

**Paper 1850 - 4001**

Unto The Honourable The Sheriff of the Shire of Argyll or his  
Substitute for the Northern district thereof

The

Petition of Henry Nisbet Writer in Tobermory Procurator Fiscal of  
court for the Public Interest

Humbly Sheweth

That information is lodged with the petitioner that on various occasions between the nineteenth day of August and the twenty fifth day of September both last at or near the Beach at Crossapoll or at or near the adjoining Beach of Breachacha in the Island of Coll in the United Parishes of Tyree & Coll & Shire of Argyll some person or persons whose names are at present unknown did wickedly and feloniously steal & theftuously away take a large quantity of sheet copper ~~

**Paper 1850 - 4002**

Copper, copper Bolts & copper nails or of a composition of copper & other substances to the Complainer unknown amounting in all to several hundredweight part of the Wreck of the Barque Mandane of Sunderland and all the property or in the lawful possession of Neil Maclean acting agent for Lloyds & residing at Crossapoll or of some other person or persons to the petitioner unknown: Like as some above libelled and within or near the dwelling houses at Totronald or within or near the shops at Totronald occupied respectively by Lachlan M<sup>c</sup>Lean & John M<sup>c</sup>Lean merchants both residing there or at some other place in the Island of Coll to the Petitioner unknown the said Lachlan M<sup>c</sup>Lean & John M<sup>c</sup>Lean did both & Each or one or other of them wickedly & feloniously reset~~

**Paper 1850 - 4032**

and receive the said stolen articles of copper, copper Bolts & nails well knowing the same to have been stolen

May it therefore please your Lops. to grant Warrant to apprehend the said Lachlan M<sup>c</sup>Lean & John M<sup>c</sup>Lean and to bring them before you or any other Magistrate for Examination and thereafter to commit them to the Prison of Tobermory or any other legal prison therein to be detained for farther Examination or till liberated in due course of Law. To grant warrant also to search the persons dwelling houses and premises of the said accused or where they may be found and all other likely or suspicious places for the foresaid stolen copper and to secure the same for the purposes of Precognition and trial and to cite all ~~

**Paper 1850 - 4033**

persons likely to have Knowledge of the foresaid crime in order to be precognosced thereanent & -  
According to Justice &<sup>c</sup>

Tobermory September 1850 Grants warrant to apprehend the said Lachlan Maclean & John M<sup>c</sup>Lean and to bring them before me or any other Magistrate for Examination : Also to search secure cite & precognosce as craved.

*remainder of paper becomes cover*

Petition

Henry Nisbet P.F.

vs

Lachlan & John M<sup>c</sup>Lean

1850

Reset of Theft

**Paper 1850 - 4027** cover

(Copy)  
Judicial Declaration  
Of  
John MacLean  
1850

Principal 2 Sheets

**Paper 1850 - 4024**

At Tobermory the Fourth day of October 1850 years In presence  
of William Robertson Esquire Sheriff Substitute of the Northern  
district of Argyllshire

Compeared John MacLean residing at Totronald in the Parish of Tyree & Coll married aged 30 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 - There was a quantity of sheet copper or composition brought to my house at different  
times by Donald Kennedy residing ~~

**Paper 1850 - 4025**

residing at Kilbride Archibald MacLean, Hugh MacInnes & Elizabeth Kay residing at Breachacha  
Lachlan Maclean Balard and Samuel Kennedy Arinslure all in the Island of Coll - Being shewn a Bag  
containing sheet copper and nails now in the possession of Allan Cameron Police Constable Declares  
I identify the said copper and Nails in that Bag as that brought me by the parties above mentioned - I  
bought the greater part of it from these parties and gave them at the rate of two pence the pound for it  
which I paid them in goods I was not aware that it was part of the wreck of the Mandane which was  
wrecked sometime ago on the shores of ~~

**Paper 1850 - 4026**

of Coll - The sheet copper and Nails in the Bag was partly in my house before the wreck of the  
Mandane but what I received from the parties I had mentioned has been brought me since the loss of  
the Mandane - I bought a lot of wood at the Sale of the Wreck of the Mandane and some Nails taken  
out of it are also in the Bag - All which I Declare to be truth - Three words delete before signing -

(Signed) John MacLean

(Signed) W<sup>m</sup> Robertson S.S.

