

**TPF 1864 – 1**

**Paper 1864 – 1205**

*cover*

Copy  
Judicial Declaration  
of  
Archibald MacArthur  
23 January 1864

**Paper 1864 – 1201**

At Tobermory the Twenty third day of January  
Eighteen hundred and Sixty four years in  
presence of William Robertson Esquire Sheriff  
Substitute of Argyll shire

Compeared a Prisoner who being judicially cautioned and thereafter examined and interrogated  
Declares

My name is Archibald MacArthur I am a labourer and reside at Antuim I am married and about thirty  
years of age. - I am acquainted with John Herbertson Drimnacroish. I never went out with him to  
steal sheep belonging to M<sup>rs</sup> Forsyth or to M<sup>r</sup> Lang or any other person. The mutton found in my  
house by the Constable I got from Herbertson Sometime last year I bought two sheep and a Ram  
from John Herbertson Achnadrish I also got two fleeces from him about a year and a half ago and a  
girl that ~

**Paper 1864 – 1202**

that I have got some wool for wages from Murdoch MacLean Torloisk with whom she had been before  
she came to me. She brought it to my house - I also got some wool from M<sup>r</sup> Semple tenant Antuim  
and I bought a dead Hog from Ritchie's shepherd - Some of the wool I got in these various ways is  
still in my house - I was in M<sup>r</sup> Langs shepherd Patersons house on Wednesday last along with  
Herbertson Drimnacroish. We were on our way to look at some ground that is to be sheep drained at  
Drimfin – and Herbertson's shoes burst and he would not come all the way with me so we turned back  
there. I wanted to know whether Paterson had any Braxy to dispose of and asked of the woman I saw  
about and she told me there was none It ~

**Paper 1864 – 1203**

It was not Paterson's wife. I met Paterson on our way home and asked him about the Braxy and he  
told me he did not expect to have any more this year - I hid no carcasses of Sheep in a moss that night  
I had nothing whatever to do with the house breaking and theft at Bellachroy Inn - I never drank wine  
in John Herbertsons house at Drimnacroish All which I declare to be truth and that I cannot write  
Signed Wm Robertson S.S.

In Witness thereof this Declaration written on this and the two preceding pages by Angus Cameron  
Sheriff Clerk Depute at Tobermory was freely and voluntarily emitted in the Gaelic language by the  
Declarant the ~

**Paper 1864 – 1204**

the said Archibald MacArthur he being at the time in his sound and sober senses and on the same  
being read over to him in the Gaelic language in which it was emitted and translated into English  
through the medium of the Judge examiner he approved thereof and adhered thereto in every  
particular all before and in presence of William Sproat Procurator Fiscal Tobermory Dugald  
MacLachlan Prison Keeper Tobermory Dugald MacLachlan Clerk to the said William Sproat and the  
said Angus Cameron

**Paper 1864 – 1214**

At Inveraray the twenty seventh day of May Eighteen  
hundred and Sixty four years

In presence of James Cunningham Grahame Esquire  
Advocate Sheriff Substitute Argyllshire

Appeared John Herbertson who being examined as in precognition says as follows. I am twenty five years old and married - I am a Labourer residing at Drimnacroish in the united parish of Kilninian & Kilmore Island of Mull and County of Argyll - I have been acquainted with Archibald MacArthur presently prisoner in the prison of Inveraray for about six years. - I live within three quarters of a mile of him in Mull about a week after the old new year in January 1863 MacArthur one night came to me and proposed we should go and steal M<sup>rs</sup> Forsyths sheep together. - M<sup>r</sup> Forsyth was then alive but has since died. MacArthur had often proposed sheepstealing to me before but I had never made up my mind to ~

### **Paper 1864 – 1215**

to do with him on said night we went to the hill of the farm of Drimnacroish. - There was a wire fence running across the hill. We got out a hank of wire which MacArthur brought with him - We fastened it to the fence and brought it round some sheep but we only caught one sheep the others broke away. that sheep was M<sup>rs</sup> Forsyths – it was a Ewe, - We two were alone that particular part of the hill is called “Laglia” - It is about three quarters of a mile from each of us and upon the property of M<sup>rs</sup> Forsyth, - The Forsyths were in possession of it and the stock was their own. - We tried it several other times that night but did not succeed. - We skinned the Ewe on the hill and divided it between us. - I took one half and MacArthur took the skin and the other half - The Entrails we threw into the river. - We hid the head and feet in a drain and covered them over. - I first put my half in a garden and afterwards I took it home and used it. - I don't know what MacArthur did with

remainder of the judicial declaration missing

### **Paper 1864 – 1200**

cover

Copy  
Second Declaration  
of  
John Herbertson  
1 February 1864

### **Paper 1864 – 1199**

At Tobermory the first day of February Eighteen  
hundred and Sixty four years

In presence of William Robertson Esq Sheriff  
Substitute of Argyll shire

Compeared a prisoner who being judicially cautioned and thereafter examined & interrogated – Declares my name is John Herbertson I am a Labourer and reside at Drimnadrish I am married and 27 years of age. - I have heard the Declaration emitted by me on the twenty third day of January last & which is docketed & subscribed as relative hereto read over. I declare it is all correct & I adhere thereto in every particular. I was in Tobermory on the Saturday before New Year's day old style along with Archibald MacArthur, we did not come together but I knew that he was coming and I met with him in Tobermory on my arrival there. He told me he brought some sheep skins to Tobermory in a Bag and that his brother had bought them some where and that he wanted to forward them to him to Tyree. He farther told me that he left the skins with Archibald M<sup>c</sup>Donald Merchant Tobermory to be sent to Tyree. All which I declare to be Truth - I declare that I cannot write ~

(Signed) Wm Robertson S.S.

### **Paper 1864 – 1198**

cover

Copy  
Precognition

The  
Procurator Fiscal  
Against  
Archibald MacArthur and  
John Herbertson Junior  
1864

Sheep Stealing  
House breaking &  
Theft

Tobermory – Argyll

**Paper 1864 – 1196**

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## Paper 1864 – 1001

Tobermory 25 Janry 1864

Compeared John Paterson Shepherd and residing at Lochs House in the united parish of Kilninian & Kilmore Island of Mull and Shire of Argyll, who says I am 51 years of age, I am shepherd to M<sup>r</sup> W<sup>m</sup> Lang tenant of the farms of Sorne Baleachiach Penalbanach and Lochs under the late M<sup>r</sup> Forsyths Trustees. M<sup>r</sup> John Scott a Witness is manager of the Sheep Stock, I cant state the number of Sheep on the above farms but the Stock is divided into four hirsels one of which that of Lochs is herded by ne. Lochs is a Modern name, for my herding part of it is Mishnish Hill and another portion a part of the farm known & still called Balichrach. There is an old sheep fank at Balichrach which

## Paper 1864 - 1002

which was used by the former tenants but which is not used except occasionally for cutting Lambs. It is however Still a pretty good fank for Sheep & on being driven into it they will not easily break out.

The Stock on my hirsel is Black faced Ewes and wedders & wedders & Ewe Hogs, The Stock is gathered twice a year for counting Viz<sup>t</sup> In the month of July when they are clipped and in November when they are dipped. My hirsel was gathered counted and dipped in the month of November last, but I am not sure of the Day & the number were as follows

Aged Ewes	254
Wedders	105
Ewe Hogs	91
Wedder Hogs	<u>72</u>
	522

## Paper 1864 – 1003

The sheep have not been since gathered or handled for counting. My herding adjoins & marches with the Hirsels of Sorn & Balichrach which are Stocked chiefly with cheviot sheep & crosses. between the Cheviot and Black faced Sheep, There is no Sufficient fence between the farms and in consequence the cheviot & crosses daily to a considerable extent mix on my ground, with the Blackfaced The March of Balichrach is within half a mile of the old farm at Balichrach already spoken to

When my hirsel was clipped in July last 1863 there was missed from it 10 sheep which

## Paper 1864 – 1004

which I could not account for. It is possible that some of these may have died on the Hill without my being able to find them and the others probably have been stolen but I cant speak on any of these points with certainty except that the number stated above were missing.

When my hirsel were dipped in November and then counted the numbers were complete none being amissing to which the same remark applies as above.

M<sup>r</sup> Langs Stock mark which applies to the four Hirsels is a round hole in the right Lug. There is no brand on any of the Stock Besides the above there is an age mark on the left Lug. On my hirsel the wedders and the wedder Hogs have Simply the

## Paper 1864 – 1005

the hole in the right Lug as the mark. A few of the Aged Ewes besides the hole have a small bit out of the back of the left lug over and above the hole in the right.

I am quite familiar with the marks of the Sheep on the other Hirsels & could identify them. Besides the above marks on the head all the Sheep at Clipping time are [burst] with the letter in Tar. This mark is put on Different parts of the Sheep of the Separate Hirsels so as the more readily to distinguish them in the Distance, This [Burt] on the Sheep of my Hirsel is put on the left Shoulder, on the Balichrach Hirsel on the right side near the loin

## Paper 1864 - 1006

loin, on the Sorn Hirsel on the left side at the Same place, on the Penalbanach Hirsel on the right Shoulder At Dipping time the whole Sheep are keeled with the red keel or paint over tar Mark. In going my rounds over my pound about 10 days ago I came upon the heart and lung of a Sheep, in a Marshy place about 60 or 70 yards distant form the Balichrach fank. It appeared to me at the time that

these parts had been hidden in the Marsh. I took them up and examined them & from the freshness of the parts & their general appearance I was of opinion that they had been part of a Sheep which had been killed about a week previously Suspicion ~

#### **Paper 1864 – 1007**

Suspicion did not strike me at the time & I threw the parts to my Dogs. I thought perhaps that the Gamekeeper had put them where I found them as baits for vermin. on going on a little farther & close to an old Dyke I came upon a quantity of recently pulled heather, as much as cover a Sheep on examining which I found Small quantities of wool adhering to it, I thought this Suspicious but still thought that it might have been the work of the Gamekeeper Aiken till Monday last the 18<sup>th</sup> January 1864 when I mentioned the circumstances to him & he told me that he had not set a trap at the place ~

#### **Paper 1864 – 1008**

place since Spring of last year. I thereon the same day informed M<sup>r</sup> Scott the Manager and as I had suspicions all was not right I had resolved to watch specially for any indications about the fank & neighbourhood on Wednesday last 20 Jany 1864 I was making my usual daily round of my hirsell in the forenoon. I came to the Balichrach fank between 11 & 12 o'clock In passing the Door of the fank I observed marks in it of the feet of Sheep. My Dog at this point broke off from me & I thought had gone in Search of a Dead Sheep I went inside the fank & saw the marks of what I then believed and still believe to be that of about 12 Sheep. The Marks were quite distinct and ~

#### **Paper 1864 – 1009**

and indicated that the Sheep had been chased & handled in the fank The marks were recent and appeared to have been made not later than the previous day. The ground inside the fank was hard & partially covered with loose heather which we had put there when cutting the lambs, I also saw one foot print of a man in the fank but as the Mark was indistinct I could not make anything of it. I thought however that it was of a Shoe without tackets After making these observations my Dog had returned to my side & I left the fank followed by the Dog after getting outside the Dog broke off again & went to the Baleachrach burn

#### **Paper 1864 – 1010**

burn which flows past & at a Distance of 12 yards or so from the fank The dog got scent and ran round a spot near the edge of the burn about 100 yards from the fank [*in margin* 170?] I went to the spot & found Several Small pieces of Sheep Tallow, quite fresh, from the appearance of the ground I was satisfied that a Sheep had been recently killed or skinned and the entrails taken out of it at the Spot. I observed no blood nor the foot prints of a man The ground was hard. In front of this spot, there is a precipitous rise of about 4 feet with grass on the top. At the edge of this I observed a footmark of a man as

#### **Paper 1864 – 1011**

as if the foot had slipped the piece corresponding in Size having been carried away with the foot. From these marks and appearance I was certain that a theft of sheep had been committed. I then went home & that same day went to Sorne & informed M<sup>r</sup> Scott of what I had seen. He came at once with me to the place where I had found the heart and lung. I observed the end of one of the Small entrails of a Sheep on the grass & close beside it a hole of water In this hole we found the whole of the Small entrails of a Sheep we took the entrails out and examined them & found from their appearance that they had been taken out of a Sheep that

#### **Paper 1864 – 1012**

that had been killed about a fortnight previously. we then went to the fank & it was examined by M<sup>r</sup> Scott but I found no other appearance beyond what has been already stated We left the fank & we were going to the Spot where the Sheep had been killed or skinned Between that spot and the fank & about 40 yards [*in margin* 100?] from the fank close to the river side we found a Small quantity of Sheep

wool & a large quantity of blood as if a sheep had been bled there. The blood was in a hollow & covered with Stones. We saw the wool first & it was after the stones were removed that we saw the blood. The blood was quite new & fresh, close to this place we observed several footprints as of a Shoe with

#### **Paper 1864 – 1013**

with tackets & heel and toe plates None of the prints were complete, but by comparing them we made out a complete impression In one or two of them the heel and part of the hollow was distinct and in others the Sole and front part. there were six rows of tackets in the Sole Two rows on each Side and two rows in the Centre running into one row at the toe & also at the heel. the two outside rows were not so distinct as the inside and centre rows The heel & toe plates were plain. There were the marks of Tackets filling the inside of the heel plates The prints were of a large foot the Shoe appeared to

#### **Paper 1864 – 1014**

to have been nearly new and the tackets pretty large with Square heads, we did not count the tackets in the impression nor take measurements

At this spot we also saw marks of another and Smaller & different foot print. The marks of these prints were not so distinct as of the other we got one heel pretty distinct It was Smaller than the heel of the other print. there was not so many tackets in it & from the impression the boot or Shoe appeared to have been much worn. After this examination M<sup>r</sup> Scott went with me to the Spot where the Sheep had been killed or Skinned but I found nothing farther we

