

TPF / 1850 / 3

Paper 1850 - 3 - 037

Inventory of Precognition
ag^t
Lachlan Mac Fadyen &^c
1850
Theft from a wrecked vessel

Paper 1850 – 3001

Inventory of Precognition Henry Nisbet P.F.
V^s
Lachlan MacFadyen &^c Theft

1. Copy Petition & Warrants
2. Declaration of Donald M^cKinnon
3. Declaration of Angus M^cFadyen
4. Declaration of Donald M^cFarlane
5. Declaration of Lachlan M^cFadyen
6. Precognition
7. Schedule

8. Two Bundles of Silk Ribbon
Not Sent

Paper 1850 - 3 036 cover

(Copy)
Judicial
Declaration
Of
Donald MacKinnon
1850

Principal 2 Sh.

Paper 1850 - 3 - 034

At Tobermory the Fourth day of October Eighteen hundred and fifty years In presence of William Robertson Esquire Sheriff Substitute of the Northern district of Argyllshire

Compeared Donald MacKinnon residing at Arynagour in the Island of Coll Parish of Tyree & Coll not married aged about 42 years at present in custody who being examined by the Judge Examiner and warned that he need not emit any Declaration or answer any Interrogatory to be put to him unless he thought proper and that such Declaration will be used in evidence against him at his trial and being Examined & Interrogated Declares - On the Friday after the loss of the Mandane I saw a number of people collected on the shore of Coll upwards of a mile from where the vessel was wrecked and went down ~~

Paper 1850 - 3 - 035

down to see what they were about and found they had got a Tin Box full of Ribbons all the ribbons had been taken out of it before I had arrived - It appeared to me as if every one was helping himself - On my arrival Donald Macfarlane Arynagour handed me one of the Ribbons which I carried home with me & which I kept till the day before yesterday when I handed it to Allan Cameron Police Constable Being shewn a Ribbon in the possession of the said Allan Cameron Declares and identifies it as the ribbon

handed him by the said Donald Macfarlane and marks it as relative hereto - I got no more of the contents of the Box all which I declare to be truth and that I cannot write - One word delete before signing -

(Signed) W^m Robertson S.S.

Paper 1850 - 3 010 (also 1850 – 3 014 copy) cover

3
Judicial
Declaration
of Angus M^fadyen
1850

Paper 1850 – 3006 (also 1850 – 3 011)

At Tobermory the Fourth day of October Eighteen hundred and fifty years In presence of William Robertson Esquire Sheriff Substitute of the Northern district of Argyllshire

Compeared Angus MacFadyen Crofter at Arynagour in the Island of Coll Parish of Tyree and Coll not married aged about Thirty years at present in custody who being examined by the Judge Examiner and warned that he need not emit any Declaration or answer any Interrogatory to be put to him unless he thought proper and that such Declaration will be used in evidence against him at his trial and being Examined & Interrogated Declares - I was on the Shore of Coll

W^m Robertson

Henry Nisbet Witness
Lachlan Maclean Witness
Will Sproat Witness

Paper 1850 – 3007

Coll at a place called Beul-an- Arois, upwards of a mile from where the Barque Mandane was lost, on the Friday or Saturday after the Wreck - Donald Mac Farlane Arynagour Lachlan Macfadyen Arnapost and others whose names I do not know were also present - I saw a lad finding a Tin Box in a hole not far from where I was - I did not see any one open the Box but it was open when I saw it first I think it was open when found - I do not know the name of the lad that found it. There were Ribbons & Gimp or Braid in it - I did not see any one take Ribbons or Gimp out of it - I got two or three of the Ribbons which had been taken out of the Box

