

From John le Mesurier, Canberra, Australia

Hugh McLachlan junior

The text that follows is a transcription of the legal proceedings relating to the charge of Horsestealing against Hugh McLachlan, the older brother of my gg-grandfather John McLachlan.

The papers all come from the National Archives of Scotland. I have retained the original capitalisation and spelling but there have been a few unfamiliar words which I might have transcribed wrongly. Sentences end with a full stop but then sometimes a long dash to the beginning of the next. I have used two spaces. Quite often a small symbol for 'and' is used — I have spelt in full. McLachlan is sometimes shown with a superscript 'c' and sometimes as MacLachlan.

A Precognition is the written report of the evidence of witnesses to a crime, taken before the trial in order to help prepare the case against the accused.

I think it likely that these are the only remaining contemporary reports relating to the town where the events began.

1. Precognition, NAS ref AD/14/26/281

Cover Sheet	<p style="text-align: center;"><u>Inverary.</u> Precognition Agt. Hugh M^cLachlan</p> <p style="text-align: right;">Spring 1826</p>
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First declaration — Archibald McEachnie

Page 1	<p>At Tobermory the fourth day of October Eighteen Hundred and twenty five years.</p> <p>In presence of John Sinclair Esquire one of his Majesty's Justices of the Peace in the County of Argyle.</p> <p>Compeared Archibald McEachnie Tenant in Corryvullin Parish of Ardnamurchan & County of Argyle a married man aged thirty and upwards who being Initially Examined & Interrogated as in a Precognition declares that for the last two years and a half he has had a middle sized dark Coloured Poney in his Possession in Corryvullin and that about the end of the month of June last or beginning of July 1825 the said Poney was missing from the farm. Declarant.</p>
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Page 2	<p>thinking it had strayed employed himself for about Eight days in searching for it through the Neighbouring Country but could find no trace of it. Shortly afterwards he heard of a Horse resembling his having been seen in the Neighbourhood of Strontian in the said Parish. Declarant accordingly proceeded there and found his Horse in the possession of Donald Cameron residing with his father John Cameron Tenant in Wood End. Cameron informed him that he had bought the Horse for the sum of five pounds Sterling from a person calling himself John Henderson</p>
Page 3	<p>who stated that he resided with his mother Widow Henderson formerly in Corryvullin then Tenant in Ormsaibeg and that his mother parted with the Horse because she could not afford to keep it. Declarant knowing Henderson to be lad of good character doubted the correctness of Cameron's information and asked him to describe Henderson's appearance which he did, saying that he wore a short Blue Jacket & Trousers, Hat and a pair of very bad shoes down in the Heels. Declarant</p>
Page 4	<p>Knew that this Description could not apply to Henderson but that it was completely applicable to Hugh McLachlan Junior Shoemaker residing with his father Hugh MacLachlan Tenant in Corryvullin aforesaid. Cameron further informed him that Henderson or whoever sold him the Horse had immediately after the Sale bought a pair of Shoes from Donald McIntyre Shoemaker at the Bridge End of Strontian and had left his old ones in their place. Cameron and Declarant accordingly proceeded to Mr McIntyre's where the Declarant</p>
Page 5	<p>on being shewn the Shoes at once identified them as belonging to the said Hugh McLachlan junior, having often seen him wearing them at Corryvullin where Declarant and he lived close together, - their Houses adjoining one another. Declarant and Cameron then went to the House of Mr George Gordon, residing at Ardnastang factor to Sir James Miles Riddle Proprietor of the Estate of Ardnamurchan who kept and has still possession of the old shoes, and advised Cameron to give up the Horse to the</p>
Page 6	<p>Declarant, and at same time told Declarant to go home a get a Certificate from his Neighbours that the Horse was actually his — Mr Gordon also told Declarant to tell Hugh McLachlan Senior the father of Hugh McLachlan Junior to come up immediately to the Wood End and settle with Cameron. [Next two words unclear] Declarant that it was not Donald McIntyre himself who sold the Shoes to McLachlan but his son John McIntyre who told the Declarant that the person who bought the Shoes said to him that his name was Hugh McLachlan from</p>