#### **Paper 1864 – 1015**

we searched about this place and down the burns side but got no farther traces we then went home M<sup>r</sup> Scott informing me in parting that he would lodge information early next day with the fiscal, on my way home about Dusk I met MacArthur & Herbertson about ½ a mile from my own house on the public road, one of them, I think MacArthur, spoke first He said it was a fine night. He told me he had been at Drimfin looking for work at Drains. He didn't say who he had seen. One of them remarked that they didn't think they would go to work there as those already employed were making nothing of it. I had not asked where they were and this ~

#### **Paper 1864 – 1016**

this Statement was Voluntary on their part. I cant remember whether or not either of the two asked where I had been, but I told them I had been at Sorn MacArthur told me that he had called at my house to buy braxy that he had not seen my wife but that he saw another woman who told me there was none. I told him that I had none. I sometimes Sells a little Braxy I sold a little to MacArthur 4 years ago. This was all our conversation, and we then parted, they going onwards towards their home & I towards mine. The Distance from my house to theirs will be 6 miles. I had not seen either of these men before ~

#### **Paper 1864 – 1017**

before on this day. I went to the Fank on Thursday 21 January 1864 to make farther Search. I was joined by M<sup>r</sup> Scott and Colin MacPherson and John M<sup>c</sup>Leod, two of M<sup>r</sup> Langs other Shepherds. I discovered nothing farther. We were joined by Sergeant Allan Cameron and MacKenzie of the Police I had Suspicion which I did not mention that Herbertson and MacArthur were the delinquents. It was arranged at this meeting by the Police that their Houses Should be searched along with other Houses in the Neighbourhood and we all went there for the Purpose MacArthurs house was first Searched. I stood outside while this was being done I ~

#### **Paper 1864 – 1018**

I was asked to go in by M<sup>r</sup> Scott. I then saw Six Black faced Sheep Skins & a quantity of wool The Skins were dry and appeared to have been Sometime off the Sheep. I examined the wool which was a mixed lot. Part of it appeared to have been recently taken off the skin & other parts were older. The wool was mostly Blackfaced, I could not identify the Skins Among the wool I observed the bulk of one

Skin which I thought was the fleece of one of the Sheep of my hirsel but I could not swear to it It was not dry and appeared to have been recently taken off

#### **Paper 1864 – 1019**

off the Skin. I could not make any thing of the other wool, except a Small handful which M<sup>r</sup> Scott shewed me and which I now see & identify and mark this portion had the tar mark or Burst with the Keel mark above it corresponding precisely with that on M<sup>r</sup> Langs Sheep there is no Stock in the neighbourhood with the Keel over the tar except M<sup>r</sup> Langs. From this fact and the general appearance of the wool of the Buist & Keel mark I am satisfied that this small quantity of wool is part of the wool of one of M<sup>r</sup> Langs Sheep but I cant Swear positively to its identity. None of the Sheep from any of the farms

#### **Paper 1864 – 1020**

farms have been sold since they were keeled in November ; and I am certain this wool is of this years growth I didn't see any Mutton in this house. We searched another house but found nothing in it. I went to Herbertsons house but was not inside at the Search, After this Search I returned along with the others to the fank and over the ground already described. The footprints were not now Distinct considerable rain having fallen. In this Search we came upon a Spot different from any yet mentioned near the burnside and about 850 yards from the Fank

#### **Paper 1864 - 1021**

*[In Margin]* 27 January 1864 This Spot is between the two places previously alluded to and is I think about 80 yards from the fank. 140 yds

Fank where Sheep had been killed or skinned, we found Small portions of wool and the ground beaten as if with the backs of 2 Sheep or one Sheep laid in two places in the process of Skinning. I found at this Spot a piece of String which had been evidently used in tying the Sheeps feet. I gave this String to M<sup>r</sup> Scott, and I now see a piece of String labelled and marked which exactly resembles that found by me but I cant identify it I have marked the label as relative hereto.

being shewn a pair of tacketed Boots with Heel & Toe plates Marked N<sup>o</sup>

*[in margin M<sup>o</sup>Arthur N<sup>o</sup> 16]*

#### **Paper 1864 – 1022**

N<sup>o</sup> and having made an impression of them in earth I am satisfied they are the Boots which made the impressions which I have first described, I cant see any difference in the two, they are identically the Same in every particular.

Being shewn another pair of Boots Marked N<sup>o</sup>

*[in margin Herbertson N<sup>o</sup> 17 ]*

they resemble the prints Second above described in point of size but the Iron heels are worn off I cant say that they are the same. I have marked the labels attached to both pairs of Boots Being also Shewn two Sheeps Heads

*[in margin Labels 6 & 7 ]*

I identify them as the heads of Two Ewes of ~

#### **Paper 1864 – 1023**

of the cross between cheviot & Black faced belonging to M<sup>r</sup> Lang They are from the Baleachrach Hirsle Being also shewn two Sheep skins, *[in margin N<sup>os</sup> 8 & 9]* I identify them as the Skins of two of the Baleachrach Sheep and I am of opinion that they are the skins of the Sheep corresponding with the above two heads. Being farther Shewn Two Sheep Skins with heads attached *[In Margin Labels 4 & 5]* I identify them one of them is a Black faced Wedder rising 3 years old which belonged to my Hirsle but which grazed on the Balichrach farm

#### **Paper 1864 – 1024**

farm near the march I know the Sheep by its face perfectly. The other is a crosswedder, of the Balichrach Hirsels rising two years old.

I have signed the labels attached to each of these Being shewn another Blackfaced Sheep skin [in margin Label N<sup>o</sup> 11]

it is not one of M<sup>r</sup> Langs It is like the Skin of one of the Achnadrish Sheep belonging to M<sup>rs</sup> Forsyth The Skins of the Sheep belonging to M<sup>r</sup> Lang have been very roughly & hurriedly taken off the Sheep are quite fresh & have been taken off sheep killed within the last week All which is truth

Signed John Paterson

### **Paper 1864 – 1025**

Compeared John Scott residing at Sorne in the United Parish of Kilninian & Kilmore Island of Mull and Shire of Argyll who says I am 40 years of age I am sheep and farm manager for M<sup>r</sup> William Lang tenant of the farm of Sorne, Baliachrach, Lochs and Penalbanach, These form one tenement and are all contiguous and adjoining. It is chiefly stocked with sheep and they are divided into four Hirsels ~

### **Paper 1864 – 1026**

Hirsels corresponding with the above enumeration, John Paterson has charge of the Loch Hirsels

The stock on that Hirsels is of the Blackfaced breed and consists of Ewes, Wedders and Ewe and Wedder Hogs

The stock on the Sorne & Baleachrach is chiefly cheviots & crosses with a small number of Blackfaced.

Penalbanach stock is chiefly of the Blackfaced Breed with a few crosses, The number of sheep on the Tenement is ~

### **Paper 1864 – 1027**

is about 3,000

[in margin] 27 Janry. The exact number of 3003

but I havent my Books here in which I keep the accounts but I will furnish the exact number on each Hirsels when last counted in November 1863 on my return home

The Stock mark of the whole sheep is a round hole out of the right lug, - None of the sheep are branded - Besides the above there is an age mark on some of the Ewes. The six year old Ewes and the year old Gimmers have no ~

### **Paper 1864 – 1028**

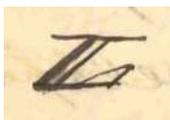
no lug mark except the hole. The Five year old Ewes & the Ewe Hogs have a bit out of the back of the left lug, - The four-year olds two back bits. The Three year olds one fore but out of the left lug and the two year old two fore bits out of the left lug. The Wedders have no age mark The only mark on them being the hole in the right lug.

The Stock is gathered twice a year for counting Viz<sup>l</sup>. In the month of July when clipped and in the month of November when dipped - The whole stock – except the Tups which are smeared, are dipped ~

### **Paper 1864 – 1029**

dipped and the wool; is known as white wool in contradistinction to sheep that are smeared which is called Tarry wool.

After the stock are dipped and before they are let out they are all marked or bursted with the letter



in Tar.

This mark on the Lochs Hirsels is on the left Shoulder, on the Baleachrach Hirsels on the right side near Loin, on the Sorne Hirsels on the Left side at the same place and the Penalbanach Hirsels on the right shoulder When or immediately after they are dipped the sheep are marked with the red keel over the Tar mark ~

### **Paper 1864 – 1030**

mark. There is no sheep stock in the Island marked in the same way.

At clipping Time, in July last a number of sheep as is always the case were missed from the several Hirsels, and a Number also were missed in November last when the sheep were dipped. I will give the exact Numbers from my Books when I return home.

In margin. In July 1863 the numbers missed at Counting were

Lochs 10

Baleachrach 8

Penalbanach 6

24

At dipping in Novr 1863 Balichrach 6

Penalbanach 2

8

The number missed was not unusual and did not Excite much suspicion We can scarcely expect considering the nature of the ground to get all the stock

The last time the Stock on ~

### **Paper 1864 – 1031**

on the various Hirsels were gathered for counting was in the month of November last. They will not be gathered again till May for marking the Lambs, It is quite impossible at this season of the year to have a complete gathering and it would serve no purpose besides injuring the animals In going my rounds I cant say that I have missed any sheep, The shepherds who know the sheep by face as well as by mark might do so if any were taken & that without gathering or counting them

On ~

### **Paper 1864 -1032**

On Monday 18 January 1864

The Witness John Paterson came to me about Mid day at Sorne & informed me about his finding some days previously near the Baleachrach fank the heart and Lung of a sheep and the traces of some wool among some pulled heather, and I concur with his statement regarding this. This circumstance did not excite much Suspicion, but I remarked to Paterson that we would ~~

### **Paper 1864 – 1033**

we would require to keep a look out about the Fank. Paterson came again to me at Sorne on Wednesday 20 January 1864 between 2 & 3 P.M. and I concur in his Statement as to the information which he then gave me I at once accompanied him to the fank at Baleachrach and found the appearances exactly as described by him I also concur with Paterson in his Statement as to the finding of the Small entrails of a Sheep

The Marks of a foot print of 2 men of the finding of their oil & Blood, His statement regarding these is quite correct except that I think the distance of the blood ~

### **Paper 1864 – 1034**

blood from the fank is about 90 instead of 40 yards as Stated by him. I have gone over the ground today & Stepped it The place where we found the

#### Sheep Entrails

is 70 yards distant from the fank on the upper Side, The distance of the blood & Foot mark is 90 or 100 yards distant from the fank on its lower Side. The appearance of the ground close to the blood indicated that a Sheep had been skinned as well as bled at that Spot, The distance from the Fank to the spot where a Sheep had been ~

### **Paper 1864 – 1035**

been skinned and where the bits of tallow were found as Stated by Paterson is 170 yards I also found pieces of Tallow at this place and from the appearance of the ground with Small quantities of wool lying around I was satisfied that a Sheep had been Skinned there I am also Satisfied that the marks in the Fank & below it by the side of the burn had been made during the previous night After making these observations I was Satisfied that not fewer than three Sheep had been Slaughtered & Stolen & I returned home & went early next morning 21<sup>st</sup> January 1864 ~

### **Paper 1864 – 1036**

1864 & lodged information with Allan Cameron Sergeant of Police He & I arranged to meet with as many of our Shepherds as I could gather at the fank to make a Search & I returned for this purpose Cameron & his assistant MacKenzie joined us at the Bridge on the public road a Short Distance from the fank Cameron had been at the fank before he came to us. He resolved to Search Some houses at Drimnacrosch & Antuim & we all went off for this purpose. Cameron and his assistant & I went first into MacArthurs house which we searched In a Crock we found a ~

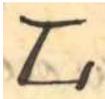
### **Paper 1864 – 1037**

a Bag resembling what I would expect from four skins. I could not identify any of the Skins. They were old & Dry. The wool is all of this years growth and the most of it taken of the skin of sheep which have been recently killed or had died a part of the wool about the Size of a fleece I am Satisfied tho I would not like to Swear positively to it is the wool of one of M<sup>r</sup> Langs Sheep,

I say this both from the Appearance of the wool The keel & the Tar marks which is found on it from this portion which is all the Same in appearance I took a Small portion on which on Careful examination ~

### **Paper 1864 – 1038**

examination I found the letter L  
[in margin Label No 2]



in Tar with the red keel above it

This portion I have kept & have produced & marked it

I now am shewn the Bulk of wool in Allan Camerons possession and having examined it am Still of the same opinion we Searched another house but found nothing Suspicious we then went to Herbertsons house & found Three pieces of fresh Mutton about two pounds weight. We found no wool. After this we all returned to the Baleachrach fank, we again made a careful Search and in addition to the Appearances described by Paterson & In which I concur I came upon a spot between the blood and ~~

### **Paper 1864 – 1039**

and the place described by Paterson, where he found that a Sheep had been Skinned where one or two Sheep had been Killed or Skinned, At these spots I found Small pieces of tallow & small tufts of wool, Paterson also found a piece of string which had evidently been used in tying the feet of the Sheep which he handed to me then & there & which I handed to Sergeant Cameron & which I have marked as relative hereto.

[in margin Label 14]

Being shewn a pair of Boots Marked N° 16

[in margin MacArthur N° 17 16]

I observe that they are nearly new that they are filled with Square headed Tackets in Six rows~

### **Paper 1864 – 1040**

rows, two one each Side two in the centre running into one at the toe & the hollow of the instep to the heel. That the toe plates & heel plates are plain & that the Space inside the heel plate is filled precisely with the print of the larger of the foot prints at the place where we found the blood I have made an impression of the boots in earth and the appearance there made corresponds precisely in Size and every other respect with the print at the Spot where the blood was I am satisfied and certain that these boots which are marked by me as relative hereto were worn by the person at the time the footprints alluded ~~

### **Paper 1864 – 1041**

alluded to were made.