W^m Robertson

Henry Nisbet Witness
Lachlan Maclean Witness
Will Sproat Witness

Paper 1850 - 3 008 (also 1850 – 3 012 and 13

Box on the ground & carried them home with me - I delivered them up about four or five weeks ago to Norman MacLean at Freslan who had charge of the wreck, at the request of Lachlan Johnston Ground Officer at Cliad - There were plenty of people about the Box when I picked up the Ribbons - I did not know the name of any of them excepting Donald Macfarlane and Lachlan MacFadyen, already mentioned - I have no doubt that the Box formed part of the Cargo of the Mandane – all which I declare to be truth - I cannot write my name Two words delete before signing -

W^m Robertson

Henry Nisbet Witness
Lachlan Maclean Witness
Will Sproat Witness

Paper 1850 – 3 009

This Declaration written on the three preceding pages by Lachlan Maclean Sheriff Clerk Depute of the northern District of Argyllshire was freely and voluntarily emitted before the Judge Examiner of the date which it bears by the said Angus Macfadyen who was in his sound and sober senses at the time and the same was previously read over to him in the English Language which he understood and he adhered thereto, all in presence of Procurator Fiscal of the said Northern District the said Lachlan MacLean and William Sproat Clerk to the said Henry Nisbet

W^m Robertson S.S.

Henry Nisbet Witness
Lachlan Maclean Witness
Will Sproat Witness

Paper 1850 - 10004

(Copy)
Judicial
Declaration
Of
Donald Mac Farlane
1850

Principal 2 Sheets

Paper 1850 - 10001

At Tobermory the Fourth day of October Eighteen hundred and fifty years In presence of William Robertson Esquire Sheriff Substitute of the Northern district of Argyllshire

Compeared Donald MacFarlane residing at Arynagour in the Island of Coll Parish of Tyree and Coll not married aged about 28 years at present in custody who being examined by the Judge Examiner and warned that he need not emit any Declaration or answer any Interrogatory to be put to him unless he thought proper and that such Declaration will be used in evidence against him at his trial and being Examined & Interrogated Declares - about a month or six weeks ago being about four days after the Barque Mandane was wrecked upon Coll I happened to be on the shore along with several others about a mile from where the vessel was wrecked there was a number of lads looking about ~~

Paper 1850 - 10002

about the shore and they discovered a Tin Box in a hole - It appeared as if it had been there a few days and as if it had been placed there by the tide - It was opened by those who found it at least it was open when I went to the place where it lay - there was some ribbons in it - Some of those present took part of the Ribbons out of the Box and I put my hand into it and took out some of them also - I carried those I took out home with me - about a week afterwards I returned them to Lachlan Johnston Ground Officer at Cliad who told me to do so as I should otherwise get into trouble about them - I do not know the name of those who found the Box and took Ribbons out of it but I know them by sight and I would recognise them if I would see them - Declares It was not myself that found the Box or opened it, - all which ~~

Paper 1850 - 10003

which I Declare to be truth Two words delete before signing -

(Signed) Donald Macfarlane
(“) W^m Robertson S.S.

(Signed) Lachlan Maclean witness
(“) John MacPhail witness

Paper 1850 – 3005 (also 1850 – 3 018)

Judicial
Declaration
of
Lachlan Macfadyen
1850

Paper 1850 – 3002 (also 1850 – 3 015)

At Tobermory the Fourth day of October Eighteen hundred and fifty years In presence of William Robertson Esquire Sheriff Substitute of the Northern district of Argyllshire

Compeared Lachlan MacFadyen residing at Arnapost in the Island of Coll Parish of Tyree & Coll not married aged about Eighteen years at present in custody who being examined by the Judge Examiner and warned that he need not emit any Declaration or answer any Interrogatory to be put to him unless he thought proper and that such Declaration will be used in evidence against him at his trial and being Examined & Interrogated Declares I was at the shore near where the Mandane

W^m Robertson

Lachlan MacLean Witness
John MacPhail Witness

Paper 1850 - 3003 (also 1850 - 3 016)

