 1782 and 1790 the Rev. John Lane Buchanan journeyed in the Western Hebrides, and published an account of his travels. Whether he is considered a reliable authority or not on this point, his judgment appears to have been biassed by an inveterate dislike to the tacksmen, whom he does not spare. Fosterage, according to him, had become a most cruel infliction and means of extortion. "The moment," he says, "that the child of a great tacksmen is nursed, the most substantial of the subtenants is pitched upon as the most proper person to foster the child, and this the tenant must look on as a piece of great condescension in the master, and

<sup>1</sup> *Collectanea de rebus Albanicis*, p. 20.

no inconsiderable mark of honour and respect done to himself to be thus entrusted with so precious a charge. . . . The child is not only well fed and clothed by the foster-mother, but she must also attend the foster-child with more care and attention than any of her own, that the parents may have no reason to complain that their child is neglected in meat, clothing, or cleanliness. By the time that the child is 10 or 12 years old, and generally well fostered, the parents carry him or her home, to send them to their education; and instead of paying any board wages for all this expense of meat and drink, constant attendance, and clothes for the child, it will be all lost labour unless their foster-child is accompanied home with a present of cows, sheep, or goats, and clothes, in proportion to their respective abilities." After which he mentions several instances of this barbarous ill-usage,—which it would be satisfactory to think the author's hatred of the tacksmen may have caused him to exaggerate a little.

But, after this account, it is pleasant to dwell for a little on the singular bond of affection which existed between the foster-child, or Dalt, as he was called in Gaelic, and his foster-brethren. "There is no love in the world," says Cambden, "comparable by many degrees to that of foster-brethren in Ireland"; and two well known Highland sayings show how sacred such relationship was regarded: "Kindred (or same blood) to twenty degrees (of love and affection), fosterage to a hundred degrees"; and "Woe to the father of the foster-brother who is unfaithful to his trust." And the last instance of this ancient custom which I have been able to discover shows that the poetic devotion of the foster-brothers existed to the end. The celebrated Colonel John Cameron, the "valiant Fassiefern," who fell at Quatre Bras, was fostered for some time in the family of a M'Millan, one of whose sons enlisted in the same regiment as his loved foster-brother, to watch over and protect him in the dangers of war to which he was exposed.

The march of civilisation has trampled out many singular customs which existed among our forefathers, some bad and some good, and among the latter perhaps we may reckon fosterage; for though the altered state of society would not now permit its existence, we may regret its loss, for there must have been something beneficial in a



custom which bound in such close bonds of affection the different classes of the community. That it should have existed with little apparent alteration from the days of the Vikings till almost the present century is very strange, and such longevity is apparently a proof of the useful purpose it served in the life of the clans.