I am Shewn a Second pair of Boots

[in margin Herbertson No 17]

Marked No & which I have marked as relative hereto, they are about the same size of the second foot print, but I observe the heel plates & tackets are worn off & I cant speak with certainty as to them. I met Sergeant Cameron and his assistant MacKenzie by appointment on

Saturday 23 January 1864 at the Bridge on the Public road nearest the Baluachrach fank, They were accompanied by Herbertson the accused. He took Cameron & me to a spot about ½ a mile below the fank, at the burn side and there in an ~~

### **Paper 1864 – 1042**

an old Stone Dyke he pointed with his hand and said “this is the place.” Cameron & I removed the Stones and we found concealed there

Three Sheep skins

Two Sheep heads

Eight Sheep feet

Two Sheep Skins with the head and feet attached

I examined all these at the time & Identified the two heads two if the skins and the two skins with the head on M<sup>r</sup> Langs property. This I had no doubt about. The skins were all fresh and appeared to have recently been taken off the sheep. They were very roughly handled, as if a person had ~~

### **Paper 1864 – 1043**

had been in a great [hurry] when skinning them off the sheep, one of the skins with the head was of a [in margin] Label No 4 Blackfaced Wedder, from the Lochs Hirsel.

The other skins with the head was

[in margin] No 5 a year old cross wedder from the Balichrach Hirsel &

[in margin] Labels 6 & 7 the other two heads cross Breed

[in margin] Labels 8 & 9 were heads of two Ewes of the cross Breed, from the Balichrach Hirsel.

The two Skins were also skins of two cross bred sheep from Baliachrach Hirsel and I think the skins are of the same sheep as the two heads which were separate from the skins I explain that I identify the

### **Paper 1864 – 1044**

the two heads as the heads of two sheep belonging to M<sup>r</sup> Lang from one or other of the 4 Hirsels and I am satisfied either from the Sorn or Balichrach Hirsel. It is from the Tar & Keel on the skins that I know the different Hirsels. There is nothing on the head to Distinguish the Hirsels.

At the place where we found these we also found the entrails of sheep. we took possession of the skins Heads & feet & left the entrails. I have today carefully skinned the heads & have marked and signed the labels attached to each of the skins.

The ~~

### **Paper 1864 - 1045**

The fifth Skin

[in margin] No 11 was not the property of M<sup>r</sup> Lang I am of opinion that it belonged to M<sup>rs</sup> Forsyth & from the farm of Achnadresh. It is a Dried skin, After finding these I went to the Moss at Antuim Herbertson pointed out a Peat Stack to Cameron which he began to pull down I assisted & below the foundation of the Stack & in a hole 3 feet deep we found a Sack nearly full which I assisted to pull up. I didn't at this time know the Contents of the Sack, we left it there in charge of MacKenzie the Constable. I then went to the river Side at the foot of the Moss and Herbertson ~

### **Paper 1864 - 1046**

Herbertson went to a Small island in the centre & there after removing some sods removed another sack about half full which he delivered to Cameron. Herbertson carried this and put it in the machine at the road. I then went to the Peat Stack and assisted MacKenzie to bring the other Sack which we also put into the Machine at the road. Neither of the Sacks were opened but in handling them I was Satisfied they contained mutton, Herbertson afterwards pointed out two places each about 10 yards from the Public road and between ~

#### **Paper 1864 – 1047**

between his own house and that of MacArthurs. The first place he said was the Spot where MacArthur had hid bottles Herbertson dug with a grape at the spot and MacKenzie & I got out 8 Bottles, but one was broken on removal. MacKenzie & I carried these to the Machine & Saw them put into it. Allan Cameron found the lot in the Second place pointed out by Herbertson while I was engaged washing the others we all returned to Tobermory and took everything to the Fiscals office I was present in the office when the Sacks were emptied of their contents The ~

#### **Paper 1864 – 1048**

The Sack first found which was the heaviest of the two contained

21 Fore and hind Shanks

and 67 other pieces of mutton

all fresh & recently killed. There was also a quantity of tallow and two or three broken hearts & livers.

The Mutton in this Sack from the number of Shanks & the Weight & appearance of it was equal to the carcasses of 5 or 6 sheep In the Sack Second & last found there were 4 Hind quarters 4 Fore quarters of Mutton entire quite recently killed & clean & fresh & 11 other pieces of Mutton & 2 Shanks of Mutton also fresh but longer killed than the entire quarters. In this Sack there ~

#### **Paper 1864 – 1049**

there was also from 7 to 8 lbs of Tallow also quite fresh In this Sack the quarters represented the entire carcasses of 2 sheep, & the other pieces would represent about ½ a sheep In both sacks the principal part of the mutton appeared to have been killed within a week. I this day put the mutton into a Barrel and Salted it in presence of Allan Cameron, and I signed my name to labels attached to each of the Sacks

*[in margin]* Labels 12 & 13      before I left the Fiscals office on Saturday evening  
Truth                              (Signed) John Scott

#### **Paper 1864 – 1050**

Tobermory 8 Feby 1864

Compeared John Macleod Shepherd and residing at Baliachrach in the united parish of Kilninian & Kilmore Island of Mull and Shire of Argyll who says I am 27 years of age - I herd and take charge of the Hirsel of sheep on the farm of Balichrach. these sheep belong to M<sup>r</sup> William Lang - This farm of Baliachrach marches with the other portion of the farm called Lochs Herded by the Witness John Paterson – and the fank of Baileuchdrach is near the march of the two farms - I know the two accuseds MacArthur & Herbertson - I saw them on the wood at Baliachrach on Tuesday 12 January 1864 ands they appeared to be concealing themselves I spoke to them They were sitting on the wood & had 16 Bundles of watlings laying beside them - I said they must ~

#### **Paper 1864 – 1051**

Must have been a good many days in the wood cutting so many Bundles. & they said they were - I saw them a few days previously in the wood but did not speak to them The Baleuchrach fank was about half a mile distant from the spot at which I saw them on the 12<sup>th</sup> and the first time I saw them they would be a little nearer it. I know where the[y] reside and in going to and returning from the places which I saw them they would pass quite close to the fank - The stock of sheep on my Hirsel are Cheviot and cross - The stock on the Loch Hirsel is black faced I remember distinctly of a Black faced Wedder belonging to the Lochs Hirsel which grazed on Baliachrach near the march Its head was quite Black & I knew it ~~

**Paper 1864-1052**

it by its face irrespective of the Lug and other marks - I have not seen this sheep on the ground since the 20<sup>th</sup> of February 1864 –

Being shewn the skin of a Black faced Wedder & Head

[in margin] Label No 4 I identify and have marked it as the skin and head of the sheep in question I have no doubt of it. I am quite certain I saw this sheep on the ground within a fortnight before I missed it -

Being also shewn

[in margin] No 6 & 7

Two sheep Heads

[in margin] 8 & 9

Two sheep skins &

[in margin] No 5

one sheep skin and head

I identify them as part of the Baliachrach stock - The two Heads are the heads of two cross Ewes, - and the skin with the head is that of a cross wedder - I have marked them as relative hereto - the two skins are in my opinion the skins of Two Ewes and I identify them as ~~

**Paper 1864 – 1053**

as part of the Baliachrach stock - these three cross sheep and the Blackfaced Wedder grazed together a short distance from the Baileuchrach Fank and would follow each other anywhere - I Know the sheep from their faces irrespective of the marks on the lug & skins - They were strong heavy sheep –

(signed) John Macleod

**Paper 1864 – 1054**

Dervaig 28 January 1864

Compeared Ann MacCallum who says I am about 16 years of age I at present reside with the accused Archibald MacArthur at Antuim in the united parish of Kilninian & Kilmore His wife is my aunt. I have been living with him for the last 4 or 5 weeks - I went to his house about Christmas last - I was previously Servant with Donald MacLean at Torloisk – but I got my leg broken and went to MacArthurs till it would mend - There are two apartments in MacArthurs house a Kitchen and a room There is a small passage between the two there is a door to the room and another to the Kitchen opposite each other - there is a sort of loft above the kitchen - MacArthur and Herbertson wife slept in the kitchen and I slept ~

**Paper 1864 – 1055**

slept in the room - I saw Herbertson the accused almost daily at MacArthurs house - On a day shortly after I went to MacArthurs he was absent all day and returned after dark I cant state the hour but it would be about 8 at the time he came home I was in a neighbours house on the opposite side of the road and one of the children called upon me in for dinner - I went and found MacArthur in the house - Immediately after dinner my aunt took

2 sheep heads

from a press in the kitchen and began to singe them on the fire - The heads were wet and were not in the house that day before MacArthur came home - Broth was made on the following days from these heads and they were thus consumed in the family - After the heads were singed I went to bed in the room ~

**Paper 1864 – 1056**

room I got up next morning and went to the kitchen - After I went into the kitchen MacArthur and his wife went to the room and shut the door. They were in the room fully half an hour - When they came from the room my aunt brought several pieces of fresh mutton to the kitchen which was stewed for breakfast - there was a Barrel in this room but a chest was kept on the top of it and I did not look into it - That same day my Aunt brought the inside of one or two sheep including pluck and cleaned them in the kitchen - Next day my aunt brought from the room to the kitchen

2 fresh sheep skins

which were all wet and dirty and from which she began immediately to pluck the wool - MacArthur himself was looking in at the time - The skins were not smeared and I think were all Blackfaced sheep  
- My Aunt next day washed the wool but I do not know where she put it  
Monday or Tuesday night Before ~

#### **Paper 1864 – 1057**

before the officers searched MacArthurs house he came into the house carrying a bag on his back with he threw down on a corner on some peats - He remarked that we [were] late in going to bed and as I was preparing to go before he came in, I went to the room and went to bed - My Aunt as he had been out all day set his dinner before him before I left - I thought the contents of this bag were turnips - Next morning I got up and went to the kitchen and I did not observe the bag then in it but MacArthur and my Aunt as before went to the room shut the door and were there for a long time - I heard noise as if they were breaking something with an axe I heard the sound of blows - After they had done they returned to the kitchen my Aunt on her return to the kitchen brought with her some fresh mutton broken up which was prepared for Breakfast - I did not see any skins or heads this time - Neither of them said anything ~

#### **Paper 1864 – 1058**

thing about the mutton - Herbertson was not with him that I saw these [lyenings] - I think it was mutton that was in the sack and that it was put into the Barrel and salted - There was no where else to put it

The night that MacArthur brought home the sack Herbertson came into the house a little before dark and sharpened his knife and he and MacArthur went off together saying they were going to Achnadrish and that they would get the news from old Herbertson who had been at Oban looking for a situation - Herbertson was not with him on his return

I didn't see Herbertson in MacArthur's that night, before MacArthur's house was searched - MacArthur came in about 9 P.M. with Herbertsons sister Mary - He went out with her and returned in a few minutes and I then went to bed and slept - I heard no ~

#### **Paper 1864 – 1059**

no noise in the house that night

I was in the house the next day when the Officers came and was certain they would find the mutton in the house as I was not aware that it had been removed. My Aunt told me after the search was over that the mutton had been hid - I am aware that some skins and wool were found in the house by the Officers - Whitsunday last 12 month ago I gave 2 Blackfaced sheepskins to my aunt for which she gave me one pair of stockings

I don't know what became of these skins or the wool on them - I cant say whether or not any part of the wool or skins found in the house is part of the skins which I gave to my aunt as aforesaid - I am aware that Neil Kennedy took some Watlings for MacArthur to Tobermory ~

#### **Paper 1864 – 1060**

Tobermory on the Saturday before the last new year. – Herbertson on that day was in MacArthurs house in the morning after Breakfast. MacArthur asked him how many sheep skins he was sending He said Six - the two then went off together - Herbertson I think had a cart of his own but I don't know how the skins about which he spoke were to be carried or where they were to go, or where he got them - Truth

..... 13 February 1864

Re : examined and being shewn a large Sack or Bag of a dark brown color, It is very like the one I saw MacArthur bring into his house at Antuim

[in margin ]:Label No 13 MacArthurs on the night of the 18<sup>th</sup> or 19<sup>th</sup> January last as previously

#### **Paper 1864 – 1061**

previously spoken to. I would not like to swear to the bag being the same but it is remarkable like it and the same is labelled and marked as relative hereto. Truth ~

Note by P.F. This is a very stubborn Witness & appears to know more than she has told ~

**Paper 1864 – 1062**

12 February 1864

Flora Maclean or Macdonald wife of and residing with Alexander Macdonald a Labourer residing at Antuim in the United Parish of Kilninian & Kilmore aforesaid, Says, I am 55 years of age. I know the accused MacArthur. Our house is about a quarter of a mile from his. I have been occasionally in his house, and have very often seen Morrison and his wife carrying home Peats in a Sack of a dark brown color ~

Being shewn a Bag

[in margin : Label No 13. MacArthurs ]

I think it is the same Bag ; indeed I am confident it is the same not from any particular mark but generally and from having seen it so often used by MacArthur & his wife in carrying peats, and the same is labelled and marked as relative hereto. ~

Truth ~ I cannot write ~

**Paper 1864 – 1063**

28 January 1864

Gaelic

Compeared Isabella Cameron or M<sup>c</sup> [Cannail] a Pauper and residing at Antuim aforesaid who says I am 50 years of age I live in a Small house immediately opposite the one occupied by MacArthur the accused Herbertson the other accused lives farther up the Glen at Drumnacrosch

M<sup>rs</sup> Herbertson wife of the accused had a baby lately I was with her 3 days after she was confined & before her recovery. I came home to my own house in the evening on one of the days I was there Herbertson in the daytime brought into the house the inside of a sheep wrapped in a towel He gave ~

**Paper 1864 - 1064**

gave it to me to clean telling me that he got instructions from his Mother at Achnadrich I cleaned the puddings by scalding them they were fresh I saw some mutton Salted and in a tub in the house We had part of it to Dinner on the 3 days which I was there I didn't hear from any one how it was got I saw no Sheep heads or skins Truth cant write

**Paper 1864 – 1065**

Corrachaene 28 Janry 1864

compeared M<sup>rs</sup> Mary MacLean wife of and residing with Donald MacLean residing at Corrachan in the united parish of Kilninian & Kilmore aforesaid who says I am 50 years of age, Herbertson the accuseds house is about ½ a mile from my house I act as Midwife and I was with her when delivered of her 3 children The youngest is about 2 months old I was two days & two nights in the house when she was confined of this one & I went for a week afterwards night and Morning to dress & sort the Child She had no regular attendant at this confinement but was assisted ~

**Paper 1864 – 1066**

assisted by her neighbours. She has no servant I saw no Drink in the house except a little whiskey we had mutton to every meal when I was there but it was chiefly Braxy I got fresh mutton only once It was newly Killed & was cooked as a Stew. M<sup>rs</sup> Herbertson said her Mother in law always when confined sent her some mutton. Herbertson was [in] his house during both nights I was there he went off in the mornings & returned in the evenings Truth.