**Paper 1850 - 4028**

At Tobermory the Fourth day of October 1850 years In presence  
of William Robertson Esquire Sheriff Substitute of the Northern  
district of Argyllshire

Compeared Lachlan Mac Lean residing at Totronald in the Parish of Tyree & Coll married aged about  
27 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 - and states I had been a Sailor for sometime previous to last Year and at  
Martinmas last I came home to Coll and brought some goods ~~

**Paper 1850 - 4029**

goods with me which I have been selling and exchanging for whatever Articles the Country people  
bring that I think likely to sell in Glasgow - About 10 days or thereby after the loss of the Mandane  
two lads of the name of Lachlan Maclean residing at Balard and Archibald MacLean residing at

Breachacha both in the Island of Coll brought some copper Nails to my house and left them in exchange for goods - They continued to bring copper nails to my house till Monday or Tuesday last and I allowed them at the rate of two pence per pound for these nails and paid them in goods - part of the nails were brought to me before the Sale of the wreck of the "Mandane" which took place on Wednesday week last - I understand from Lachlan Maclean that what he brought me ~~

**Paper 1850 - 4030**

me since the Sale was taken out of a lot of Timber which his Father bought at the Sale of the wreck of the "Mandane" - I never enquired where they had got the Nails & thought they might have come out of timbers cast on the shore - such timber being frequently found in Coll - I had no idea they could have been taken from the Timbers of the Mandane as I was myself employed about the wreck and there were men watching the wreck who I thought would have prevented any plundering - Being shewn a Bag of Copper or Composition nails in the possession of Allan Cameron Police Constable Tobermory Declares I identify the Nails in that Bag as those brought me by Lachlan Maclean and Archibald Maclean - There are some among them which I took out of timbers cast ~~

**Papers 1850 - 4031**

cast on shore in Coll during last winter and spring - There are also some Nails in the Bag which I took out of a lot of Timber bought by me at the Sale of the wreck of the Mandane all which I declare to be truth - Six words delete before signing -

(Signed) Lachlan Maclean  
( " ) W<sup>m</sup> Robertson S.S.

*remainder of sheet becomes cover*

(Copy)  
Judicial  
Declaration  
Of  
Lachlan Maclean  
1850

Principal 2 Sheets

**Paper 1850 - 4003**

In margin No English

Compeared Donald Kennedy Crofter residing at Kilbride in the Island of Coll in the United Parishes of Tyree & Coll and Shire of Argyll who says I am 35 years of age - I know the "Mandane" was wrecked at Crossipoll in the middle of August last - there was another large Vessel wrecked near the same place about three years ago & I got Employment at saving the wreck - Soon after I heard of the wreck of the "Mandane" which was on the day she drove ashore I proceeded to Crossipoll expecting to be Employed but I remained all day & returned home in the Evening without being asked to lend a hand - On the next day I called at the shop of John Maclean Merchant Totronald for the purpose of buying a half penny ~~

missing pages

**Paper 1850 - 4004**

4

which I carried away - I took them to the shop of John M<sup>c</sup>Lean - He was not in the shop but his wife was - I shewed her the nails - She took them from me and put them into the scales & weighed them ~~after~~ but I did not observe their weight nor did she tell me - In exchange for these she handed me

One ounce & a half of common Twist Tobacco

which she gave me to understand was the worth of the Nails - I had previously told her where I had got them but I don't remember whether I mentioned to her anything about the conversation had with her Husband on the subject of the copper - Soon after that I left the Shop I had occasion to return the same ~~

