

DSC05810

(1) John McDonald

Tobermory October 1860

Compeared John McDonald seaman & residing at Craigspure Tobermory in the united parish of Kilninian & Kilmore Island of Mull & shire of Argyll who says I am 55 years of age

I was pilot on Board the steamer Cantie Queen plying between Glasgow & the west Highlands Roderick McKenzie then Master & John Campbell then mate of the smack Mary Balfour came to me while I was at work on board the Cantie Queen Steamer at Lancefield Quay Glasgow on 20 August 1860 and said that John McDonald the accused wanted to see me at John Rankins spirit celler Broomielaw The Master and mate both told me that the accuseds object in wishing to see me was to Engage me as Master ~~~~

DSC05811

(2) John McDonald

Master of his smack the Mary Balfour which they said was then laying in Londonderry with oatmeal bound for the west Highlands McKenzie said that he was to leave the Mary Balfour and join another vessel I told him then & there that it would depend on the wages whether or not I would engage as Master MacKenzie the Master did not assign any reason beyond what I have stated for his leaving the vessel this conversation occurred early on the forenoon of the day stated & I went with them to Rankins spirit cellar on reaching Rankins Campbell & I remained outside the Counter McKenzie went into the room where he said the accused was In a minute McKenzie returned and asked me to go into the room and that I would see the accused there I went in ~~~

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(3) John McDonald

in & found the accused in the room along with a fat man from Jeantown LochCarran & whose name I also think is Macdonald. I would know him again they had some spirits on the table before them and the accused after I went in filled and handed me a glass which I drank shortly after I went in the accused told the others to leave the room which they did, & he & I went then alone together the accused then asked me if I would go Master of his vessel the Mary Balfour. He said she was full of meal at Londonderry bound for the North Highlands I had about a year ago sailed in this vessel as mate for one month, MacKenzie was not then the Master of her she was then the property of the accused I told the accused that as I was in a good berth that I would not go as ~~~

DSC05813

(4) John McDonald

as Master in his vessel unless he gave me good wages He asked me what wages I wanted I told him that I had never less than £4 but that I would not take that sum from him He then said "will £5 per month please you" I said it would and I agreed to go for that sum I told him that I would first have to let the Master of the "Cantie Queen" whom I was then serving and get his leave but that I would let him know by 12 o'clock noon that day After I had arranged about the wage Alexander Macdonald the accuseds clerk was brought into the room & an agreement was written out by him between the accused & me and which was then & there signed by both of us I produced this agreement which is dated

Glasgow 20th August 1860

and is marked by me as relative hereto It ~~~~~

DSC05814

(5) John McDonald

It is from the date in this document that I fix the date of our first meeting It was agreed between the accused and me that this agreement was not to be binding till I had seen the Master of the Cantie Queen and get his liberty to leave his vessel beyond this it was understood that I was to accompany McKenzie then and there to take charge of the vessel The accused was leaving the town that day & it was agreed that I was to let Alexander McDonald his clerk know at midday what I was to do I then left Rankins & went straight to the "Cantie Queen" I shewed the agreement to Capt MacTaggart and told him about the arrangement Captain Davy who had an interest in the Cantie Queen was present and he also saw the agreement Both told me that ~~~

DSC05815

(6) John McDonald

that they would not stand in my way to a better appointment but they both said that they thought I was better where I was I then said I would not leave the "Cantie Queen" & I went off immediately and met Alexander MacDonald the Clerk in Davidsons spirit Cellar near Lancefield Quey I told him I was not going in the Mary Balfour and that he was to look out for another master I had not drink there I didn't remain many minutes I returned straight to my work on Board the Cantie Queen this was on a Monday that same day MacKenzie the then master came to me where I was on board the Cantie Queen in Glasgow about 2 P.M. and said it was too bad in me not to go Master of the Mary Balfour after engaging I said to him that I had not engaged out and out & that I had ~~~~

DSC05816

(7) John McDonald

had let McDonald the clerk know before 12 o'clock as agreed that I was not going McKenzie was angry at me and again asked me to go Master but I refused He then left me & I left Glasgow on board the Cantie Queen that afternoon for Tobermory & Tyree we returned to Glasgow on the following Saturday I remained by the Cantie Queen" till the following Monday about 2 P.M. the agent Mr Dick & I had then a quarrel about stowing the Cargo and I then and there told him I would leave and accordingly took my clothes ashore from the Steamer and left her I went ashore to my lodgings a Hector McEachern 108 Morrison's court I had gone out of McEachern's for a short time in the afternoon of Tuesday and on my return his sister Mary McEachern told me ~~~