## APPENDIX OF DOCUMENTS.

### I.

At Kilberrie the second day of May J<sup>m</sup>vj fyftie five zeiris it is condiscendit upon be the persones and pairties wndirwrn. They are to say duncane Campbell in Tiretigane w<sup>t</sup> consent of Moir N<sup>e</sup>Neill his maried spouss for the weel and profeit of Dowgald Campbell his Lawfull sounne they ar bothe gladlie contentit and willinge at the wryttinge of thir pnt That Johne M<sup>c</sup>Cartour in Kilberrie Rynnald N<sup>e</sup>Nucature his spouss sall keepe and intertaine the said Dowgald Campbell in foode and rayment for the space of five yeires after the daite of thir pnt. And to that effect the s<sup>d</sup> Duncane is to giv<sup>e</sup> zeirlie tua bolls meill in full contentatioune of burdeine for his s<sup>d</sup> sounne Togidder also w<sup>t</sup> foure head of catle Qlk the s<sup>d</sup> Duncane nominates to belonge properlie to the said Dowgald his sounne as also the s<sup>d</sup> Jo<sup>n</sup> M<sup>c</sup>Cartoure w<sup>t</sup> consent of Rynald N<sup>e</sup>Nucature his spouss for the love and respect they both cari to the said Dowgald ther fostire they ar bothe willing and content to delivere for the weel and use of the s<sup>d</sup> Dowgald thrie girt kye and ane stirke to be nominated upon the (*sic*) s<sup>d</sup> Dowgald as his owne good and geire and the sds goods ar to be put in a mediate man's hands who sall be answerable for them and thair ofspring ar to be fourthe comand and noo to be disponed upon w<sup>t</sup> out the advyce of the s<sup>d</sup> Duncane his father It is Lykwyse heirby provydeit w<sup>t</sup> the mutuall consent of baithe the pairties that if it sall happine y<sup>t</sup> the s<sup>d</sup> Dowgald sall depairte out of this mortall lyf before that the s<sup>d</sup> space of five zeires sall be exspyred than and in that caise ilk pairtie sall have thaire owne goods w<sup>t</sup> thaire ofspringe Lykwyse it is provydeit w<sup>t</sup> mutuall consent of the sds pairties and w<sup>t</sup> the frei consent of the s<sup>d</sup> Jo<sup>n</sup> M<sup>c</sup>Cartoure and Rynnald n<sup>e</sup>Nucature y<sup>t</sup> q<sup>n</sup> it sall please God to call the s<sup>d</sup> Jo<sup>n</sup> M<sup>c</sup>Cartoure out of this mortall Lyf y<sup>t</sup> the s<sup>d</sup> Dowgald his fostir sall have equall portiones w<sup>t</sup> the rest of his owne childrene Be this o<sup>r</sup> mutuall consents wndir bothe o<sup>r</sup> hands day zeir & place forsd<sup>s</sup> Wrytten be Angus Campbell of Kilberrie before y<sup>r</sup> witness M<sup>r</sup> Ard M<sup>c</sup>Lachlane and Angus Campbell of Kilberrie

Lykwyse it is agreeit upone w<sup>t</sup> the mutuall advyce of bothe the pairties y<sup>t</sup> non of the ofspringe of the sds goods sall be killed or anywyse disponed upon w<sup>t</sup>out mutuall advyce In wites qrof we have sub<sup>t</sup> yir pnt w<sup>t</sup> o<sup>r</sup> hands as fallowes

Jo<sup>n</sup> M<sup>c</sup>Cartour w<sup>t</sup> my hand led at the penn

M<sup>r</sup> Ar<sup>d</sup> M<sup>c</sup>Lauchlane, *witness*  
Ang. Campbell, *witness*