**Paper 1864 – 1067**

Tobermory 29 January 1864

Compeared John Kennedy a Crofter residing at Dervaig in the united parish of Kilninian & Kilmore who says I am 50 years of age I was in Aros On

Wednesday last week

tho I do not know the day of the month - I was accompanied both going and returning by Donald MacLean and Charles Cameron witnesses Our way lay past Drimnacroish and Antuim . We reached Drimnacroish which is about 2 miles from Dervaig about 9 P.M. The accused Herbertson resides at Drimnacroish a little bit above the road. The other accused MacArthur resides in a house quite close to the road at Antuim - MacArthurs house is nearer Dervaig than Drimnacroish - That night at the time above stated we met MacArthur walking as from his own house to Herbertsons carrying a spade ~

#### **Paper 1864 – 1068**

spade - He was nearer Herbertsons house than his own - MacLean spoke to him and asked where he was going with the spade - He said in answer that he was going to Herbertsons house to get a nail put into it -  
Nothing farther passed between us and MacArthur went home - we pursuing our journey homewards  
On the following day I heard that the Officers had searched both MacArthur and Herbertsons houses -  
Truth - Cant write

#### **Paper 1864 – 1069**

Tobermory 29 January 1864

compeared Donald MacLean Labourer residing at Dervaig aforesaid who says I am about 50 years of age I concur with the preceding witness John Kennedy - when we met MacArthur he was carrying the spade in his hand but not over his shoulder We stood with him about 5 minutes I asked where he was going so late at night with the spade - His answer was I am going to put a nail in it I am going tomorrow to work at Achnadrish with it and that so far as I remember Herbertson was to go along with him - He did not say that he was going that night to the house of Herbertson the accused There are no Blacksmiths shop in the direction MacArthur was going and I thought his statement about the repair of the spade curious There ~

#### **Paper 1864 – 1070**

There is a Blacksmiths shop in Dervaig about a mile from his own house but he was travelling in an opposite direction from Dervaig –  
I know the Antuim moss it is situated below the road and between MacArthur and Herbertsons house - I know MacArthur cuts peats in this moss but I do not know the particular place –  
I am aware that Herbertson and MacArthur have been constant companions but I have only seen them once about Dervaig since the house breaking Inn was discovered.  
I did not see Herbertson the night that we met MacArthur with the spade - It was moon light when we met MacArthur Truth Cant write

#### **Paper 1864 – 1071**

Tobermory 29 January 186

Compeared Charles Cameron son of and residing with John Cameron Crofter residing at Dervaig aforesaid who says I am about 22 years of age I concur with the preceding witness with the following addition, I saw MacArthur standing on the road with a spade, the one end of which was on the road and the other in his hand - Before we came up to him he lifted the spade and carried it either in his hand or shoulder but I cant say which - It was then Donald MacLean spoke to him - we did not stand more than a minute or two when MacArthur walked on towards Herbertsons house

#### **Paper 1864 – 1072**

Tobermory 26 Jany 1864

Compeared Mary Herbertson daughter of and residing with John Herbertson Senior Farm Manager Achnadrish in the parish of Kilninian & Kilmore and Island of Mull and shire of Argyll who says I am 24 years of age John Herbertson the accused is my brother He has been resident in the near neighbourhood of the other accused MacArthur for 3 years - For the last 6 or 8 months I have observed that he and MacArthur were always together - My father's house is about 2 miles from my brother's and the same distance from MacArthurs by taking the hill - My father has frequently advised my brother to avoid MacArthur and all who wished him well gave similar advice but it was unheeded - I was in Glasgow for 6 weeks and returned about 6 weeks ago - Since then my brother so far as I

know had done no work except a day now and then Fanking and dipping sheep - MacArthur and he have however been going through the woods cutting and selling watlings for ~

### **Paper 1864 – 1073**

for Lobster creels - We advised him to drop this sort of work as it was not respectable

On a day between 4 & 5 weeks ago and I think a day or two before Christmas new style MacArthur and my brother came to Achnadriish - My father was fanking some sheep that day and he asked them to wait and assist him. They both agreed - My brothers wife had been delivered of a baby about a week previously and he asked me to go over and see her that there was no one to take care of her I was unwilling to go as I had not been in the habit of visiting his house but he insisted so much that I went - My brother when I left told me that I would not require to remain over at night as he would be home early - I went off over the Hill and found his wife in bed - and the midwife M<sup>rs</sup> M<sup>c</sup>Lean along with her in the house - I reached the house in the afternoon . M<sup>rs</sup> Morrison left & another old woman of the name [*paper torn*] Cameron came in - There was a[.....] bed

### **Paper 1864 - 1074**

bed in the house & a neighbour M<sup>rs</sup> M<sup>c</sup>Lean asked me to sleep there - I remained with her till 2 o'clock of the following morning & up to that hour my brother had not returned home - I then left and returned next morning after I got up I went to my brothers - My brother got up and opened the door to me - I didn't asked him why he had been so late out the night before It was then moonlight I didn't see any mutton in the house except about 2 lbs which my brother told me to prepare for Breakfast - The mutton looked better than the mutton we were using but I didn't ask where it was got - I had no suspicion - I took breakfast and after preparing a fowl for cooking I left and went home and havent been there since - I didn't see any wine of Ginger cordial in the house but I observed some empty bottles on the dresser - All which is Truth

### **Paper 1864 – 1075**

Tobermory 1 February 1864

Re – examined - The two accused called at our house at Achnadriich on the Wednesday before they were apprehended [*in margin* 30 Janry] MacArthur said to me that they were going to Tobermory - I did not ask what they intended to do there & they did not tell me. I asked MacArthur to bring me a pound of butter from Niel M<sup>c</sup>Kinnon Merchant Tobermory & I gave him a white pocket Handkerchief to carry it home to me - The two went off together towards Tobermory after remaining a few minutes in our house - The house of Paterson the Shepherd at the Lochs is on the road side and about half way from our house to Tobermory - Our house is 7 miles from Tobermory - I did not see them again that day – but they both called at our house on the

Thursday following

the day on which their Houses were searched - In the forenoon, both of them were very drowsy as if they hadnt been in bed all night - I remarked this to them at the time - MacArthur said they had been in M<sup>rs</sup> Petries Inn at Tobermory - I asked MacArthur for the Butter which he was to bring me - He said that he had called at the shop, that M<sup>c</sup>Kinnon was sick and in bed, that he had seen his Shopman Lachlan MacLean and that as he had nothing but bad butter he would not send it - I ~~

### **Paper 1864 – 1076**

I told him that I didn't think he was telling the truth and he swore that he was - He returned my pocket hand kerchief It was very dirty and sandy and had a dirty smell, tho it had the appearance of being [.....ing] out and cleaned- It was quite clean when I gave it to him. I didn't ask how he had dirtied it ~ My brother Herbertson said they had been in Tobermory all night, but that he did not see MacArthur call for the Butter at MacKinnons. After remaining a few minutes they left and said they were going to Baliachrach to cut watlings They had been going backwards and forwards to Baliachrach and Baileuchdrach for the last 6 weeks at this kind of work. Our house is on the way from their houses to Baliachrach & Baileuchdrach ~

This same afternoon Viz<sup>t</sup> Thursday, I saw Allan Cameron the Sergeant of Police at Achnadriich on his way to Tobermory - He asked me when we had killed the last sheep at Achnadriich and I told him that none had been killed since I returned from Glasgow. He then told me that sheep had been

stolen & that my brother's house at Drimnacroish had been searched by him that day. I thought something was wrong and I went off to Drimnacroish with my little brother Duncan to see my brother - I reached the house about dusk - My brother had not returned home - I had been

#### **Paper 1864 – 1077**

been there about ½ and hour when MacArthur & my brother came into the house together. - MacArthur was whistling. ~ I said to him that if he was as much put about as was [sic] he wouldn't be so merry. I asked them if they had heard of the officers being over and of the search that had been made. - they said they had - MacArthur said that had he been at home when they were at his house, he would have kicked them out. He said there was nothing found in his house but a few dry sheep skins having coarse wool that couldn't be made into cloth. My sister in law told that two pieces of mutton had been found in her house & that she had told the officer that it was got at Achnadrish - MacArthur was angry at her for saying this & that the officers had no business to know where it was got. He cursed at her for telling. My brother was very dull & did not join in the conversation. MacArthur on the other hand was very merry singing and whistling alternately. ~ Both my brother & MacArthur told me that they had that day seen the Officers at the Baileuchdrach Fank - while they were at the watlings. ~  
From MacArthurs statements I thought everything was right and I left to go home. My brother came with us to the door & MacArthur came out with me as his house lay on my way home - We had to pass Alexander Munros house and MacArthur told me it had been also searched. He asked me to go with him to Munros house to hear what he was saying' - After we got there MacArthur ~

#### **Paper 1864 – 1078**

MacArthur repeated the same statements as he did in my brothers house. Cursing the Police, but very merry. We remained a few minutes & on passing MacArthurs house he asked me to go in as it was wet. - I did so and there were some potatoes on the table of which I partook. I remained half an hour and then went off. He put me a few yards along the road & I have not seen him since. He said he would not call at Achnadrish on the following day as he was afraid my father would be angry with him in being the cause of the officers calling at Achnadrish. ~

I never at any time gave MacArthur any sheep skins either in a gift or to sell for me. I never gave my brother any skins either. ~

I don't think either MacArthur or my brother were in our house on the Tuesday before their apprehension, either during the day or in the evening. Had they been so I would have recollected it ~  
Truth \_

(Signed) Mary Herbertson

#### **Paper 1864 – 1079**

Drimnacroish 28 January 1864

compeared Niel MacKinnon son of and residing with John MacKinnon, Cottar, Drimnacroish in the united parish of Kilninian & Kilmore aforesaid, who says I am 14 years of age - Our house is a short distance and on the opposite side of the road from the one occupied by Herbertson the accused ~

I was in the house in the evening of the day on which it was searched by the officers. Mary Herbertson and Duncan Herbertson the brother and sister of accused were there : when I went to the house, Herbertson was not in, but he and the other accused shortly afterwards entered. ~ Mary Herbertson asked them if they had heard that the officers were about the place - MacArthur said he had, - that he did not care, that there was nothing found with him at any rate. M<sup>rs</sup> Herbertson said that two pieces of mutton were found in her house and that she had told the officers they were got from Achnadrish. Both Herbertson and MacArthur found fault with her for telling the officers that . - they said it might have been got in places she knew nothing about. Herbertson appeared very dull & said very little. MacArthur on the other hand was hearty and began to sing Gaelic songs to keep up his spirits, - MacArthur was making light of the search and during the talk about, he said that three skins were found in his house which he had got last year, but I don't recollect if ~

#### **Paper 1864 – 1080**

if the name of the person from whom he got them was mentioned - I didn't remain long in the house and soon leaving it went home, ~

I have observed that MacArthur was often about Herbertsons house ; they were companions, were continually together both on week and Sabbath days. – Truth . ~

**Paper 1864 – 1081**

10<sup>th</sup> Feby 1864

Lachlan MacLean shopman to and residing with Neil MacKinnon Merchant residing in Tobermory aforesaid Says I am 17 years of age –

I know John Herbertson one of the accused, but I do not know Archibald MacArthur the other accused: never having seen him to my knowledge -

M<sup>r</sup> Herbertson Senior is a customer of ours. - All his orders for goods are given by a written order or by himself or any of his family personally, when they happen to be in town –

I have seen nobody in M<sup>r</sup> M<sup>c</sup>Kinnon's shop at any time in the month of January last asking for butter either in the name of or for Miss Herbertson neither was M<sup>r</sup> MacKinnon ill or ~

**Paper 1864 – 1082**

or confined to bed at any time during the said month of January. Truth ~

**Paper 1864 – 1083**

10<sup>th</sup> Feby 1864

Jessie Livingstone, Servant to and residing with M<sup>rs</sup> Petrie in the Mull Hotel, Tobermory aforesaid, Says, I am 22 years of age, On Saturday 9 January 1864, about 8 o'clock P.M. three men came into the back room of the Inn and asked for a tankard of ale – Archibald MacArthur one of the accused was one of the party : John Beaton of the Smack "Phoenix" was another but I did not know the third I served them with the ale : for which MacArthur paid one Shilling They had another Tankard, for which Morrison paid After finishing the second Tankard they got a third, for which MacArthur paid : On paying the third tankard, MacArthur shewed me a half Crown piece, and Said, Do ~

**Paper 1864 – 1084**

Do not think I require to change this, for I have plenty more money," at the same time taking some money out of his pocket and jingling the same in his hand - They went away shortly afterwards and I have not seen them Since –

MacArthur seemed to be a little the worse of liquor, but the other two were sober - Truth -

**Paper 1864 – 1085**

8 Feby 1864

James Stirton Forrester and residing at Drumfin Cap<sup>t</sup> Campbell of Aros is proprietor of that Estate and his residence is at Drimfin. He has been absent Since beginning of last Dec<sup>r</sup>. There is some sheep draining on the Estate but he set the Job before leaving. He attends to the Setting of all improvements himself and I oversee them when he is away There have been no jobs for draining let Since he went away and no one has applied to me for work at Drains or any other work Since Capt ~

**Paper 1864 – 1086**

Cap<sup>t</sup> Campbell left I don't know either Herbertson or MacArthur the accuseds.

(Signed) James Stirton

**Paper 1864 – 1087**

Dervaig 28 January 1864

Compeared Catherine Kennedy residing at Dervaig in the United Parish of Kilninian & Kilmore aforesaid - who says I am 72 years of age ~

The Police Constable John MacKenzie from Tobermory searched my house on

Tuesday last (26 January 1864)

and took possession of a quantity, about two fleeces and which is not Teased, but is still wet. ~ About the middle of last week I went to Archibald MacArthur's house on my way home from Drimnacraish.