Page 7	Corryvullin. John McIntyre further told the Declarant that he and Duncan McPherson arriving at the Bridge End of Strontian accompanied by the said Hugh McLachlan to a Public House there where they had some whisky; and that he also subsequently saw him pay the sum of seven shillings or seven shillings and sixpence sterling to Lachlan McDonald in Ardsignish. After learning these circumstances Declarant came home to Corryvullin where he obtained a Certificate from his Neighbours that his Horse was missing
Page 8	and giving a description of it. Declarant further delivered Mr Gordon's message to Hugh McLachlan Senior whose son the said Hugh McLachlan Junior suddenly disappeared from the Country the day after the Declarant missed his Horse and whom he was therefore notably [?] satisfied was the thief especially as Henderson denied all Knowledge of the circumstances and that he was not at or near the Wood end or Strontian at the time it was said he was there. The day after the Declarant returned
Page 9	from Strontian he went back there (with the Certificate) to get the Horse, accompanied by the said Hugh MacLachlan Senior. Declarant was present at the meeting between McLachlan and the said Donald Cameron at which McLachlan admitted his son's having stolen the Horse, and agreed to give Cameron the sum of three pounds to help to repay the loss of the five pounds he had given for it. Cameron accordingly delivered the Horse to the Declarant who now has it in his Possession. That shortly after this the said Hugh Mc
Page 10	Lachlan Junior had disappeared from the County as aforesaid, it was reported that he had stolen another Horse in Mull[?] and a third in Lorn[?], but the Declarant did not hear anything particularly of him until about fourteen days ago when he returned to Ardnamurchan where he had been saying to several people take the Declarant's life or be otherwise revenged of him for what he had done to him about the Horse, so that the
Page 11	Declarant is in daily fear of his Life as McLachlan is aided by his friends and concealed by them in remote and inaccessible parts of the County where it is almost impossible to follow him or get him apprehended. Declarant accordingly stated his Case to Sir James Riddell his Landlord who ordered him immediately to report the circumstances to the proper authorities which he has accordingly done. All which he declares to be truth — a marginal note upon page Sixth before signing.

Second Declaration — John Henderson

Page 12	<p>At Tobermory the tenth day of October Eighteen Hundred and twenty five years. In presence of John Sinclair Esquire one of His Majesty's Justices of the Peace for the County of Argyle.</p> <p>Compeared John Henderson son of and residing with his mother Widow Flora Henderson Crofter in Ormsaigbeg unmarried aged about nineteen who being Judicially Examined and Interrogated Declares that previous to Whitsunday last he resided with his Mother in Corryvullin and at that time he removed with her to Ormsaigbeg distance about three miles therefrom where he has remained since. Declares that some time in Summer last a Horse was stolen from Archibald</p>
Page 13	<p>McEachnie tenant in Corryvullin and that he heard it currently repeated through the County that the theft was committed by Hugh McLachlan Junior Shoemaker in Correvullin but that the Declarant himself knew nothing of the matter — and being Interrogated when he was last in the neighbourhood of Strontian and whether when he was there he saw Donald Cameron in Wood End, Declares that he was last at Strontian about the middle of May last and that he did not see Donald Cameron at that time, but saw him subsequently about two months ago. Declarant</p>
Page 14	<p>is aware that the said Hugh McLachlan alleged to the said Donald Cameron that his name was the same as the Declarants at the time he sold him the Stolen Horse but Declares that the same was altogether an imposition on McLachlans part as he the Declarant was entirely ignorant of the transaction and was at the time it took place attending to his Work at Ormsaigbeg. Knows McLachlan who is not the least like the Declarant in his Person or appearance all which is true and Declares he cannot write.</p>