Mandane was lost in Coll the Friday after the wreck, Charles Mac Kinnon Gorten Hector Mac fadyen Grimisary Donald Macfadyen Lonban Niel Mac Lean Balard - Donald Macfarlane Arynagour Angus Mac Fadyen Arynagour & Donald Mac Kinnon Arynagour all on the Island of Coll were also present. A Box was found by Angus Macfadyen Arynagour - I saw Donald MacFarlane opening the Box with a Knife - There were Ribbons in it and also Gimp or Braid - A good deal had been taken out of it by the parties present before I went near it - I took two Bundles or Bolts of Ribbons and two Bundles of Gimp or Braid out of the Box which I carried home with me and kept

W^m Robertson

Lachlan Maclean Witness
John MacPhail Witness

Paper 1850 – 3004 (also 1850 - 3 017)

kept till about a fortnight ago when I delivered them up to Lachlan Johnston Ground Officer at Cliad - I did so because he desired me in order that they might be sold at the sale of the wreck - I went away as soon as I got the Bundles I have mentioned and I cannot well say what became of the remainder - all which I declare to be truth - I can write as little but not well and I cannot well write my name - One word delete before signing ~

W^m Robertson

Lachlan Maclean Witness
John MacPhail Witness

This Declaration written on this and the two preceding pages by Lachlan Maclean Sheriff Clerk Depute of the northern District of Argyleshire was freely and voluntarily emitted before the Judge Examiner of the date which it bears by the said Lachlan Macfadyen who was in his sound and sober senses at the time and the same was previously read over to him in the Gaelic Language and he adhered thereto, all in presence of the said Lachlan MacLean and John MacPhail Clerk to Henry Nisbet Procurator Fiscal Tobermory

W^m Robertson S.S.

Lachlan Maclean Witness
John MacPhail Witness

Precognition of Witnesses

Henry Nisbet P.F.

v^s

Lachlan McFadyen &c

1850

Theft of ribbons

Principal 17 Sheets

Paper 1850 – 3 005

written in margin No English

Compeared Niel M^cLean Crofter residing at Kilbride in the Island of Coll in the United Parishes of Tyree & Coll & Shire of Argyll who says I am 40 years of age - on a day about a fortnight ago the Barque Mandane

was wrecked at Crossapoll I was down at the Beach and found a tin Box about two feet long, about nine Inches deep & ten Inches Broad in the creck [*crack?*] of a rock near the spot where the vessel was cast ashore - The Box was entirely empty - Lachlan Johnston saw it in my possession & desired me to leave it among a number of articles that had been saved & which he pointed out to me - I did so - I did not ~~

Paper 1850 – 3 006

not see so far as I recollect either Donald M^cFarlane or Angus M^cFadyen at the shore on that day - I did not Know the contents of the Box - I am not aware that it contained ribbons - I did not tell Lachlan Johnston that ribbons had been in the Box & that they had been abstracted by M^cFarlane & M^cFadyen - this is all I know on the subject & what I have told is truth -

Arynagour 28 Sept^r 1850

Compeared Catherine M^cFarlane residing at Arynagour in the Island of Coll in the United Parishes of Tyree & Coll & Shire of Argyll who says I am about 45 years of age - Donald M^cFarlane is my nephew and ~~

Paper 1850 – 3 007

3

and resides with me - I know that the 'Mandane' Barque was wrecked at Crossapoll in this Island in the middle of August last - My nephew was not Employed at the wreck - About a week after the catastrophe he went to Crossapoll to see the spot at which the Vessel was cast ashore - He was absent during the whole day & returned late in the Evening - I cannot remember the date nor the day of the week - When he came home he took from his pocket

Three Bolts of Ribbon

which he put into the drawer in the dresser - I don't remember whether or not he had found them at the wreck but I rather think he did - The ribbons were damaged and a little wet -

Lachlan Johnstone came Enquiring after the ribbons and when my nephew heard of this he came to me and said that he was sorry ~~