DSC05817

(8) John McDonald

me that Lachlan Fletcher Steamboat Porter and then engaged about the Cantie Queen had been there enquiring for me and that a man at McLachlan's spirit shop at the Corner of Jamaica Street wanted to see me about going Master of a vessel Neither the name of a man nor the vessel was mentioned I immediately went to McLachlans in search of Fletcher but found on reaching that he was not there I again returned to my lodgings at McEachern's & met Fletcher who told me that he had been a second time at McEachern's in search of me Fletcher told me that a man the owner of a vessel wanted to see me at Mr Lachlan's spirit Cellar Fletcher did not tell me the name of the man but he described him He said that he was the owner We went to McLachlan's and on reaching it I was told to wait there that the man had called & left word that I ~~~

DSC05818

(9) John McDonald

I was to remain till he came Fletcher & I went into a room and sat down I ordered a gill of spirits after sitting about an hour Alexander McDonald the Clerk & McKenzie came in to McLachlan's where we were when I saw them I saw that the Mary Balfour was the vessel Fletcher told them that MacKenzie from Jeantown the owner was enquiring for me Both McDonald the Clerk & McKenzie the Master said he was not the owner they had not been more than two or three minutes in McLachlans along with Fletcher & me when McKenzie came in & Fletcher told me that that was the man who wanted me I said that he was not the owner I was told that this man McKenzie was a Merchant from Jeantown LochCarran I had never seen ~~~

DSC05819

(10) John McDonald

seen the man before but I would know him again He asked us to go along with him to the Clyde Hotel and we all went there together on going into this Hotel which is situated at the Broomielaw I met the accused there. The accused was in a room alone, I went into the room alone to see the accused. I was told by the servant girl to join where the accused was I don't know where McKenzie the Merchant or McKenzie the Master went at this time neither of them went with me into the Inn. The accused ordered a dram for me & I sat down beside him - He told me the Mary Balfour was then at Crinan & asked me if I would go master of her at the £5 per month as previously agreed upon ~~~

DSC05820

(11) John McDonald

upon between him & me. I told him I would. I asked the accused where the vessel was bound for - He said that the vessel was full of meal that she was bound for the Island of Barra but that she was to Call at the Island of Canna on the way. I asked if she was to call at Tobermory he said no that he did not wish her to call there. I said I would not pass Tobermory as I would like to go ashore there & see my wife. He said I was not to go there but I might call at the Island of Canna & remain a week there. He told me the vessel was insured without mentioning the amount but he did not say anything about Insurance ~~~

DSC05821

(12) John McDonald

Insurance on the Cargo. He also said that he wished the vessels neck was broken & that she was sunk in the deep water. He said Barra was a wild place & he asked me to wreck and sink her there in deep water that he would besides my wages which was to commence from that date pay me £20 for wrecking her and that I was to put her in deep water. He also said that he might lift her again perhaps. I told him I wouldn't break my character - but if it would happen by stress of weather I would not be blamed I mean that I refused to wreck ~~~~~

DSC05822

(13) John McDonald

wreck the vessel wilfully but that if a storm or any unforeseen accident would occur by which the vessel after proper & careful management was wrecked I would not be blame because I could not help it. He said to me that I need not hesitate to do it that I would not be sworn & that no questions would be asked at me. I refused to accede to his request.

The accused told me that I was not to take off the hatches or to look into the hold to see what was in it. I told him that after taking charge I would look into the hold & see that was there & he again said that he would rather I ~~~~~

DSC05823

(14) John McDonald

I did not -

I spoke about getting my name endorsed as master upon the Register, as unless this was done he would not recover the loss from the underwriters but I can not remember whether this was before or after he asked me to wreck the vessel. I think it was before he asked me but I cant say after we had this conversation the accused sent the servant girl for his clerk Alexander McDonald who came into the room at once. The accused told him to write out an agreement between the accused & me which he did & the accused & I signed it. I think I have this agreement & I will search for ~~~

DSC05824

(15) John McDonald

for & if I find it will produce it. There was no mention about the wrecking of the vessel in this paper its contents having reference merely to my wages & their amount after this agreement was signed the accused sent for McKenzie the Master who also came & I saw the accused hand him a pound note desiring him to start for Crinan and to bring the Register to Glasgow that so my name might be endorsed on it in the Caston house as Master The accused also gave me £3 to pay my board in Glasgow desiring me to look out for a new Crew and to take them along with me to Crinan there to take charge of the vessel McKenzie then went away & I think he left the next day Wednesday for ~~~

DSC05825

(16) John McDonald

for Crinan for the vessel's Register. I also left the accused asked me to Call for him the next day & I immediately went and saw the accused on the Wednesday morning in the Clyde Hotel