Duncan Campbell

## II.

At Kilchalmaneall the eight day of June j<sup>m</sup>vjc & seventy four yeirs It is and agried betwixt Coyle M<sup>c</sup>Alester brother to the Laird of Loupe & John M<sup>c</sup>Phale in Cruagcill & Mary N<sup>c</sup>Phale his spouse togethir w<sup>t</sup> Neill M<sup>c</sup>Phale sone to the s<sup>d</sup> Johne on the othir pairt as follows To wit the said Coyle setts a fostering to the (parties) abovenamed James M<sup>c</sup>Alester his second laull sone for the space of sevin yeirs (fra) James M<sup>c</sup>Alester his entry qu<sup>k</sup> is to be at the dait of thir pnt & does oblidge him to pay for the boarding 20 lib. scots beginand the first tearme's payment y<sup>o</sup>f at Martinmas and soa forth yeirly during the said space q<sup>l</sup>k fostering the saids persones named as aforesaid & aither the said Coyle & the fairsaid Johne ilk ane for y<sup>r</sup> awne p<sup>t</sup> the makhelve goodes underwrittine to behoofe of ye said chyld as followis heireftir . . . . . y<sup>o</sup>f 4 tydie and 2 calfis & ye saidis persones ye number of ether 8 great yeild kowes q<sup>l</sup>k sixtein kowes the saidis persones is to receive immediately eftir the receaving of the chyld for his behove and to frie the samen of all rents and impositiones during their possession of them and to make the increase of the fairsaid goodes furthcomand to the use of the said chyld as they yeild of themselves at least ane stirk to be brought up betwixt each twa reserving to the saids persones the milknes Lykeas the saidis persones oblishes them ilk ane for hir awine pairt for ane bairnis pairt of gear to her (*sic*) said chyld and his aires to be medleed with immediately eftir aither of y<sup>r</sup> deceiss. And in cais as God forbid that the said chyld sal depairt his mortall Lyfe w<sup>in</sup> ye space of thrie yeiris immediately eftir his entry, the said persones ar oblised to receive an other chyld of the said Coyle instead of the said first chyld q<sup>l</sup>ks failzing aither of ye saides pairties ar to employ y<sup>r</sup> awin portiones of ye fairsaid mackhelve goodes and bairnis p<sup>t</sup> of gear and in caise at any time y<sup>e</sup>eftir the said chyld depairt w<sup>in</sup> the said space of fostering and ane other chyld of the said Coyle's entering in fostering with them as said is then and in that caise the whole fairsaid mackhelve goodes and the above named bairnis pairt of gear shall be at the disposal of the said Coyle M<sup>c</sup>Alester to be devyded amonges the reast of his present childrine and for the more security both pairtis ar not only content that thir pents be drawine up in ample forme but lykewayes that thir pnts be insert & regrat in the Bookes of Counsell and Sessione or Shereff Court Books of Argyll before thir Witnesses Gorry M<sup>c</sup>Alester of Loup, Johne M<sup>c</sup>Alester in Schonkill and Rannald Campbell wryter heiroy

Coyll M<sup>c</sup>Allester.

G M<sup>c</sup>Allester *witness*  
 John M<sup>c</sup>Allester *witness*  
 R Campbell *witness*

## III.

At Kilmorie the 4th of August 1670

It is agried between Archibald Campbell in Kilmorie & Johne Dow Miller on the other pairt & the said Archibald hes condescended to give his youngest sone Patrick in fostering to the said Johne Dow Miller for the space of seven



with ther increse as they yeild of themselves reserving ther milknes to the s<sup>d</sup> Duncane and that free of all rent and impositione during the space forsd and incaice as god forbid that the s<sup>d</sup> chyld will depairt this mortall lyfe withine two yeirs of a yeirs immedeatlie efter his entree in fostering ye s<sup>d</sup> Duncane is oblidge to receave ane other chyld of ye s<sup>d</sup> James to suseced to ye s<sup>d</sup> Ro<sup>t</sup> in maner and upone ye conditiones above mentioned so y<sup>t</sup> the s<sup>d</sup> James may have the other chyld to give in fostering & if not ether of ye s<sup>ds</sup> pairties shall hav accesse to ther owne proportione above mentioned of mackallow goods but if at any tyme efter ye s<sup>ds</sup> two yeir is expyred the said Robert depairt this mortall lyfe & the s<sup>d</sup> James not having a chyld to put in his sted as is above exprest it is heerby declaired that ye forsd whol mackallow goods w<sup>t</sup> ye increse as s<sup>d</sup> is sall perteine & belong to ye s<sup>d</sup> Rot's neirest airs and finallie the s<sup>ds</sup> Duncane and Margret spouses oblidges them ilke ane for ther owne pairt for ane bairnes pairt of geir ye tym of ether ther deseises equvalant to the

Both pairties are content that ther pnt be insert and registat in the books of counsell and sessione ore any other judge court books competend within this realme and decernit to receave all execut<sup>ns</sup> of horneing, poynding and warding the one but prejusede of the other and the horning to pase one ane single charg of six dayes onlie and heirto constituds ther proors conjunctlie & severalie promitine de rato in witness whereof both the s<sup>ds</sup> pairtise have subscribed thir pnts with ther hands as followes writine be the s<sup>d</sup> James Stewart day yeir & plac forsd befor thir witnesses James Lamont of Achagyll.