M<sup>rs</sup> MacArthur asked if I would spin some Wool for her & I said I would. She said she was in a hurry

for it and wanted to have it spun without delay, and that she would pay me for my trouble. She also said that she meant to go South to remain there. She gave me the unteased wool found by MacKenzie which I took home with me. There was nearly a fleece in the Bundle. The wool was wet and not smeared and appeared to be new and recently taken off the skin. ~

That same evening I heard that Herbertson and MacArthur were apprehended in a charge of sheep stealing. ~

On the Evening of Monday last (25 January 1864)

I had occasion to go to Drimnacroish again ; on my return home I called at MacArthurs. M<sup>rs</sup> MacArthur handed me a Pillow Slip with a quantity of wool and said I were to spin it along with what I had got before. I took the Pillow slip with its contents with me home to Dervaig. I took the wool out of the Bag. There was about a fleece of wool. It appeared to be newly pulled

### **Paper 1864 – 1088**

pulled of the skin and was new and still not dry - It was not smeared. I cant say whether the wool was that of Black faced sheep or white faced or cross ~ I put the wool which I got from M<sup>rs</sup> MacArthur on both occasions together and it has got mixed so that I cant separate what I got on the first occasion from that which I got the second and last time ~

I have marked a label attached to a portion of the wool I got from M<sup>rs</sup> MacArthur

[*in margin* ] Label No 18 Truth Cant write ~

I got no mutton from M<sup>rs</sup> MacArthur or her husband the accused. I have not been to MacArthur's house since I got the wool last spoken to. - The distance from my house to MacArthur's I should think would be about a mile. ~

### **Paper 1864 – 1089**

11 February 1864

Dugald MacLachlan Keeper of the Prison of Tobermory and residing there says I am 49 years of age- The two accused MacArthur and Herbertson were committed to the Prison of Tobermory for farther examination on a charge of sheep stealing on Saturday 23<sup>rd</sup> January 1864. on that day I caused MacArthur to take off his Boots which I have produced and mark –

[*in margin* No 16]

They are nearly new Boots are strong, having six rows of Tackets with heel and toe plates of Iron - That same day or on the Monday following I caused the other accused Herbertson to take off his Boots also and I have produced & marked them

[*in margin* No 17 ]

These pair are much worn and want the heel plates - they have also tackets but a good many of them are worn ~

### **Paper 1864 – 1090**

worn out - truth -

(Signed ) Dugald MacLachlan

### **Paper 1864 – 1091**

Tobermory 29 January 1864

Compeared Thomas Semple Tenant Antuim in the united parish of Kilninian & Kilmore in the Island of Mull – who says I am 50 years of age - The accused MacArthur lives in a small cot house at the side of the road on my farm and about 250 yards distant from mine - I am three years in possession of farm I found MacArthur on the farm when I came I occasionally employed him but he was not a constant worker on the farm - Putting it all together he did not work a month to me since I came to the farm - I know Herbertson the accused he lives at Drimnacroish about ½ a mile further up the glen than MacArthur - He and MacArthur were great companions being almost always together - they did not appear ~

### **Paper 1864 – 1092**

appear to keep company or go with any other person - MacArthur has permission from me to cut peats in the moss at Antuim - This moss lies between MacArthur & Herbertson's house and a little below the road which leads past both their houses - MacArthur last season cut peats in the moss and there are at present in the moss two or three small stacks of peats belonging to him - I never at any time either gifted or sold him any wool or skins. I understand my son Richard who acts as shepherd about this time last year sold MacArthur a small Hog which had died of Braxy -

On Thursday 21 January 1864

I was present at the request of Sergeant Cameron when the houses of the two accused were searched John Scott a witness was also present I ~~

#### **Paper 1864 - 1093**

I saw about

a stone and a half of wool

in the house of MacArthur all or nearly all white and Black faced It appeared to be nearly all quite recently taken off the skins and to have been the growth of this year. No part of it was fleeced wool. I also saw

Six Sheep Skins

5 of which had wool and the other was bare - The skins with the wool were all Blackfaced and white - I am of opinion that they were all Hog skins except one and to have been taken off the sheep within the last two months - I could not identify any part of the wool or skins but I am quite certain that the Hog skin sold by my son to MacArthur was no part of either - I cant say that I have missed any sheep from my farm. They are all smeared with Tar this year - I also saw in MacArthur's house ~~

#### **Paper 1864 - 1094**

house a small piece of mutton which had no appearance of Braxy and which I am of opinion was part of a sheep slaughtered within a month. - It had been in salt for a short time but was not fully salted. - MacArthur was not present at the search - In Herbertson's house I saw about a hatful of white wool unteased and

three small pieces of Mutton

which appeared fresh and not more than a week old - They were parts of a slaughtered sheep - Herbertson was not present when the search was made

I was present on Saturday 23 January 1864

with Sergeant Cameron and the accused Herbertson in the moss at Antuim when a sack nearly full

was pulled out of the foundation of ~~

#### **Paper 1864 - 1095**

of a stack of peats at the part of the moss used by MacArthur. This stack had been nearly carried away for burning and the sack was found at a depth of fully three feet - I did not see the sack opened but I felt it and I observed a shank of mutton which was in the Bag - I lifted the bag and from its weight considered it was equal to a load of meal Viz! 280 lbs or 2½ cwt -

Herbertson took Cameron to the river which runs past the foot of the moss and there on a small Island Herbertson dug out another sack which was about the bulk of 2 bushels of corn - I lifted this sack and its weight would be about 1 cwt - From the feeling of the sack I was of opinion that it also contained mutton. These two sacks were put into a conveyance at the road and were taken possession of by Sergeant Cameron - All which is truth

Signed Thomas Semple

#### **Paper 1864 - 1096**

25 January 1864

Jessie Paterson or Morrison a Widow presently residing with John Paterson a shepherd at the Lakes about four miles from Tobermory in the united parish of Kilninian & Kilmore aforesaid, 60 years of age

Says on a day in the middle of last week

a little after dusk a man came into the Kitchen of our house sat down at the fireside and lighted his pipe - After he sat down I asked his name and where he came from. He answered that his name was MacArthur : that he was married and residing at Antuim and that he had a companion along with

his who was waiting outside. He did not say who this companion was. He then remarked that Paterson was seemingly not at home, and said that he had met him going to Tobermory He said he heard that Paterson was to leave M<sup>r</sup> Langs service this year

### **Paper 1864 – 1097**

year - I said I heard nothing about it He then rose off his seat and asked if we had any Braxy to sell - I answered that we had none. He then bade me good night and went away and I shut the door. I do not know in what direction he went, and have not seen him since. I cannot say that I could identify him again - but I am certain that he told me his name was MacArthur from Antuim Truth I cannot write~

### **Paper 1864 – 1098**

Tobermory 29 January 1864

Compeared Richard Semple son of and residing with Thomas Semple farmer Antuim aforesaid who says I am 16 years of age - I know the accused MacArthur who lives in a small cot house on our farm - About

I sold to MacArthur this time last year  
a small Hog  
which I had found in the hill for two or three shillings - The wool on this hog was smeared with Tar and would weigh about 3 lbs - I never sold him any wool and this is the only animal he ever bought from me - I never gave him either wool or skins in a present - I act as shepherd to my father and am called Ritchie when spoken to or about - All which is truth

### **Paper 1864 – 1099**

Tobermory 1 February 1864

compeared Alexander MacLean residing at Dervaig in the united parish of Kilninian & Kilmore – who says I am 62 years of age - I had the charge of the Bellachroy Inn and farm from the 6<sup>th</sup> of April to the 6<sup>th</sup> of December 1863 - These premises were Leased by Allan Macdougall who became Bankrupt and whose Estates were sequestrated before I got charge - I saw a gentleman at Bellachroy from Glasgow who told me that he was Trustee for MacDougall's creditors - M<sup>r</sup> Sproat Writer Tobermory was the person who employed me to look after the property and I was acting under his instructions - The Effects both in the Inn and on the farm were sold by auction in ~~

### **Paper 1864 – 1100**

in the end of September and beginning of October last, but I don't remember the particular dates. The Stock and the greater part of the furniture were sold first, - and in a week thereafter the crop and the remainder of the furniture was sold - In the Inn on the second flat there is a public room extending across the building. There is a gable wall in this room separating it from the Barn - There are two wall presses on [.....] gable in the Public room on each side of the fire place - In one of these presses – the one on the north side there were a number of Bottles of wine & a Jar which were not sold - There is only one door entering to the room for the upper landing .  
On the day of the first sale M<sup>r</sup> Sproat and I counted the number of wine bottles that were in the press. I locked the press and gave him the key after he did so. I was present when the Bottles were counted & there were

54 in all and a 2 Gallon Jar

The wine was not offered for sale and

### **Paper 1864 – 1101**

and was left in the press - I locked the door of this room and also all the other doors in the house and the outside doors that Evening after the sale and took the keys home - I was in the house on several days afterwards giving out articles bought - to the purchasers - locking the house as before on each day and taking the keys home - On the second sale day – that is the day on which the crop was sold - I opened the door of the public room upstairs and M<sup>r</sup> Sproat opened the press containing the wine and both press and wine were then all right - I tasted what was in the jar and found that it contained and was full of

I don't know what was in the bottles ~~

### **Paper 1864 – 1102**

bottles, but M<sup>r</sup> Sproat when he counted them said they contained Wine - A number of the bottles had a silver covering over the corks and down part of the neck - Others but I cant say how many had a blue covering over the cork - The other bottles had no covering but were all stamped with red sealing wax - I locked up the press on this day and returned the key to M<sup>r</sup> Sproat - I also locked up the room and the other room doors and outer doors of the house - I also locked up the stable and secured the snib of the Sashes of the two stable windows but there was a pane of glass broken in one of these windows by which from the outside ~~

### **Paper 1864 – 1103**

outside the snib could easily be removed - I took the keys home with me and kept them and had all the keys except the key of the wine press which was kept by M<sup>r</sup> Sproat - A day or two or some short time afterwards M<sup>r</sup> Adam and M<sup>rs</sup> Forsyth came to Bellachroy and at their request, as the Inn belonged to them, I let them in to the public room to take some refreshment which they had with them - I merely opened the door of the public room but did not go in - they remained nearly an hour and after they left I locked up the house as before and it has been since unoccupied - About a fortnight after the last sale Hector M<sup>c</sup>Lean a neighbour got permission to put some corn ~~

### **Paper 1864 -1104**

corn into the Barn and I gave him the Key of the stable from which access could be had to the Barn and he afterwards Kept it in his possession - I retained all the other keys. - In the end of November 1863 tho I don't remember the exact date, MacLean came to me and gave me information that he had that day observed that the Inn had been broken into by opening a hole in the gable from the Barn opposite the press. I went at once to the Barn along with M<sup>c</sup>Lean and found the statement correct - I sent word that day to M<sup>r</sup> Sproat I had not been in the house or in the Barn for about a month before this as I had no suspicion and as there was nothing in the

### **Paper 1864 – 1105**

house except the wine and two or 3 empty casks.- Allan Cameron Sergeant of Police came over next day and he and I went to the Barn examined the opening in the gable and found that besides the removal of the stones and the lime the wooden lining of the press had been nearly all cut away and removed. A sharp knife or chisel having apparently been used for the purpose. The thickness of the wall at this place was 10 inches and the size of the hole made in the gable was 16 by 22½ inches - We examined the Barn but found nothing to lead to the detection of the depredators - The stones & the lime taken out of the gable were lying on the Barn floor close to the hole - After making this examination Cameron and I went to the Public ~~

### **Paper 1864 -1106**

public room in the Inn and I found the front doors and the door to the public room locked as I had left them - The press door containing the wine was also locked - I observed that the press door and also the wooden architrave bore distinct traces of an attempt to force the door open by inserting a thin piece of iron between the door and the architrave above the lock. The Iron rust and the indentations of the Iron on the wood of the door and architrave were quite distinct. I found a thin piece of rusty Iron, laying on the room floor near the press door, which I produce and mark –

*[in margin No 33 ]*

Cameron had the Key of the press, - with which he opened and I then found that all the wine except  
*[ in margin Nos 31 & 32 ]* 2 bottles

was stolen - I took these two bottles to my own house and ~~

### **Paper 1864 -1107**

and they are produced and labelled and marked as relative hereto –

There are two windows in the public room, - one in the North and the other in the South side. We found the window on the North snibbed but we found that the snib was off the sash on the south window. These windows were both snibbed by me on the day after the first sale before locking up the room, and the snibs could not afterwards be removed from the inside except on the day of the Second sale and the day that M<sup>r</sup> Adam & M<sup>rs</sup> Forsyth were in the room, - and I did not on these days examine the windows before locking up the room –

The Inn and offices form two sides of a square and are all under

### **Paper 1864 – 1108**

under the same roof - The Inn is the one side and the Offices is the other side - there is a gable between & separating the dwelling house from the office houses - This gable has one face to the Barn and the other to the public room. There is no communication betwixt the Barn & the dwelling house - The access to the Barn is by a trap stair from the stable - There is a door above the stable door to the Granary and there is also a door to the Barn above the Byre door but there is no access either to the Granary or Barn doors from the outside - there were no Keys to either the granary or Barn doors but they were shut from within but not secured - To get access to the public room without ~~

### **Paper 1864 – 1109**

without breaking the door leading to it and also the 2 front doors must have been by the South Window and the use of a ladder. To get access to the Barn a person must either have got to it by one of the Stable Windows & so up the trap stair or by thence of a ladder [...ther] the Barn or granary doors I did not observe that any force had been used on the Barn or Granary doors & I am of opinion that the entrance to the Barn by the depredators must have been thro the Stable All which is truth