Paper 1850 – 3 008

4

sorry he had the misfortune to meddle with the ribbons at all and that it would be better for him to return them - I advised him to do so and he then gave the whole to me which he had brought into the house and I took them straight to Cliad and delivered them to Lachlan Johnstone telling him that these were my nephew's share of the Ribbons which he had taken from the wreck of the "Mandane" - He took them from me without saying anything I cant tell the date on which I did so but it would be two or three days after my nephew brought them home - This is truth & I cant write -

Paper 1850 – 3 009

In margin *No English*

Compeared Norman M^cLean Labourer residing at Treeland in the Island of Coll & Shire of Argyll aforesaid who says I am 54 years of age - I was Employed as a Watch at the Wreck of the Barque Mandane - On a day about a fortnight after the Vessel was wrecked while I was on watch at the Beach Angus MacFadyen came to me & delivered into my hands

Three Bolts of ribbon

which he said were the share of the Ribbons which he had got out of the tin Box found by Donald M^cFarlane - I knew that a tin Box of ribbons had been taken from the wreck having been informed of the fact by Lachlan Johnstone - I gave the Ribbons which M^cFadyen gave me ~~

Paper 1850 - 3 010

6

to M^r Maclean Crossipoll - Being shewn a Bolt of ribbon produced by Lachlan Cameron the Witness says each Bolt given to me by M^cFadyen was as large as that - This is truth & I cant write -

Crossipoll 28th Sept^r. 1850

Compeared Lachlan Johnstone Ground Officer residing at Cliad Coll in the United Parishes of Tyree & Coll and Shire of Argyll who says I am 48 Years of age The Barque "Mandane" of Sunderland bound from Glasgow to Demerara George Hutcheson Master was wrecked at Crossipoll on the Coast of Coll on
Monday~~

Paper 1850 – 3 011

7

Monday 19 August 1850

when the whole crew perished and the Vessel broke up - The vessel was laden chiefly with dry goods a good portion of which was washed ashore and saved - M^r Niel MacLean Sub Agent for Lloyds & residing at Crossapoll aforesaid took charge of the wreck & Employed hands in saving it as it was washed ashore - I was Employed by M^r Maclean as a Watch to see that nothing was removed from the scene of the catastrophe except under the orders & instructions of M^r M^cLean - On

Saturday 25 August 1850

I was going to the place where the vessel was wrecked I met Niel Maclean Kilbride on the beach ~~

Paper 1850 – 3 012

beach at Crossapoll having in his hand a

Tin Box about 20 Inches long, about 15 inches deep and 12 inches Broad

I went up to him and Examined the box - I found it empty - I asked him where he had got it - He told me that it had been found in the cleft of a rock on the North side of the spot where the vessel was wrecked & at the distance of about a Gun shot from it - I took the Box from him and he told me that it had been found by Donald M^cFarlane and Angus M^cFadyen & that it was full of Ribbons or silks of some description - I went immediately in Search of M^cFarlane & M^cFadyen and found ~~

Paper 1850 – 3 013

9

found them at the hill side near where the Box was pointed out to me as being found - I questioned them at once about the Box & ribbons - They confessed at once that they had found the Box had been broken it open & that it was full of Ribbons Braid and silks but that so soon as they did so a great number of people whom they did not name flocked round them and took away portions of its contents- They admitted that they had some Ribbons in their possession - I told them they had no right to break open the Box that they ought to have delivered it as they found it to M^r M^cLean - They went away without giving me any part of the Ribbons - I did not see them have any about their ~~

Paper 1850 – 3 014

10

their persons if they had they must have been concealed - I did not search their persons - Neither M^cFarlane nor M^cFadyen had any business at the wreck nor had they any authority so far as I am concerned or knew to meddle with it in any way I told M^r Maclean Crossapoll who came to the beach about two hours afterwards of what had occurred - I think M^r MacLean said that he would look after it but being so busily engaged in recovering the Bodies & in picking up the cargo as it was washed ashore he had not time to attend to it then - On the following Monday 27 August 1850 I went to Arynagour and saw both M^cFarlane & M^cFadyen and asked them for the Ribbons - They ~~