**Paper 1850 - 4005**

5

same way and seeing M<sup>c</sup>Lean near his own house I asked him how he was pleased with his bargain He replied well and encouraged me to get him more and that he would purchase it from me at its value - I don't know the worth of these things & I cant say whether M<sup>c</sup>Lean gave me the full price - I got no more - This is truth -

Arynagour Sept<sup>r</sup> 1850

Compeared Hugh Mac Innes Labourer residing at Beachacha in the Island of Coll in the United Parishes of Tyree & Coll & Shire of Argyll who says I am 30 Years of age - I know that the Barque Mandane was wrecked at Crossapoll in the Island of ~~

**Paper 1850 - 4006**

6

of Coll in the middle of August last - I was at the spot at which the Vessel was wrecked on two or three occasions just to see the fragments - I was employed one day watching the wreck & carrying the cargo which was washed ashore out of Sea mark. This was the first day after the wreck - I was not Employed in any way afterwards - About a week after the Vessel was cast ashore I picked up two Small pieces of sheet copper from the Beach & carried it home with me - On the day afterwards I sold three pieces of sheet copper to John M<sup>c</sup>Lean merchant Totronald for

Eight lengths of my finger of Twist Tobacco

I told him where I had got it and he took it at once - and said that he allowed me at the rate of 2<sup>d</sup> per pound for it - no ~~

**Paper 1850 - 4007**

no one was present when I sold it - M<sup>c</sup>Lean weighed the copper but I cant say how much there was off it - I sold it to M<sup>c</sup>Lean in his own Shop at Totronald I cant write - and being shewn a quantity of Sheet copper in the possession of Allan Cameron he says that one of the pieces resembles that sold to M<sup>c</sup>Lean but he cant identify it -

Compeared Lachlan Maclean Son of and residing with John M<sup>c</sup>Lean Joiner at Ballard in the Island of Coll in the United Parishes of Tyree & Coll & Shire of Argyll who says I am 13 years of age - I know that the Mandane Barque was wrecked at Crossapoll ~~

**Paper 1850 - 4008**

8

-poll in August last - I was down at the scene of catastrophe on two or three occasions - I picked up from the wreck a number of copper nails which I sold to John M<sup>c</sup>Lean Merchant Totronald - I think there were

Three or four Pounds of Copper altogether

and M<sup>c</sup>Lean gave me for this a steal [*sic*] pen, a very small Bottle of Ink & 3 or 4 Sheets of paper - I met M<sup>c</sup>Lean at Crossapoll one day and he told me that he was buying copper & that if I would pick any of it from the wreck he would take it from me - In short he told me to endeavour to get some of the copper & bring it to him - Being shewn a number of copper Nails in the possession of Allan Cameron the Witness says ~~

**Paper 1850 - 4009**

9

says they are of the same description and have the very same appearance as those sold M<sup>c</sup>Lean - My father bought some of the planks of the wreck at the sale of the Vessels materials which took place on Thursday last & from these I Extracted a few copper nails & sold them to Lachlan M<sup>c</sup>Lean also a

Merchant at Totronald - Those sold to John M<sup>c</sup>Lean were picked from the wreck before the sale - I don't know the rate per lb which M<sup>c</sup>Lean allowed me for the copper all this is truth & I cant write

**Paper 1850 - 4010**

10

Compeared Archibald M<sup>c</sup>Lean Labourer residing at Breachacha in the Island of Coll in the United Parishes of Tyree & Coll & Shire of Argyll who says I am 29 years of age - I know that the Barque "Mandane" of Sunderland was wrecked at Crossapoll in the Month of August last - I was Employed by Niel MacLean at the wreck & wrought for six consecutive days - I was often at the wreck afterwards but did not touch anything - I was at the Sale of Materials

Thursday last

and there picked up 7 or 8 copper Nails from the Beach which I sold to John M<sup>c</sup>Lean Merchant Totronald for the length ~~