Signed Alex M<sup>c</sup>Lean

### **Paper 1864 – 1110**

2<sup>nd</sup> February 1864

Compeared Hector M<sup>c</sup>Laine Shopkeeper and residing at Dervaig in the united parish of Kilninian & Kilmore Island of Mull and Shire of Argyll who says I am 45 years of age

I remember the day of the sale of Crop which took place at Bellachroy on  
5<sup>th</sup> October 1863

and at which I was present - I live quite close to the Bellachroy Inn and I am aware that the premises were then and have since been unoccupied and locked up

About a fortnight after the above sale I got permission from M<sup>r</sup> William Blair factor for the Trustees of the late M<sup>r</sup> Forsyth the proprietor to house some Oats which had grown upon my garden in the Barn at Bellachroy - I put the oats into the Granary above the stable and then removed them to the Barn which is in the same landing - The Granary is above the stable and the Barn is above the Byre -

[*in margin*] There is a partition wall between the Granary and Barn with a door communicating the one with the other – This door ~~

I got the keys of ~~

### **Paper 1864 - 1111**

~door can be fastened from the Granary with two bolts - I secured this door always after leaving - The access from the Stable to the Barn is through the Granary

~ of the stable from Alexander M<sup>c</sup>Lean a Witness I forked the oats into the Granary from a cart by the door above the stable door. I had the key for the first three or four days but I returned it to M<sup>c</sup>Lean in the Evenings and got it again in the mornings when I wanted it - I was always careful of locking the Stable after leaving the premises I was in the Barn daily 8 or 9 days thrashing the oats after I put them in and locking the door of the stable in the evening after leaving - After the oats were thrashed I visited the Barn occasionally to turn the straw as it was wet - the doors to the Granary and Barn had no locks but I was shutting them in the evenings securing them from the inside with a piece of wood There is no access to either the Barn or Granary except by a trap ladder from the Stable - There is no

outside stair either to the Granary or to the Barn and access from the outside cant be had except by a ladder The height of the step of the Granary door is about 10 feet and that of the Barn 13 or 14 feet from the ground - I visited the Barn on ~

**Paper 1864 – 1112**

on

Friday 27<sup>th</sup> November 1863

and I then found that the gable opposite the press on the north side had been broken open and the stone and lime removed from the wall were laying on the Barn floor. The hole in the wall was large and I observed that the lining of the press had been cut away with a sharp knife or chisel - I found this day on going to the Barn that the stable door was locked as I had left it and also that the doors of the Granary and Barn were also shut and in the same state as I had left them - On discovering this I left immediately to give information to Alexander M<sup>c</sup>Lean and he came in about ½ an hour afterwards I however returned at once and examined the windows and found that both of them were snibbed - These windows are in two sashes with four panes in each - There was however a broken pane in the lower pane of one of the windows by which the snib could easily be removed by a person from the ~

**Paper 1964 – 1113**

the outside –

I had been in the Barn 8 or 10 days previously and it was then all right - I locked up the premises carefully after that visit and returned the key to M<sup>c</sup>Lean at least I left it in his house - He lives about 20 yards from the Inn and is the nearest house

Allan Cameron Sergeant of Police came over next day and made an examination of the premises and an enquiry - I was in the Public room with him - I saw distinct marks of Iron on the press door shewing that an attempt had been made to force it open - This press is in the Gable and is immediately opposite the hole made from the Barn

(Signed) Hector M<sup>c</sup>Laine

**Paper 1864 -1114**

9 February 1864

William Sproat Writer in Tobermory Says I am 37 years of age.

The Estates of Allan MacDougall Spirit merchants Glasgow and InnKeeper and Farmer at Bellachroy in the united parish of Kilninian & Kilmore and shire of Argyll were Sequestrated and M<sup>r</sup> Robert Galt Jun<sup>r</sup> Acc<sup>t</sup>. in Glasgow was appointed Trustee and duly Confirmed I met M<sup>r</sup> Galt in Tobermory and went with him to Bellachroy, on August 1862 when he took an Inventory of the effects there He requested me to act as his Agent in the matter. I appointed the Witness A M<sup>c</sup>Lean to

**Paper 1864 – 1115**

to look after the stock &<sup>c</sup> in December 1862 and he continued to do so till 6 October last when his Services were no longer required. He had the whole Keys of the premises with the exception of the one after noted. A Sale at the Instance of the Trustee was advertised of the whole effects on the farm and in the Inn to take place on

28 September 1863

I was present & conducted the Sale on that day. The Stock was sold and the greater portion of the furniture and house plenishing. There was a quantity of Wine in a press in the Public room up stairs which I could not dispose of by auction and I this day in presence of M<sup>c</sup>Lean counted the bottles as ~

**Paper 1864 – 1116**

as under Viz<sup>t</sup>

44 quart Bottles Ginger cordial  
6 “ “ Bordeaux Wine  
6 “ “ Champaigne  
7 Pint Bottles Champaigne  
4 quart “ Vinegar and  
1 Jar Containing about Two Gallons of Raspberry Vinegar

and M<sup>c</sup>Lean afterwards locked the press door and gave me the Key which I kept. The remainder of the furniture and the whole of the Crop was sold on 5 October 1863 I was present and conducted the Sale I opened the press containing the Wine this day and found it all there, I again locked it & kept the Key M<sup>c</sup>Lean had all the other keys of the premises and I instructed him to secure the house inside and lock it up. It was unoccupied after this. He retained the Keys. I got information of the ~~

#### **Paper 1864 – 1117**

the House breaking late in the evening of

27 November 1863

and I instructed Serg<sup>t</sup> Cameron to visit the premises next day and to make a Search I gave him the Key of the Press. It was not out of my possession from the 28<sup>th</sup> Sept. till this Date Truth

(Signed) Will Sproat

#### **Paper 1864 – 1118**

Tobermory 26 January 1864

compeared Hugh Maclean, Blacksmith, and residing at Dervaig, in the United Parish of Kilninian & Kilmore, Island of Mull and Shire of Argyll, who says, I am 35 years of age. My house and Smithy is near the Bellachroy Inn. I know the two accuseds for last 8 years. MacArthur has been living in his present house at Antuim for the last 4 or 5 years - Herbertson has been living for the last 2 or 3 years at Drimnacraish ~ The two houses are about ½ a mile distant - The two were companions & I have often seen them together - They very often on wet days met in my Smithy,

Shortly after the Sale at Bellachroy [.....] I think about a fortnight afterwards

MacArthur & Herbertson came to the Smithy and remained there till I stopped work in the evening : Before leaving the Smithy they asked me to go with them to break into the Bellachroy Inn & get at the Spirits - The Inn was at this time unoccupied & locked up ~ It was MacArthur that spoke - They then went with me to my house which adjoins the Smithy – MacArthur again began to speak about Bellachroy Inn ~ He said there was some wine and spirits in the press in the Big room up stairs. MacArthur asked me to go along with Herbertson & him and that they would break into the house and get the wine and spirits and that they would have a ~~

#### **Paper 1864 – 1119**

a grand spree with it. MacArthur said there was Brandy and other drinks in the Press. He said there was a Jar in the Press and also bottles. Herbertson said something agreeing with MacArthur but I don't remember the words he used : They both pressed me very much to go with them that night, but I refused the night was dark, but I don't remember whether or not they said the darkness would favor them and that they would not be seen or found out ; they did not say that they could get tools from the Smithy to assist them in getting into the house ; at least I don't recollect if they did. –

They left my house between 8 & 9 o'clock. In about 5 minutes afterwards MacArthur returned and again asked me and insisted very much that I should at once go with him to break into the Inn. - He said that Herbertson was waiting for him and me on the road I refused to go and he then left me angry and displeased at my refusal.~ next day or a day or two afterwards I missed

the stock of a Plough from the Smithy - John Maclean a witness brought me the Stock of a Plough which he had said he had found on the road which he gave me & which I identify as the missing Stock. ~ This was a day or two after [missing] it and had by this time heard that ~

#### **Paper 1864 – 1120**

that the Inn had been broken and the Spirits stolen - Since then neither MacArthur nor Herbertson have been in my house nor have I seen much of either of them. ~

I had occasion to pass MacArthur's house on a

Sabbath Evening

about a month or five weeks ago I was accompanying Catherine Maclean part of the way home ; After parting with her on passing, I called at MacArthurs house. He was in as was also his wife and a M<sup>rs</sup> Cameron a neighbour. ~ In the course of conversation, the breaking into the Inn at Bellachroy was introduced, but I don't remember whether it was by MacArthur or me - We had some general talk about it. I did not refer to the conversation in my house regarding it, nor ask MacArthur anything as to

whether he & Herbertson had a hand in the crime, but he said laughing heartily, "that it would never be found out." ~ I said in answer " that I didn't know but it would be discovered", but he maintained that it would not ~ He did not say that he had done it. ~

After I heard that the House had been broken into & the Spirits stolen I was satisfied from what they said to me that Herbertson & MacArthur were the men who did it ~ I never saw any of the wine or Spirits in their possession ~ Herbertson & I had no talk on the subject except the one when I was asked to join them ~

(Signed) Hugh Maclean

### **Paper 1864 – 1121**

Being shewn a piece of Iron produced by the witness A M<sup>c</sup>Lean

[in margin] No 33

I cant identify it

### **Paper 1864 – 1122**

27 January 1864

compeared Marion Beaton or Maclean wife of and residing with Hugh Maclean Blacksmith and residing at Dervaig in the United Parish of Kilninian & Kilmore , Island of Mull and Shire of Argyll, who says I am 30 years of age ~ I have known MacArthur and Herbertson the two accused for the last 4 or 5 years ~ I have seen them pretty frequently about my husband's Smithy which adjoins our dwelling house ~ They were often together and appeared to be companions. I observed this more particularly for the last 12 months or so. They occasionally visited at our house but they never had any drink there. ~

I remember the Sales at Bellachroy Inn which took place in the Autumn of 1863. tho' I don't remember dates ~ There was first a Sale of Stock & furniture & then a week afterwards a Sale of crop. ~ The Inn was locked up after these Sales. No one was living in it. It is situated about 100 yards from our house. ~

About a week or a fortnight after the last of these Sales tho' I don't remember the date more particularly my husband came into the house from the Smithy with the key in his hand between 6 & 7 P.M. ; He was accompanied by Herbertson and MacArthur the two accuseds. They remained till about 9 P.M. After ~~

### **Paper 1864 – 1123**

After they had been in the house for an hour or better MacArthur spoke about the Bellachroy Inn. He said there was Wine in the Press in the Big room up stairs. He said it would be a fine spree to get into the bottles. ~ I asked him "Is there bottles in the press" - He replied that there was "plenty" - He asked my husband to go with him. his words were addressing my husband "Come Away". I understood this to be an invitation to my husband to go with him to the press for the wine ~ I said at once to MacArthur, "Do you know what is putting that into your head. It is Satans work". If you do not, Satan will report it on you." MacArthur replied "Oh, Satan is doing plenty for me". My husband refused and said to MacArthur that he was foolish : MacArthur said "oh no, it will never be found out. " meaning that after taking away the wine that they would not be found out as the guilty parties. Herbertson was quite willing but didn't say much about the desire to get to the wine. He said something to the effect of a willingness to go with them for the purpose asked but

### **Paper 1864 – 1124**

but I don't remember his words - When my husband refused to go with them for the purpose asked they were both apparently displeased - they left together about 9 P.M. In about 3 minutes afterwards, I heard MacArthur's voice at the window as if grumbling or talking. And he then returned to the house alone. ~ On getting to the Kitchen he said addressing my husband "Herbertson is wanting you to go" - My husband said "No No ;" - I understood this was a renewal of the request to go to the Inn for the wine, and I said something to the effect that my husband would not go with them, but I don't remember the words. MacArthur then again left apparently angry. ~ I haven't seen the face either of Herbertson or MacArthur since - They haven't been either at the Smithy or the house - Since then that I saw. I thought this very odd as they used very often to be about the Smithy before then . ~ In two or three weeks after the conversation stated I heard that the Inn had been broken into and the wine stolen from the Press in the Big room ~ Whenever I heard this I said in my own mind that MacArthur & Herbertson

were the guilty parties.