Third Declaration — Donald Cameron

Page 17	<p>At Strontian the Ninth day of December Eighteen hundred and twenty five years. In Presence of Donald McDonald Esquire residing at D[?] one of His Majestys Justices of the Peace for the County of Argyle.</p> <p>Compeared Donald Cameron son of and residing with his father John Cameron Tenant in Wood End, Parish of Ardnamurchan and County of Argyle aged about Forty years who being Judicially examined and Interrogated Declares that about the End of June of beginning of July last a man came to the Declarant at Wood End having in his Possession a Horse which he offered to sell him. Declarant did not know the man who stated that his name was John Henderson and that the Horse belonged to his mother Widow Henderson presently or lately in Corryvullin</p>
Page 18	<p>and that she wished to sell as not being able to Keep it. The Horse was a Dark coloured middle sized Poney and after some Bargaining the Declarant bought it at the price of five pounds sterling which he paid the man in Cash. So far as the Declarant recollected the man wore a short blue jacket and trousers with a hat and a Pair of very useless shoes down in the heels. Declarant had not as much money as would pay the price of the horse and proposed to the man to walk up with him to Strontian a distance of about one and a half Miles where he would procure and pay him the money. The man having assented they accordingly walked up together. On the way the man said his mother had desired him to But a Pair of new Shoes and when they came to the House</p>
Page 19	<p>of Donald McIntyre Shoemaker at the Bridge End of Strontian the man went in as the Declarant understood to Purchase the Shoes. Declarant walked on to Strontian leaving the man in McIntyres House. When Declarant arrived at Strontian he Borrowed as much money from Lachlan McDonald in Ardslnish whom he met there as would make up the price of the Horse. Shortly afterwards the foresaid man up with a pair of New shoes and the Declarant paid him the price of the Horse being five pounds as beforementioned. There was no person present when the money was paid.</p> <p>The foresaid man on his way back to Corryvullin called at Wood End and Drank half a Mutchkin of Whisky with the Declarant who has not seen him since. Declares that about ten or twelve days</p>

Page 20	<p>afterwards Archibald MacEachnie Tenant in Corryvullin came to the Declarant and asked to see a horse which he had understood he had Purchased sometime ago. Declarant accordingly shewed him the Horse which he had bought from this man calling himself John Henderson whereupon McEachnie said it was his Horse and that it had been stolen from him sometime before. At McEachnies request Declarant described the person from whom he bought it whereupon McEachnie said that the Person in question could not have been John Henderson, but that he was evidently a Lad of the name Hugh McLachlan — Shoemaker — in Corryvullin who had suddenly left the Country about the time the Horse was amissing. Declarant then went with McEachnie</p>
Page 21	<p>to the House of Donald McIntyre beforementioned where his Son the said John McIntyre informed that the man who had bought the Shoes from him on the beforementioned occasion had told him that his name was Hugh McLachlan Shoemaker in Corryvullin and that he had left his old shoes in that House. The Shoes being exhibited to McEachnie he at once identified them as belonging to the said Hugh McLachlan. McEachnie and the Declarant then took possession of the Shoes and proceeded to Ardnaslaing where they waited upon Mr George Gordon Factor to Sir James Milles Riddell and asked his advice what should be done in the circumstances of the Case. Mr Gordon told McEachnie to get a Certificate from his Neighbours describing his Horse and that it had been lost, and advised the Declarant to give it up to him</p>
Page 22	<p>Upon receiving this Certificate. The Shoes were left in Mr Gordons Possession. Two days afterwards Declarant was waited upon by McEachnie and Hugh McLachlan Senior father of the said Hugh McLachlan the alleged thief and McEachnie having Exhibited the Certificate required by Mr Gordon the Declarant being satisfied that it was stolen gave up the horse accordingly. Hugh McLachlan Senior admitted his belief that the Horse had been stolen by his Son and in order to persuade the Declarant the more readily to give it up (to give it up to McEachnie he promised to give the Declarant three pounds sterling to help repay the loss he had sustained. Declarant has however never received this money. Did not enquire particularly as to the grounds of McLachlans belief of his Son's having stolen the Horse, the circumstances seeming to have been taken for granted and something of no doubt — all which he Declares to be truth.</p>

Fourth Declaration — John McIntyre¹

¹ This declaration is in a different handwriting to the previous one. The writer generally does not use possessive commas, and spells father as ffather, and foresaid mostly as forsaid.