James Lamont *witnes*

Ja Stewart

We Duncane McKyig & Margaret Nefarlane spouses & Gilbert McKyig above named w<sup>t</sup> our handis at ye pen laid be notar undersubscribeand at o<sup>r</sup> comend becaus o<sup>r</sup> selffis (*sic*) wreat.

Demandat dictarum personarum scribere nesieunt ut asserunt ego Alexander Campbell no<sup>r</sup>ius publicus in premiss sub<sup>r</sup>

V.

Duncan MacPharland band to his umq<sup>le</sup> brod<sup>rs</sup> bairnes.

Band be Duncane Mcparland prin<sup>le</sup> and [blank] cau<sup>r</sup> to receave Margaret and Marie his bro<sup>r</sup>s dochtires & to feid & sustein them & the longest leiver for vii yeires fra this may day And to pay to the saids bairnes everie ane vi-xx marks In recompense q<sup>of</sup> they gait the proportiones of ye saids bairnes of (*sic*) gear But in cais of herschipe so that the gear be destroyed they are not to be anserable but in so far as they can gait keepit y<sup>of</sup>.

Comand given.

## VI.

A minet of contract (?)  
of fostering of  
Ar<sup>d</sup> Oig's chylidriane.

Kilmorie 9 Feby 1671.

Ar<sup>d</sup> Campbell settis Marie Campbell his thrid lau<sup>n</sup> dochtir a fostaring to Gillewon McNewane in Auchulystaine q<sup>lk</sup> expyris at maii next the Makhelve is

The said Gillewon & marie nclloglof his spous dispones a bairnis pairt of gear to ye s<sup>d</sup> fostare.

Comand given.

A provisione in all ye dispositiones that Ar<sup>d</sup> & his wiff dispones thr<sup>e</sup> m<sup>ch</sup>haive & to have no power to medle w<sup>t</sup> it heireftir.

The makhelve is 9 ky upone the<sup>r</sup> syd the yeirs of fostaring vij yeirs for xx marks yeirlic.

Jon Dow Miller consentis that his bussines be drawin up according to ye minett.

Cathrin N<sup>c</sup>Corigor dispones a bairnes p<sup>t</sup> of geir to ye chyld providing schee gait the chyld.

N<sup>c</sup>Onlea dispones hir meanes to hir naturel sone duncane.

## VII.

Note of the conditiones betwixt  
Johne M<sup>c</sup>Alester in Schenkill  
and Dunc. M<sup>c</sup>farlan in Barvaill  
as follows.

Johne settis Alex<sup>r</sup> M<sup>c</sup>Allister hes sone to the said Dunc ; & Kone N<sup>c</sup>farlan his spouse to wit the s<sup>d</sup> Johne settis for the space of 7 yeires eftir this date paying 22 merks yeirly of bourding beginning at Mertenmas next and aith<sup>r</sup> the sd Johne & Dunc. obleisches ym to lay out of Makhelve goods to ye number of 9 kows w<sup>t</sup> such follows &c. as they have qlk goodes the sd Dunc. is obliged to frie from all rents & impositiones, ye increase belonging to ye said chyld and the milknes to the sd Dunc. And in caise the chyld die wtin yeires eftir his entrie the makhelve to be devyded equally & in caise yreftir the chyld die the whole Makhelve to belong to the said chylds neirest airs & the said spouses are obliged for a bairnes pairt of gear to the said chyld and his said neirest heirs as said is under the provisions above-mentioned And baith pairties consentis y<sup>t</sup> y<sup>r</sup> pnts be drawin up in ample form In witness q<sup>o</sup>f they have sub<sup>t</sup> y<sup>r</sup> pnts w<sup>t</sup> y<sup>r</sup> hands as follows at Barravaill the 15 day of July 1674 yeiris befoir y<sup>r</sup> witness Coyle M<sup>c</sup>Alester brother to the laird of Loupe.