Truth -

(Signed) Marion Maclean

### **Paper 1864 – 1125**

Dervaig 28 Janry 1864

Gaelic

Compeared John MacLean Tenant and residing at Retreat in the United parish of Kilninian & Kilmore who says I am 55 years of age. when thatching stacks of corn last Autumn I used a ladder belonging to myself, when Done thatching I placed the ladder alongside the wall inside the stackyard - Sometime afterwards I cant say how long, but it was after the sale at Bellachroy I observed that the ladder was broken and placed in another part of the stackyard different from where I had left it - I thought that it might have been used by some of my neighbours in thatching their houses - Sometime afterwards I cant say how long I heard that he Bellachroy Inn was ~

### **Paper 1864 – 1126**

was broken into and it occurred to me that ladder must have been used in going into the Inn because I made inquiries and could not learn that it was used in any other way - I was one day standing on the public road leading from Ardow to Dervaig and I saw an object lying on the road to Antuim glittering about 20 yards distant - On going to the spot I found that it was the stock of a plough, the one end of which appeared to have been recently dressed. I that it had been [sic] dropped by someone from Antuim. I took the stock home - This was some time after the Bellachroy sale I cant say whether it was a week or a fortnight or a month - After the stock had been in my house for 3 or 4 days I happened to be at the Smithy and found Hugh M<sup>c</sup>Lean the ~~

### **Paper 1864 – 1127**

Smith making a new stock & John Semple assisting him – I then remembered that I had found the stock and asked M<sup>c</sup>Lean if he had lost a stock - He said he had - He asked if I had found or got one - I told him I had found one and went out and in a few minutes returned with the stock and asked if that was the one he missed he said it was and that it belonged to Semple - I delivered it to him - I did not observe any marks of lime on the stock - Indeed I didn't examine it minutely - Truth - cant write –

### **Paper 1864 – 1128**

Drimnacroish 28 January 1864

Mary Macdonald or Herbertson wife of and residing with John Herbertson and residing at Drimnacroish in the United Parish of Kilninian & Kilmore and Shire of Argyll, who says, I am 34 years of age. –

The accused MacArthur and my husband were very often together & were companions ~

About a month after the last of the two sales at Bellachroy which were held in Autumn last year, the accused MacArthur came to our house on an evening after my husband and I had gone to bed. - The front door is not secured at night and MacArthur came in without knocking. He had a black bottle with him and he said that he came to treat us - neither my Husband nor I got up - The two drank the contents of the bottle which I think was full, between them. MacArthur gave me of the contents and I tasted it – I don't know what kind of drink it was – It was neither whiskey nor rum, but was of a red color like rum - I think it was wine – while the contents of the bottle was being drunk, MacArthur remarked that they did not require to spare it, giving me to understand that they had more of it. - I asked MacArthur how they came by it & he answered that ~

### **Paper 1864 – 1129**

that I was not to mind. - I didn't know where it was got but I was suspicious that it was not honestly come by. ~ I had at this time heard a report that the Inn at Bellachroy had been broken into and wine stolen. ~ After the contents of the bottle were drunk, MacArthur left. In about

a week afterwards

MacArthur was again in our house - My husband was in when he came - MacArthur had a bottle of wine with him which he gave to me in gift - It was red wine. I asked him where he got it. He said it

was "part of the Bellachroy stuff." - I told him they would be found out - He said they would not - That the bottle he gave me was all that was to the fore of it and that I was to keep it for myself and hide it. He said that they had the wine hidden & that there was no fear of it being found - He remained about an hour and a half and then went away - there was no wine drunk on this visit .~

I remember the day on which our house was searched by the officers. The day previous, my husband was from home all day and returned between 8 & 9 P.M. He was alone I ~~

### **Paper 1864 - 1130**

I went to bed about 10 P.M. so far as I could judge. My husband remained up - Shortly after I had been bedded, MacArthur came in - He had no spade with him. - If he had one, it must have been left outside. ~ After entering MacArthur said to my husband that they would require to hide the mutton as he was afraid there would be a search & that it would be found. He said he had that day seen Paterson the Shepherd with his dogs at the river side where the sheep had been killed ; that he was afraid he had seen something & that there would be a search. My husband and he left the house taking the Mutton with them in a sack - MacArthur said they would take the mutton which was in this house and hide it after my husband's had been hidden. He said that he would hide his in the Peat Stack in the Moss. I didn't see MacArthur any more that night ~

On the day the search was made MacArthur and my husband were out together somewhere all day. ~ They came to our house about 6 P.M. ; Mary Herbertson and her brother Duncan had come over in the afternoon & Niel MacKinnon & they were in the house when the two returned. They spoke about the search but MacArthur denied every thing. - They (i.e.) my husband and MacArthur

### **Paper 1864 - 1131**

MacArthur went out with Miss Herbertson but my husband soon after returned. MacArthur came again to our house next morning and saw my husband. He said to him that he was afraid they would be discovered, but he immediately added that as nothing was found that could be identified, the charges if they were taken up would not be made out. He counselled my husband to deny everything and to stand firm and that there was nothing to fear. He then went away & I had no farther talk with him as he and my husband were apprehended that forenoon ~ Truth ~

### **Paper 1864 – 1132**

Antuim 28 January 1864

M<sup>rs</sup> Catherine MacArthur wife of and residing with Archibald MacArthur at Antuim in the United Parish of Kilninian & Kilmore aforesaid, aged 40 years, says, The accused Archibald MacArthur is my husband. I remember the day of the Sale at the Inn at Bellachroy – That evening, Herbertson the accused came to our Window after we had gone to bed. He knocked at the window and asked my husband to get up. - He came in & asked my husband to go with him to the Bellachroy Inn & see what was going on. He said there was some things left in the house and that they would see what they could get. He spoke about some silver spoons which he had seen on a Table, and that they would perhaps get some of them. - I did not hear him say anything about wine. My husband and he went off together. I didn't see Herbertson again that evening. but my husband came home within an hour. ~ The distance from our house to the Inn is about a mile – I could walk it in 15 or 20 minutes.  
Herbertson

### **Paper 1864 – 1133**

Herbertson often came to our house in the evenings and took my husband out with him. On these evenings my husband would be late in returning. ~

I remember the day on which the house was searched. On the night before that, Herbertson came with my husband and took away Mutton to hide it. They put it in two sacks, each carrying one - when they left ~

I never saw Herbertson bring wine into our house and I did not see wine at any time in his possession ~ Truth ~

### **Paper 1864 – 1134**

Achnadrish case

Tobermory 30 January 1864

Compeared Angus MacKinnon shepherd residing at Torr in the United Parish of Kilninian & Kilmore, who says, I am 28 years of age ~

I am shepherd over the farms of Achnadrish & Torr. The Stock is Blackfaced and consists of Ewes Wedders and Hogs. The farms are contiguous and are managed by John Herbertson a Witness, the accuseds father. He resides at Achnadrish. There is a Steading of houses on that farm. There is also a new steading not yet finished on the farm of Torr.~ It is unoccupied - The two steadings are near each other and I could walk from the one to the other in 4 or 5 minutes. I cannot say that I have missed any sheep from the farms. Of the sheep that died on the farm since August last I kept the skins up till Martinmas last in a Barn on the farm of Achnadrish - After that and up till this date I kept the skins in the Steadings at Torr. I had

33 Hog skins

of sheep that had died of Braxy between the month of August last and the beginning of this week. Of that number I have now only 24 shewing that

9

are

**Paper 1864 – 1135**

are missing. Part of these were taken from the Barn at Achnadrish and the remainder from the new steading at Torr, but I cannot state the number that was taken from each place as I only kept the numbers in the aggregate in both places. On the Monday before Christmas last old style, I selected 5 of the Hog Skins ~~from the Rafter of the Stable at Torr~~ that were in the Torr Steading and laid them aside for my own use, and on the morning of Tuesday or Wednesday following I missed 2 of them ~

On the Saturday before the

accuseds were apprehended, I missed another Hog skin from the Rafter in the Stable at Torr. Seeing this I counted the skins, but was not then sure how many more were taken - After I got the citation to attend here as a Witness, I yesterday again counted the skins, and then found that

9 skins were

taken away. I do not think they were taken all at once but I cannot condescend on the times more particularly than already condescended on. I am pretty certain however that they must have been taken within two months ~

Being

**Paper 1864 – 1136**

Being shewn 4 sheep skins

which are labelled

[in margin] 35 & 36

and marked by me as relative hereto. They are all skins of Hogs which have died this season. I observe the Tar marks on these skins which correspond precisely with the Tar mark on the Torr and Achnadrish Sheep and I have no doubt whatever that these 4 are part of the 9 skins which I had missed. ~

The particular part of the Steading at Torr in which the skins were kept was the Rafters of the Barn & Stable which are under the same roof The two that I first missed were taken from the wall which separates he two Those that were taken from the Achnadrish steading were in the lower part of the Barn. ~ There are no locks on any of the doors at Torr or outhouses. - There is a lock on the Barn at Achnadrish but it is as often unlocked as locked. –

Both the accuseds were well acquainted with the Steadings at Achnadrish and Torr. They assisted at the dipping of sheep at Achnadrish in December last. Truth

(Signed) Angus McKinnon

Tobermory 8 Feby 1864 Reexamined

On a day towards the End of Harvest of 1863 tho I cant remember the date I was going my usual rounds

**Paper 1864 – 1137**

rounds on the farm of Achnadrish and I came upon a three year old wedder lying dead on the hill - I saw a gun shot wound on the right haunch – and the marks of hardened blood on the wool below the wound – I took the sheep home and skinned it - I then found a round lead ball in the carcass - It had gone right thro – both the hind quarters - it had entered upon the right side - The mark on the skin was quite distinct – I told M<sup>r</sup> Herbertson Senior about it & he saw the sheep. We thought it had perhaps been shot by accident by some poachers out after deer - No information that I am aware was given regarding it - I never saw either MacArthur or Herbertson the accuseds ~~

#### **Paper 1864 - 1138**

accuseds on the farm of Achnadrish with a gun - but I saw Herbertson about a year ago having a gun & firing at Ducks on Loch Cuin near Dervaig - I do not know whether or not the gun was his own property - I never saw him with a gun except this once - Truth

(Signed) Angus M<sup>c</sup>Kinnon

The sheep was dead when I found it but after skinning it I found from the inflammation surrounding the wound that it had lived for at least a day after it had got the shot ~~

#### **Paper 1864 – 1139**

Compeared John Herbertson Farm Manager and residing at Achnadrish in the united parish of Kilninian & Kilmore Island of Mull and Shire of Argyll who says I am 48 years of age - My son John Herbertson the accused lives at Drimnacraish about 2 miles from my residence - He has not been working for the last 2 or 3 months - I have however seen him occasionally for the above period - He called in passing to see me - He is married and has three of a family - The shepherd on the farm of Achnadrish is Angus M<sup>c</sup>Kinnon - A day or two before New Years Day Old Style

12 January 1864

he brought a wedder to my house which had been found drowned in a ditch on the farm - He skinned it and having a permission to use the carcasses I understand my wife gave a quarter of this sheep to my son and another quarter to the

#### **Paper 1864 – 1140**

the shepherd M<sup>c</sup>Kinnon and kept the other two quarters for our own use - I gave him two stones of Braxy mutton about a month ago.

I am not aware of my own knowledge that he ever got from my wife any tallow or suet for candles – but I think my wife mentioned a short time ago that she had given him something of this kind.

I saw my son yesterday at my own house but he said nothing to me in reference to the present charge,

Archibald MacArthur the other accused I know lives within a quarter or half a mile of my sons house - They wrought together about Martinmas ~~

#### **Paper 1864 - 1141**

-tinmas last filling drains at Auchnacraig a farm occupied by James Duglas in the neighbourhood of their homes ~

Tobermory 30 January 1864

Re-examined, About Christmas 1862, I Sold to the accused MacArthur  
an old sickly Blackfaced Ram

from the farm of Achnadrish, the price of which was 5/- Shortly thereafter & I think a few days before the  
12 of January 1863

I sold 2 Slack Ewes Black faced

at 7/- each - These animals were far thro' and would not survive the winter and that is the reason why they were sold. He was at that time working at draining on M<sup>rs</sup> Forsyths Estate and he paid for the sheep with work. I superintended and managed the farms of Torr and Achnadrish for the Trustees of the late James Forsyth of Sorne - These farms are in the natural possession of the Trustees. ~ The sheep Stock is blackfaced and is herded by Angus MacKinnon a witness. ~

MacKinnon gives me a note of the deaths monthly and I observe from these lists that the deaths in the Hoggs since August last ~

### **Paper 1864 – 1142**

last is 33 (thirty three)

The skins were kept partly in Achnadrish and partly at Torr and are under the charge of MacKinnon : About 8 days before the apprehension of the two accuseds, MacKinnon informed me that Some of the skins had been stolen. He said that he had missed them 2 or 3 days before then - I made an enquiry into the matter, but as neither MacKinnon nor I had any suspicion, I did not lodge information with the Fiscal ~

Being shewn

#### 3 Sheep skins

*[in margin]* Nos 34, 35, 36

They are the skins of 3 Hoggs of the Achnadrish and Torr Stock that died of Braxy this season. I speak to them because the Tar mark on them is identical with the Tar mark on the Sheep of the farm, and while I have no doubt that the skins shewn me are part of these missed, I would not like in the absence of the lug mark to swear positively to their identity. ~

Being shewn another skin

*[in margin]* No 11

I think that it is also a Hog skin, but the Tar mark is not so distinct as on other 3, and I believe it to be one of those missed, though I would not like to swear positively to its identity. ~

I have marked the labels attached to each of the skins ~ I

### **Paper 1864 – 1143**

I cannot say that I missed any Sheep from the farms ; I will not be able to say anything about this till the Sheep are counted and this will not be till July when the sheep are clipped.

I have resided at Achnadrish since Whitsunday 1862. Prior to that date I resided on the farm of Drimnacroish also the property of M<sup>r</sup> Forsyths Trustees for four years. The farm was let when I left it to a Tenant - The farm of Antuim which adjoins Drimnacroish was under my management for 2 years prior to Whitsunday 1861 when it was let to a tenant. I cannot say that I missed any Sheep from these farms during my management. ~ There were a few at each counting in July and November amissing, but I had not suspicion that they were stolen. ~ The number so missed were very few and I accounted for them in the belief that they might have fallen into holes in the hill & so not found.

The two accuseds were in my house about mid-day on the

Wednesday before they were apprehended.

MacArthur said they were going to Tobermory. ~ They were also in my house on the forenoon of the day they were apprehended. I cannot say exactly whether or not they were in my house on the evening of the Monday or Tuesday previously. I am quite certain that neither of them spoke ~

### **Paper 1864 – 1144**

spoke to me as to the result of a visit which I had a short time before made to Oban looking after a situation. ~

They both knew that I was going to Oban but I did not speak to them after my return on the Subject of the visit, nor they to me.