Page 23	Eodie Compeared John McIntyre son of and residing with his father Donald McIntyre Shoemaker residing at the Bridge End of Strontian Parish and County forsaid [parish of Ardnamurchan] unmarried aged about twenty years or upwards who being Judicially Examined and Interrogated Declares that sometime about the latter End of June or beginning of July last a man whom the Declarant did not know came into the Declarants fathers house at Bridge End and Purchased a pair of Shoes for which he paid the Declarant the Sum of Eight or Nine shillings Strly. After the transaction was finished the forsaid man asked the Declarant to take some whisky with him to which the Declarant agreed, they accordingly proceeded to the Londonof [?] House
Page 24	of Strontian and Drank there one Gill of Whisky between them and having left that House they met with Duncan McPherson residing also at the Bridge End. They all then adjourned to the House of Catherine Cameron (also there) who keeps a Public House there where they had some whisky; during the time they were drinking the Stranger told them as far as the Declarant Recollects that his name was Hugh McLachlan Shoemaker at Corryvullin. Shortly afterwards they went out and Declarant saw McLachlan pay seven shillings and sixpence Sterling to Lachlan McDonald sometime Innkeeper at Strontiaan now residing at Ardslnish. Mr McDonald
Page 25	addressed him by the name of Hugh McLachlan and as the Declarant thinks gave him a receipt in that name. After McLachlan bought the shoes he put them on and left his old ones in the Declarant's possession. About ten or twelve days afterwards Donald Cameron at Wood End accompanied by Archibald McEachnie Tenant in Corryvullin called upon the Declarant and Interrogated his as to the name and appearance of the person who bought the shoes aforesaid and he gave them the same information which he has now detailed.
Page 26	He at same time gave them up the old pair of shoes left by McLachlan which he was afterwards informed they left in the possession of Mr George Gordon Ardnaslaing; and the Declarant believes they are still in that Gentleman's Custody.

Fifth Declaration — Duncan McPherson

Page 26 cont.	Eodie Compeared Duncan McPherson son of and residing with his Mother Widow McPherson residing at the Bridge End of Strontian Parish and County foresaid aged twenty years who being
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Page 27	Judicially Examined and Interrogated Declares that sometime in June or July last he one day fell in with John McIntyre a preceding Declarant who was in company with a person whom the Declarant did not then know. Declarant accompanied them to the House of Catherine Cameron Keeper of the Public House at the Bridge End where they had some whisky. In the Course of conversation it appeared that the Stranger had that day bought a pair of Shoes from John McIntyre forsaied and he farther told the Declarant that his name was Hugh McLachlan Shoemaker
Page 28	Corryvullin. McLachlan farther told the Declarant that he was sometime before then a Journeyman shoemaker in Glasgow but that in consequence to his having been rather addicted to Drinking and did not regularly attend to his Business in that capacity he left his Masters Employment without obtaining a final settlement from him. McLachlan farther stated that since he came home to the Country his Master remitted to him the full amount of the Balance due to him and he shewed the Declarant the Sum of four pounds
Page 29	Sterling thereof. Declarant was afterwards informed that the money which McLachlan Exhibited to him was part of the price of a Horse which he McLachlan sold that day to Donald Cameron residing at the Wood End near Strontian. Declarant heard it reported through the Country that the Horse which McLachlan Sold to the said Donald Cameron was not his own property but that it belonged to Archibald McEachnie Tenant in Corryvullin, and from what the Declarant has heard of the matter the Horse in question was actually stolen by the said Hugh McLachlan from the said Archibald Mac
Page 30	McEachnie and who immediately sold it to the said Donald Cameron for the Sum of five pounds sterling, and that is all the Declarant knows of the Business. All which the Declarant declares to be truth — two words delete before signing. Declares that he cannot write.