Paper 1850 - 3 015

11

They did not give me them but said they would do so next day - On the following day Tuesday
28 August 1850

Catherine M^cFarlane aunt to Donald M^cFarlane came to my house at Cliad and delivered to me
3 Bundles of ribbons

each containing to appearance about 16 or 18 yards - I produce & mark one of the Bundle so delivered - The others I delivered to Niel Smith who was acting in Coll on behalf of the underwriters - Catherine Mac Farlane said that she had been sent with these Ribbons by Donald M^cFarlane & that they were all he had got of the contents of the Box - Lachlan M^cFadyen in a day or two afterwards came to me at Cliad & gave me a Bundle of ~~

Paper 1850 - 3 016

12

of Ribbon & two Bundles of cotton Braid which he said he had got from Donald M^cFarlane - I took the Ribbons & gave them also to Niel Smith - I cannot tell the person who had shipped these articles but at the time of the Theft they were under the charge of M^r Niel Maclean and I considered them his property - The Ribbons returned to me as aforesaid were damaged and had the appearance of being wet with salt water - I can give no idea of the number of Bolts of ribbon in the Box nor any idea of the value of its contents - The spot at which the ribbons was found as pointed out to me is on the farm of Breachacha which adjoins Crossapoll - All in the Island of Coll aforesaid -

(Signed) Lachlan Johnston

Paper 1850 - 3 017

13

I am quite certain if the Box had not been picked up by M^c Farlane that it would have been found on that very day either by me or by some of the others Employed by M^r Maclean -

Compeared Niel M^cLean Tenant of the farm of Crossapoll in the Island of Coll in the United Parishes of Tyree & Coll and Shire of Argyll who says I am _____ years of age I am Sub-agent for Lloyds and act as such for the Island of Coll - Donald Campbell Esquire residing at Penmollach in the Island of Mull is Lloyds agent and I hold my deputation from him - The "Mandane" Barque of ~~

Paper 1850 - 3 -018

14

of Sunderland George Hutcheson commander was wrecked on
19th August 1850

on a rock on the North Side of my farm of Crossapoll when all the crew perished I got immediately intimation of the fact and proceeded to the spot & set about saving as much of the cargo & material of the Ship as possible - I appointed hands to watch the coast employed hands to save the cargo as it was washed ashore I concur with Lachlan Johnstone in those portions of his declaration where I am mentioned - Neither Donald M^cFarlane Angus M^cFadyen or Lachlan M^cFadyen had any business whatever near the wreck - I didn't employ them & there were no hands who had business ~~

Paper 1850 - 3 - 019

15

-ess there except those whom I sent - I am not aware of the names of the Shippers of these goods - I took charge for the benefit of underwriters in my capacity as Sub agent for Lloyds - 2 or 3 days after the information was given to me about the Box I saw Donald M^cFarlane and remonstrated with him at his conduct He admitted his fault but said that he was no worse than others - He did not mention the names of the others but I understand that some other person has carried away portions of the wreck and cargo - On the night of

Monday 16th September 1850

the store at Breachacha in which the materials of the vessel and portions of the cargo was stored was broken open by forcing the door and some copper stolen and some of the Sailors clothes ~~

Paper 1850 - 3 - 020

16

clothes were also stolen, & some and a search was made on the Island without success - Donald M^cColl Grieve Breachacha informed me of this - I was not there after the Theft to Examine the place-
(Signed) Niel M^cLean