**Paper 1850 - 4011**

11

length of my finger of tobacco - He didn't weigh the Nails - I told him where I had got the copper but he made no remark - Being shewn a quantity of copper & a great number of copper Nails in the possession of Allan Cameron the Witness says the Nails I sold M<sup>c</sup>Lean were of the very description and appearance of those shewn me & I have no doubt those I sold M<sup>c</sup>Lean are there -

Compeared Eliza Kay daughter of & residing with Allan Kay Cottar at Breachacha in the Island of Coll in the United Parishes of Tyree & Coll & Shire of Argyll who says I am about 14 Years of age - I got on a day about a fortnight ~~

**Paper 1850 - 4012**

12

fortnight ago a number of small pieces of

Sheet copper

from my Brother Niell Kay (who is Younger than me) to sell - He told me that he had picked them up at the Beach at Crossipoll & that they were part of the wreck - I took them to John M<sup>c</sup>Lean Totronald who weighed the pieces & gave me for them

A Pocket Knife &

a pair of Side combs

I gave the Knife to my Brother & Kept the combs - I told M<sup>c</sup>Lean where the copper was got and he told me if I could get more & bring it to him he would give me a shift or a Bedgown for it - I got no more & consequently didn't go near him again - Altho' I saw M<sup>c</sup>Lean weigh the copper ~~

**Paper 1850 - 4013**

13

copper I cant say how much there was of it - Being shewn some sheet copper in the possession of Allan Cameron I cant identify it but that sold by me was of the very same description - I cannot write-

Compeared Donald M<sup>c</sup>Coll Grieve and residing at Breachacha in the Island of Coll in the United Parishes of Tyree & Coll & Shire of Argyll who says I am 50 years of age - I was Engaged carting the Wreck and portions of the Cargo to Breachacha Barn where they were stored - I had charge of the Barn while the Materials and cargo were in it - The Barn ~~

**Paper 1850 - 4014**

14

Barn in the farm of Breachacha which is occupied by Donald Campbell Esq residing at Penmollach in the Island of Mull is on the Second floor, above the Byres - There is an entrance from each end of

the house at the Gable - One half only is used as a Barn & the other half is used as a Straw house -  
The Barn & Straw house are separated by a portion having a door in it - On Saturday

14 September 1850

about 7 P.M. I secured the partition door in the inside by a chain & staple - I afterwards locked &  
secured the outside Barn door - The door of the Strawhouse I sneaked - On Monday

16<sup>th</sup> September 1850

On going into the Barn I found ~~

#### **Paper 1850 - 4015**

15

found that it had been broken into - I observed that the entrance had been made from the Straw  
house - The partition door having been forced in from that side - I missed at once from the Barn

10 large copper Bolts

2 Striped shirts cotton

Pair of striped trowsers

Pair of Pilot cloth Trowsers

part of the Wreck of the Mandane & part of the goods saved by Niel Maclean Crossapoll Lloyds Agent  
for Coll in whose possession & whose property I considered the goods were - I communicated the  
fact instantly to him and a Search warrant having been got from a neighbouring J.P. Donald Maclean  
Sheriff Officer & I searched various houses in the neighbourhood for the missing articles but without  
success - In the house of

John ~~

#### **Paper 1850 - 4016**

16

John Maclean Merchant Totronald We saw a quantity of sheet copper and a number of copper nails  
which Evidently formed a portion of the wreck but no more of the stuff in his possession resembled  
that which I was in pursuit of I left it as I saw it - M<sup>c</sup>Lean did not tell me where he had got it nor did I  
ask him - I said that he would perhaps be called on to give an account of the manner in which it came  
into his possession -

I also saw a Small Bag of Copper nails in the house of Lachlan M<sup>c</sup>Lean Merchant which  
also evidently formed portions of the Barque Mandane but as none of the copper resembled that  
stolen from Breachacha I left it as I found it - M<sup>c</sup>Lean did not say where or how or when ~~