Sixth Declaration — Lachlan McDonald

Page 30 cont.	Eodie Compeared Lachlan McDonald sometime Innkeeper at Strontian Parish and County foresaid unmarried and thirty [fifty?] and upwards now residing at Ardslnish who being Judicially Examined and Interrogated Declares that about the latter End of June of beginning of July last Donald Cameron Son of John Cameron residing at the Wood End came to the Declarant
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Page 31	to Strontian where he then was and told the Declarant that he had purchased a Horse from a man calling himself John Henderson from Ormsaig Ardnamurchan for the Sum of five pounds sterling. Cameron mentioned to the Declarant that he had not so much money upon his as would pay the price of the Horse and asked Declarant to give him the Loan of three pounds sterling. The Declarant having accordingly agreed to this request he gave him that Sum. Cameron immediately went off to settle as the Declarant understood with the person from whom he had purchased the Horse.
Page 32	Declarant soon afterwards went on Business towards the Bridge End of Strontian and having gone into the Shop of Donald McIntyre Shoemaker there he found Hugh McLachlan Junior Tenant in Corryvullin trying a pair of new shoes on which he had a little before purchased in that shop. MacLachlan having signified his intention to the Declarant of paying the Balance of the price of half a Boll of Meal which he the Declarant had sometime before furnished his father and he accordingly paid Mr McDonald the same being seven shillings
Page 33	or seven shillings and sixpence sterling and the Declarant gave him the necessary receipt therefore. McLachlan then asked the Declarant to take some whisky with him which the Declarant declined and went away. Declarant has not seen McLachlan since and being Interrogated Declares that the said Hugh McLachlan goes under the appellation of a thief in the County and from what the Declarant understands he deserves no better character — all which he Declares to be truth.

Seventh Declaration — George Gordon

Page 34	Eodie Compeared George Gordon Esq factor to Sir James Miles Riddell residing at Strontian Parish and County foresaid unmarried aged thirty and upwards who being Judicially Examined and Interrogated Declares that sometime last Summer Donald Cameron a preceding Declarant and Archibald McEachnie Tenant in Corryvullin called at the Declarants House and left a pair of old Bregs or Shoes which they said they found in the shop of Donald McIntyre Shoemaker at the Bridge End. That in the course of this conversation(?) the Declarant's office wherever
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Page 35	The shoes had been Deposited having to undergo some repairs the Declarant believes that the said shoes had been thrown out as they cannot now be found. Declares that the said Archibald McEachnie told the Declarant that the said shoes belonged to and had been worn by Hugh McLachlan Shoemaker in Corryvullin — all which he declares to be truth.
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The Declaration by George Gordon ends the statements concerning Hugh McLachlan's crime. They are followed in the archives papers by a couple of summary papers, then a couple of statements relating to the death of Archibald MacArthur in a shipping incident in Tobermory Harbour in early November 1825.

The next document is a formal indictment of Hugh McLachlan.

Indictment

Unto the Honourable
the Sheriff Depute of Argyle
or his Substitute.

The Information and
Presentment of Duncan
Paterson Procurator fiscal
for the Shire of Argyle

Humbly Sheweth

That by the laws of this and every other well governed Realm, theft, and mores especially Horse Stealing is a Crime of an heinous nature severely punishable: Not withstanding whereof true it is that Hugh Mac Lachlan Junior Shoemaker now or lately residing at Coryvulin in the parish of Ardnamurchan and Shire of Argyle, is guilty of the said Crime act

Extract from Court Minute Book dated 4th May 1826, page 79 (NAS ref JC13/60/79)

“After calling the Diet of the Indictment at the instance of His Majesty's Advocate for His Majesty's interest against Hugh Maclachlan, Junior, Shoemaker now or lately residing at Coryvulin, in the Parish of Ardnamurchan and Shire of Argyle, for the Crime of Theft, particularly Horsestealing, in manner mentioned in the Libel (Here Record it) — the said Hugh Maclachlan junior failed to appear — therefore

The Lord Mackenzie decerns(?) and adjudges the said Hugh Maclachlan junior, to be an outlaw and Fugitive from His Majesty's Laws, and ordains him to be put to the horn and his whole moveable goods and gear to be Escheal and Inbrought to His Majesty's use, for his not appearing this day and place in the Law of cause to underlie the Law for the said Crime of Horsestealing, as he was lawfully cited for that effect, called in Court and three times at the door of the Court, yet failed to appear.”