Paper 1850 - 3 - 021

17

Glasgow 5 Nov^r 1850

Compeared Niel Smith says I was agent in Tobermory and came to Glasgow about three weeks ago to fill up a situation which was then vacant but has now been filled up, I do not intend to return to Tobermory again and in the meantime I am residing with Niel Maccallum Baker Argyll Street Glasgow - On the 30th of August last I arrived on the Island of Coll to take charge of the wreck and cargo of the Barque "Mandane" of Sunderland on behalf of the Glasgow Association of Underwriters of which William Ewing Esquire is Manager from whom I had instructions in Writing to recover as much of the Cargo, and the Vessel as was possible and to do my utmost for the interest of all concerned I accordingly proceeded with a number of men for this purpose - Before I arrived Niel Maclean a Farmer at Crossapoll had charge of the Wreck - Among the men employed while ~~

Paper 1850 - 3 - 022

18

While I had charge were Lachlan M^cLean and Donald M^cKinnon complained upon - the other accused parties, I believe, were employed before I arrived and took charge but I cannot speak to this from my own personal Knowledge We recovered a good deal of the Cargo and saved portions of the hull of the Vessel which went to pieces - A sale of a portion of the Wreck took place on

Wednesday 25 September 1850

Thursday 26 September "

Friday 27 September "

at Coll on the last day thereof I received from Lachlan Johnston

3 or 4 Pieces of Silk Ribbon

and which he stated he had received from Lachlan M^cfadyen, I sold them all except one which I retained and returned to Johnstone in order that he might hand it over to the Fiscal for the purpose of being evidence - A rumour got up ~~

Paper 1850 - 3 - 023

19

up on the Island about the beginning of September - that some of those Engaged about the Wreck had stolen part of what was recovered, and in particular that a tin Box containing ribbons had been abstracted - The first time I saw the said Box was at the time the rumour went abroad, and it was then lying outside of the store at Breachacha empty, I do not know who shipped the ribbons or to whom they were addressed, I understand that the ribbons had been abstracted before I went and took charge, and if this is the fact I do not consider that it can be said that they were then under my charge - anything that may have been taken from the Wreck after I took charge was properly and entirely in my possession as acting for the said Association of Underwriters

On Tuesday the 1st October 1850

Paper 1850 – 3 – 001A

20

I saw in the hands of Allan Cameron Police Officer a quantity of copper, copper nails and some of [Muntez] patent metal which was said to be found in the possession of John and Lachlan McLean who are now charged with reset therefor, - I attended the Sale and altho' the McLean's made a few offers for such materials they did not purchase any . The said patent Material had evidently covered the bottom of a Vessel and as the material which covered the 'Mandane's' bottom was precisely of the same kind & quality, I have no doubt it is part of what covered her bottom many parts of which are awaiting and have not been recovered - Each of the pieces used in copper bottoming Vessels are about 2 feet long by 18 inches broad Some of the men employed at the Wreck recovered the cabin skylight window which was ~~

Paper 1850 - 3 - 025

21

was brought to the shore and placed on the beach where it remained for nearly a month - A few days before the Sale I discovered on Examining it that two hinges had been wrenched from it, and on doing so, a part, of the shape of a diamond - was left in the wood the rest having been taken away - The said Window was sold at the Sale, but I do not know who was the purchaser - The Counterpart of the broken hinge I identified among the articles which Allan Cameron shewed me as aforesaid - at that time the Window, with the corresponding portion of the hinge had been disposed of and I was unable to compare the two - but I am perfectly satisfied that the broken hinge which Cameron shewed me at one time united with the small diamond left in the Window - I did not see any Sealed label attached to the said copper or to the ribbons - The last time I saw the Window entire and the hinges all right, was ~~

Paper 1850 - 3 - 026

22

was two or three days before the Sale - I was in the habit of daily visiting the Beach, and almost every day took a cursory View of the Articles - I did not keep any person to watch the Wreck neither by night or day but previous to my arrival there was a watch both night and day, I expected to have returned to Tobermory before this but I now find that I will be more successful in obtaining a situation by remaining here than by returning to Tobermory -