#### **Paper 1850 - 4017**

17

when he had got it -

Being shewn a large quantity of Sheet copper & nails in the possession of Allan  
Cameron I identify it as that seen by me in the house of John M<sup>c</sup>Lean and Lachlan M<sup>c</sup>Lean aforesaid -  
I have no doubt in my own mind that it formed part of the Wreck of the "Mandane" but I cannot swear  
to it - It is the very same as the other copper taken from the wreck and now in my possession -  
about a week after the Housebreaking alluded to

Four of the copper Bolts

were returned during night - I found them near the Barn door in the morning - I can give no idea of  
the depredation but whoever they were & there must have been more than one ~~

#### **Paper 1850 - 4018**

18

one were evidently well acquainted with the locality - This is truth -

Compeared Donald Maclean Sheriff Officer residing at Mippost in the Island of Coll in the United  
Parishes of Tyree & Coll & Shire of Argyll who says I am 56 years of age - I concur with the  
preceding Witness in these portions of his Declaration where I am mentioned - Both Lachlan M<sup>c</sup>Lean

& John M<sup>c</sup>Lean said they had bought the copper we saw in their possession from parties who had picked it up from the Shore at Crossipoll - Being shewn a quantity ~~

**Paper 1850 - 4020**

19

-tity of copper and copper Nails in the possession of Allan Cameron I identify it as that seen by us in the house of John & Lachlan MacLean aforesaid -

(Signed) Donald Maclean

**Paper 1850 - 4021**

21

Compeared Allan Cameron Police Officer 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  
Tuesday 1<sup>st</sup> October 1850

I apprehended Lachlan M<sup>c</sup>Lean and John M<sup>c</sup>Lean on the present charge after I apprehended John M<sup>c</sup>Lean I told him the charge and asked him if he had any metal which had been stolen from the Barque "Mandane" of Sunderland - He pointed to a Box and said that all he had got was contained in it I opened the Box and saw that it contained

Copper nails, sheet copper or Muntzs patent Metal  
to the Extent of 50 or 60 lbs - It had all evidently formed part and had recently been taken off the bottom of a Vessel - I asked from whom he had got the metal He informed me that he had bought it but refused to tell from whom After ~~

**Paper 1850 - 4021**

After being in his place of business a few minutes I told him that it would be necessary to go into a minute search of the premises and that if he had any more of the copper besides that in the Box he better deliver it at once - After a good deal of hesitation he went to a Barrel which was placed bottom upwards and which he removed and I there found an additional quantity of sheet copper or Muntzs patent Metal weighing apparently 40 or 50 lbs - I took possession of all and have it still - I weighted it all after arriving in Tobermory and found that it contained in all

99 lbs

After I had got possession of the metal Maclean told me the names of some of the parties from whom he bought it and they have been Examined as Witnesses - On the same day I ~~

**Paper 1850 - 4022**

I searched the house of Lachlan MacLean and found there a Small canvas Bag which contained some copper Nails or composition of copper & which I took possession of and have still - Lachlan told me that he had bought it from some parties & that it had formed part of the Barque "Mandane" - On coming to Tobermory I weighted this Bag & found that it contained

24 lbs

I shewed the parcels found in both houses to

Niel Smith  
Donald M<sup>c</sup>Coll  
Donald Kennedy  
Hugh M<sup>c</sup>Innes  
Lachlan Maclean  
Arch<sup>d</sup> Maclean &  
Eliza Kay

and I also exhibited the same at the declarations of the pannels John Maclean & Lachlan M<sup>c</sup>Lean -  
This is truth -

(Signed) Allan Cameron

**Paper 1850 - 4023**

Compeared Niel M<sup>c</sup>Phail Sheriff Officer Tobermory aforesaid who says I am 50 years of age I concur with the preceding Witness Allan Cameron with the Exception that I did not Exhibit the metal to the Witnesses or to the pannels -

(Signed) Niel MacPhail

*remainder of sheet becomes cover*

(Copy)

Precognition of Witnesses

Henry Nisbet P.F.

v<sup>s</sup>

Lachlan & John M<sup>c</sup>Lean

1850

Reset of Theft

Principal 18 Sheets