He was at Breakfast he told me to look sharp & get a new crew and so soon as my name was on the Register to join the vessel at Crinan. He gave me my [letters] but I do not remember whether or not he said anything to me at this time about wrecking the vessel. He was in a hurry to leave town & while I was in the Inn he rang the Bell & ordered a Gig I then left him & I have neither seen nor heard since from him but he told McDonald the Clerk to give me any money that I wanted McKenzie the Master returned from Crinan on Thursday & he & I & McDonald the Clerk went to the Custom House on Friday morning and my name was there endorsed on the Register as Master ~~~

DSC05826

(17) John McDonald

Master. the Clerk after this was done kept the Register I arranged with them that we were to proceed together on the following day (Saturday) to Crinan per steamer Iona. I was disappointed in getting off on Saturday but I went to Crinan on the following Monday on reaching I found that the Mary Balfour had sailed but the Lock keeper told me that the master McKenzie had left word with him that I was to go on to Oban and that I would overtook the vessel there I accordingly proceeded there but found on reaching that she had not called at Oban I proceeded from thence per Stork Steamer to Tobermory on Tuesday and we passed the Mary Balfour near the entrance to the harbour of ~~~

DSC05827

(18) John McDonald

of Tobermory she came into Tobermory that evening Alexander McDonald the Clerk & McKenzie master then came ashore I met them on the Quey they both asked me if I was ready to join the vessel I said I was not that I would see them next day I saw them next day they asked me if I was to join the vessel I said I was not that I had heard the accused was Bankrupt & that I was not going to put myself into a habbal about it I was angry with them for leaving Crinan without me Neither of them said they would wait three days for me I tried in Tobermory for a new crew but could not get anybody to join I asked the old crew to go with me but they all refused I understood that the reason of this was because the owner was Bankrupt I told McDonald the Clerk that I would not ~~~

DSC05828

(19) John McDonald

not go and asked him to square accounts with me and to give me some money as I had been at good expense He told me that he would gave me money if I went with the vessel but that he would gave me no money unless I did I did not go on board the vessel at all and she left Tobermory with the old Master & Crew on the following Friday I don't know where she went the accused did not say a word to me about disposing of the meal nor did he name any person that I was to call on either at Canna or at Barra I did not tell either McDonald the Clerk or McKenzie the Master that the accused had made an overture to me about Wrecking the vessel I never mentioned a word about till now to anybody except my wife and I told her

DSC05829

(20) John McDonald

her to keep it secret she told me not to go in the vessel at all the accused did not mention so far as I remember about wrecking the vessel on the first occasion I met him in Rankins spirit cellar I will not swear that he didnt make the proposal to me then He was quite sober on all the occasions I met him Truth (Signed) John McDonald

25 October 1860 Re examined I add here to the proceeding statement I have been considering over it since I was previously examined with reference to my first meeting with the accused in Rankins spirit cellar I cannot remember whether or not he then proposed to me to wreck the vessel I cant swear that he did & I will not swear that he didn't I have searched for the second agreement with the ~~~

DSC05830

(21) John McDonald

the accused & me about wages but cant find it I didn't pay much attention to it after I did not go with the vessel and I think it is lost I did not destroy it wilfully I don't know what has come of it I asked Donald McInnes & Neil Darrach both residing in Tobermory to go with me as a new crew but neither of them would consent. Truth.

DSC05831

(22) Neil Darrach

Tobermory 25 Octr 1860

Compeared Neil Darroch seaman & residing in Tobermory in the united parish of Kilninian & Kilmore Island of Mull & Shire of Argyll who says I am 37 years of age

About 6 weeks ago tho I cant remember the date more precisely John McDonald the preceding witness met me on the quay of Tobermory & told me that he was to be master of the Smack Mary Balfour then lying with oatmeal on board in the harbour of Tobermory. He said that he had been engaged in Glasgow by the owner as master & that the then Master & whole crew on board were to

leave her here. The vessel had at the time of our conversation which took place on a Thursday been two days in the harbour I ~~~

DSC05832

(23) Neil Darrach

I agreed with Macdonald to go as mate at the rate of 50/ per month and it was agreed between him & me that we were to meet at the quay on the following morning that we were then to go on board & take charge of the vessel & that the old master & crew were then to leave. Macdonald told me that the vessel was going to Barra & Uist and any other place in the north. He did not say that a proposal had been made to him by the owner to wreck the vessel or anything about this

On the following morning I went at the hour appointed to the place mentioned by McDonald to meet him in order to go on board with him & take charge of the vessel. I waited on for ~~~

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(24) Neil Darrach

for some time but he did not come & I then learnt that he had gone off early that morning by the Steamer. He left no word for me. I was quite ready to join & did not refuse to go on board I have not since spoken to McDonald. The Mary Balfour remained a day I think in the harbour after McDonald & I had the conversation when she sailed with the old Master & Crew on Board I did not speak to any of them Truth

(Signed) Niel Darrach

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Precognition
of Witnesses
agt
John McDonald
Fraud &c
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