All this is truth

(Signed) Niel Smith

Paper 1850 - 3 – 027

23

William Ewing says I am an Insurance Broker in the Royal Exchange Buildings, Glasgow, and I reside in Brandon Place West George Street Glasgow -

I am Treasurer of the Glasgow Association of Underwriters - so soon as I learned of the Wreck of the "Mandane" of Sunderland I with concurrence of the Association appointed Captain Dalzell to proceed to the Wreck and recover as much as possible to the Cargo - On his arrival at Tobermory he was called back to Glasgow to attend the trial of the Master &^c of the Orion, and with the concurrence of the Association he deputed Niel Smith a preceding Witness to proceed & take charge of the Wreck and to sell certain articles which he thought it adviseable to dispose of on the Island, and to transmit certain other articles to us -

The Shippers have not abandoned their right to the Cargo finally but ~~

Paper 1850 - 3 - 028

24

but they have homologated the steps the Association has taken I have a general List of the Shippers with all the goods which they shipped - The Goods recovered from the Wreck I would consider under the charge of Captain Dalzell or Niel Smith whom the Underwriters appointed to take charge and look after their interest Until they were sold however I would say they were the property of the Shippers - and this is truth -

(Signed) W^m Ewing

James Dalzell says I am Agent for the Underwriters of Glasgow and I reside n Greenock [?] Place Woodland road Glasgow - After information of the Wreck in question reached the Underwriters they appointed me to proceed to Coll Island and attend to their interest - I accordingly ~~

Paper 1850 - 3 - 029

25

-ingly proceeded on the 24 August to Tobermory and on arriving there I could not proceed to Coll from stress of Weather till Wednesday the 28th when however an Officer arrived and cited me to appear at the trial of the Officers of the Orion - Before leaving Tobermory I appointed a residenter there to go to Coll and act in my absence and I gave him instructions and authority - Mr Graham the Post Master Tobermory obtained this person for me - after I had left however I received a letter from Mr Graham mentioning that this person could not proceed, and Mr Graham at sametime stated he had appointed the Witness Niel Smith, from whom I received several letters informing me that progress was being made in the recovery of the cargo and the pieces of the hull - The Underwriters in Glasgow have nothing to do with the hull but I was then and am now acting for the Underwriters of the hull and I deputed this duty to Smith also - After the trial of the ~~

Paper 1850 - 3 - 030

26

the Orion's Officers was over I became unwell and could not proceed to Coll, and being satisfied with Smith's actings I did not appoint any person to superintend - When the information of the Wreck reached us it was stated that Mr McLean upon whose farm the Vessel was wrecked was taken all care of anything that was coming ashore - I had no information from Mr McLean, but I wrote him saying that he was relieved of any charge after Smith's arrival - Any property stolen from the wreck before Smith arrived would be in the legal custody of Mr McLean; but anything after that would be in the lawful possession of Smith - The Cargo which was recovered was in a damaged state and the Underwriters who sold it paid for it to the Shippers - Thus it was their property - and this is truth -

(Signed) James Dalzell

Paper 1850 - 3 - 031

27

Tobermory 10 October 1850

Compeared Allan Cameron Police Officer and residing in Tobermory in the United Parishes of Kilninian & Kilmore Island of Mull and Shire of Argyll who says I am 27 years of age - On 1 October 1850

I apprehended Angus Mac Fadyen, Lachlan M^cFadyen, Donald M^cKinnon and Donald M^cFarlane on the present charge - I searched all their houses along with my assistant Niel M^cPhail Sheriff Officer but found nothing - Donald Mac Kinnon gave me after the search a

Bundle of Ribbon (?ret)

measuring about 17 yards which I have produced & marked - They all admitted the charge made against them -

(Signed) Allan Cameron

Paper 1850 - 3 - 032

28

Tobermory 10 Oct^r 1850

Compeared Niel M^cPhail Sheriff Officer residing in Tobermory aforesaid who says I concur with the preceding Witness Allan Cameron -

Signed Niel M^cPhail