Both the accuseds told me that they were cutting Watlings on the farm of Baleachdrach and I saw them going backwards and forwards in that direction. ~

My son is 4 years married past in December last. ~ He has since lived with his wife at Antuim and for the last 2 years at Drimnacroish ~ MacArthur lived at Antuim since I knew him ~

My son and he became great companions about a year and a half ago. ~ They were almost always together. ~ I frequently spoke to my son and asked him to avoid MacArthur ~ I didn't like MacArthurs ways, tho' I had no suspicion of any thing dishonest. ~ It was because of this, I wished my son to avoid him. ~ My son paid no attention to my advice tho' he repeatedly promised to do so . ~

(Signed) John Herbertson Senior

### **Paper 1864 – 1145**

Tobermory 27<sup>th</sup> Jany 1864

compeared Niel Kennedy Crofter and residing at Dervaig in the united parish of Kilninian & Kilmore Island of Mull & shire of Argyll who says I am 66 years of age on Friday

before the last New Year Old Style I was taking home a cart of peats from Antuim moss to Dervaig. In my return I had to pass the door of the house occupied by the accused MacArthur - He was at the time tying up a bundle of Watlings. He asked me how many of these bundles I could take to Tobermory - I told him I could take in my cart 20 - He then told me to go with the cart to Antuim for 7 or 8 Bundles on the following morning at 8 o'clock and that he would meet me at Achnadrish which is on the way to Tobermory and fill the cart with the Watlings - I had occasion to pass MacArthurs house with my cart this same afternoon and I put 7 or 8 Bundles of watlings in the cart to save going for them in the morning ~

#### **Paper 1864 – 1146**

morning - I started next morning from Dervaig between 7 and 8 A.M. with the Watlings when I got to Achnadrish which is distant about 2 miles from Dervaig I found MacArthur sitting on a gravel pit at the side of the road - He had 11 Bundles of Watlings being beside him which he and I put into the cart - He had also a sack lying beside him about half full & the mouth tied with a string The contents of the bag was light & after handling it and pressing it down with my knee in the cart it struck me that the contents were sheep skins That was my opinion from the feeling of the contents - Though I did not see what was inside the sack nor did MacArthur tell me nor did I ask him - On reaching Tobermory the Watlings were delivered to Archibald M<sup>c</sup>Donald Merchant by the ~~

#### **Paper 1864 – 1147**

the hands of a girl in this shop – MacArthur assisted to take them off the cart & put them into MacDonalds back close – MacArthur lifted the Bag from the cart and put it into an open box in M<sup>c</sup>Donalds close - I don't know what was afterwards done with the sack - MacDonald himself was not present - I left MacDonalds premises after the cart was unloaded. MacArthur paying me 3/ for my trouble - I saw him at M<sup>r</sup> Brown's shop that same day and he put a Bag containing  
5 stoness oatmeal  
into the cart which I took home I did not again see MacArthur that day - He came to my house on the following morning and took away the meal - Truth  
I cant write ~

#### **Paper 1864 -1148**

27 January 1864

Compeared Jessie Macdonald niece of and residing with Archibald MacDonald Merchant in Tobermory in the united parish of Kilninian & Kilmore Island of Mull and Shire of Argyll who says I am years of age - I assist my uncle in the shop - on  
Saturday 9<sup>th</sup> January 1864

before New Years day last old style the accused Archibald MacArthur delivered a cart load of Hazel Watlings which were put into the back close - Niel Kennedy carter from Dervaig brought them in his cart - MacArthur came with them - After the Watlings had been delivered MacArthur brought a  
Sack containing sheep skins  
into the shop - He met Duncan M<sup>c</sup>Kinnon from Tyree in the shop and then and there sold the skins to him for 12/6 - There were ~

#### **Paper 1864 – 1149**

were 7 or 8 of them in all  
He asked 2/ each for them but accepted 12/6 for the lot. MacArthur opened the sack in the shop took out the skins and counted & delivered them to MacKinnon in my presence – MacArthur said the skins belonged to a girl of the name of Herbertson and that he was only selling them for her Truth

#### **Paper 1864 – 1150**

2 Feby 1864

Duncan MacKinnon Drover & residing at Kilmoluag on the Island of Tyree in the united parish of Tyree & Coll and County of Argyll, who says I am 40 years of age - I was in Tobermory on Saturday 9<sup>th</sup>

January 1864 and on that day I met the accused Archibald MacArthur in the shop of Archibald MacDonald Merchant and bought from him 7 sheep skins for which I paid him 12/6 - He had the skins in a Bag and told me regarding them that they were the property of a neighbours daughter who had given them to him to sell and that she did not wish her father to know anything about it I don't remember if he named the girl but if he did I don't at present recollect it. I returned to ~~

**Paper 1864 – 1151**

to Tyree immediately after buying the skins & the wool was taken off all the skins and part of it has been spun and woven into cloth. The portion of it which has not been spun I have delivered along with two Bare skins to Duncan Cameron Police Constable - I did not Examine the skins and cant say whether or not they were marked. Truth

**Paper 1864 – 1152**

13 Feby 1864

Archibald MacDonald Merchant and residing in Tobermory in the united parish of Kilninian & Kilmore aforesaid aged 35 years says - I was from home on Saturday 9 January 1864 - and did not see either of the accuseds that day - MacArthur did not then or at any time leave some sheep skins with me to be sent to Tyree - or for any other purpose The accused Herbertson is in my Books for a debt of £2 - The last time I saw him was at the Sale at Bellachroy in September last - He then promised to pay my account by degrees but he had not done so ~

**Paper 1864 – 1153**

8 Feby 1864

Duncan Cameron Police Constable & residing at Heanish in the Island of Tyree in the united parish of Tyree & Coll and Shire of Argyll who says I am 45 years of age - In terms of instructions from the P.F. received on the 1<sup>st</sup> Instant I proceeded to the house of the witness Duncan MacKinnon Kilmoluag to recover sheep skins I found on reaching that the wool had been plucked from the skins and part of it spun and woven into cloth – and that it had been all washed and partly teased and carded (37) - I took possession of all that was not spun & now produce it. - I also produce two bare sheep skins (38) recovered from MacKinnon & have marked them - The wool recovered is in a Bag and weighs about 15 ~~

**Paper 1864 – 1154**

15 lbs

(Signed) Duncan Cameron

**Paper 1864 – 1155**

9 February 1864

John Macintyre, Crofter residing at Dervaig in the United Parish of Kilninian & Kilmore, Island of Mull and Shire of Argyll – Says, I am about 40 years of age ; I am well acquainted with the accuseds : My house is not quite a mile distant from that of MacArthur and rather more than a mile from that of Herbertson ~

On a day shortly before the term of Martinmas last, the accused John Herbertson came to my house between 7 & 8 at night and sent a boy into the house for me ; I came out and saw him - He asked me for the loan of my gun – he said he wanted it for the purpose of shooting a Hare or a Rabbit, I cannot [.....] which , that was eating his [.....] greens or cabbage in his [.....] [*paper folded over*]  
I ~~

**Paper 1864 – 1156**

I gave it to him and he said he would return it next day - It was an old military Musket, very heavy and not easy to hit a mark firing from the shoulder.

In about a fortnight afterwards I got the Musket in Hugh MacLean's Smithy at Dervaig - I happened to call at the Smithy and was told that Herbertson left it there in order to be given to me. ~ I did not see Herbertson from the time I lent him the Musket till I got it at the Smithy ~

At the time I gave him the Musket I believed his statement that it was for the purpose of killing a Hare or rabbit - I never had any conversation with him as to whether he had killed them or not. ~  
I saw him only once since I gave him the Musket ~

#### **Paper 1864 – 1157**

10 February 1864

Mary M<sup>c</sup>Culloch or Lamont wife of and residing with Robert Lamont Merchant residing in Tobermory in the United parish of Kilninian & Kilmore says I am \_\_\_\_\_ years of age. I know the accuseds Archibald MacArthur & John Herbertson Junior. On Saturday 9 day of January 1864 they called at our Shop about midday they chatted for a short time and then went away. In the course of the afternoon they called once or twice but did not stay long. About 4 o'clock P.M. they came again, I asked them if they were going to Dervaig that night, they said ~

#### **Paper 1864 – 1158**

said they were. Herbertson asked me what I would charge them for a pint of whisky. I told him the price would be 7/6 They had an empty Jar along with them into which I measured the whiskey. the whiskey did not fill the Jar, and Herbertson asked for a full Bottle in order to fill the Jar. I filled the Jar and there remained about a half full of a bottle, which Herbertson put into his pocket, & for which he said he would pay me in a fortnight. At the time I was filling the whiskey into the Jar MacArthur went out and returned in a short time, when he came into the Shop he gave Herbertson 7/6 to pay for the pint of whiskey which Herbertson paid me on the Spot MacArthur ~

remainder of testimony missing

#### **Paper 1864 – 1159**

Allan Cameron Sergeant of Police & residing in Tobermory in the united parish of Kilninian & Kilmore Island of Mull & County of Argyll aged 37 Says  
on the Morning of Thursday 21 January 1864

The Witness John Scott gave information of the theft of Sheep from the fank of Baleuchrach belonging to his Master M<sup>r</sup> Lang & I went off immediately to the Spot to enquire. I first saw the marshy place close to the burn & about 60 or 70 yards above the fank where I found a portion of the small entrails of the Sheep which had evidently been concealed there. It appeared to me on a careful examination of these entrails that they had

#### **Paper 1864 – 1160**

had not lain more than a fortnight of three weeks. I next examined the fank itself and in the Small gripping fank attached I observed the marks distinctly of a number of Sheep recently made, The marks appeared as if the Sheep had been run in the fank & handled roughly I could form no idea of the number of sheep that had been in the fank but there was a good deal of sheeps Tramps I also saw a good many footprints in the fank but as heavy rain had fallen during the previous night, I could make nothing of them I could not make any measurements.

The river flows past the Fank in a Southerly direction I went to a place below the fank ,

#### **Paper 1864 – 1161**

fank, & about 100 yards distant & there quite close to the edge of the burn and in a Small pool of water I found a good deal of blood There is a steep bank 3 or 4 feet high at this place & to get to the place where the blood was found this bank requires to be descended. There is heather on the bank and on its edge & I observed that part of the heather was broken and tufts of wool in it indicating clearly that sheep had been carried over the bank & killed where I found the blood. I had no doubt of this, the marks were quite recent & the blood fresh, close beside the blood and on a flat place I saw the marks of the back of a sheep which evidently lay in the process ~

#### **Paper 1864 – 1162**

process of skinning after being killed. I examined the place for foot prints and saw indistinct traces but owing to the fall of rain I could make nothing of them coming down the bank of the river I came upon a spot where two sheep had evidently been skinned the grass was bruised & the surrounding heather had small tufts of wool adhering & there were also small portions of tallow laying about it. This spot is midway between the spot immediately before spoken to & the one which I am now to refer to I then went to another spot farther down the river & about 150 or 160 yards from

#### **Paper 1864 – 1163**

from the bank I found distinct traces where a sheep had been skinned It was on the banks of the river and on a grassy spot surrounded by heather The grass about the size of a sheeps back or rather larger was bruised and tramped down, and I saw a number of small pieces of tallow quite fresh laying about, There were also small tufts of wool adhering to the heather branches which surrounded the spot, The river flows close past this spot but there is a steep bank of 4 or 5 feet in height which requires to

#### **Paper 1864 – 1164 and 65**

to be descended before getting to the water This bank had apparently been descended as the heather on the slope was bruised and disturbed with tufts of wool adhering to the upper branches on the edge of the bank I saw the mark of a foot which had apparently slipped carrying with it part of the earth but leaving no distinct impression of the print It occurred to me that a sheep had been handled at the bottom of the bank as well as the bank itself. but the traces of this were not so distinct at the bottom as those above my ~

#### **Paper 1864 – 1166**

my impression was that the sheep from the absence of blood at the spot had been bled with its neck in the water so as to carry away the traces of it These impressions and traces were quite distinct and appeared to be recent I should say not more than 40 or 48 hours previously from this examination I was satisfied that a very daring & a very adroit theft of sheep had been committed & that several sheep had been stolen I had arranged in the morning with the Witness John Scott to meet me on the public road near the bank and after making the foregoing examination

#### **Paper 1864 – 1167**

examination I was joined by him, by the Witness John Paterson & my assistant John MacKenzie & two other of Scotts Shepherds, while the matter was fresh and as I was satisfied that the theft had been committed by a party or parties conversant with the locality I resolved without returning for a warrant to make a Search. I went first to the house of the accused MacArthur at Antuim I suspected him, I posted Sentries over this house, & also over the house of Herbertson the other accused, and also over the house of an other man named Alexander Munro who resides at Antuim. I made these dispositions before beginning the Search, I had a

#### **Paper 1864 – 1168**

a suspicion of the whole 3. I searched MacArthurs house first The Witnesses John Scott & Thos Semple & my assistant John MacKenzie aided me the accused was not at home. His wife was in I told her the object of my visit but she made no remark. In a Crock on the dresser in the kitchen I found about a pound weight of fresh mutton which appeared to have been part of a Sheep killed within a week or 10 days. After finding the Mutton in the kitchen I went to the room to search it leaving MacKenzie & Semple searching the kitchen. In the room I found a meal barrel with a

#### **Paper 1864 – 1169**

a chest on the top of it I removed the chest and found the barrel clean and dry. It appeared to have been recently very carefully washed and dried inside with a clout. I found no traces of meat, or of salt or pickle either in or on it I found in a Bag a quantity of  
White wool

which I emptied and examined. Mr Scott was present & he examined it. A part of this wool appeared to have been quite recently taken off the skin I found among this wool a small portion of it having a tar mark with red Keel above it. Scott examined this carefully & said that the mark of the tar and Keel was that of Mr Langs sheep

#### **Paper 1864 – 1170**

Sheep. A considerable portion of the wool corresponded with this. Mr Scott kept possession of the portion having the mark & Scott & I returned to the kitchen and we there saw,

#### **Six Sheep Skins**

which Scott examined but could not identify. They were dried skins and appeared to have been a month or two old. We searched all round the house but found nothing farther. Nothing was removed except the small portion of wool with the mark retained by the witness John Scott. We then searched the house of Alexander Munro but found nothing we then afterwards searched the house of Herbertson the accused

#### **Paper 1864 – 1171**

accused. He was not in. I found there in a small Crock in the kitchen about 2 lbs of fresh Mutton evidently a few days old and part of a sheep which had been killed. Herbertsons wife who was present at the search said this mutton had been got at Achnadrish & was part of two quarters given her husband by his mother. We found nothing further in this house to lead to a discovery. I searched another house but found nothing in it. I returned home and on our way passed Achnadrish and ascertained from Herbertsons sister that no mutton of the description found in his house had been given him by his mother & this fact coupled with what had been seen in his & also what

#### **Paper 1864 – 1172**

what we saw in MacArthurs deepened the conviction that they were the guilty parties. After leaving Achnadrish and before returning home I again in Company with the Witnesses Scott & Paterson & my assistant went over the ground & Examined the fank & other places referred to minutely. I found nothing farther except that Scott handed me a piece of twine, which he had then found at one of the spots where sheep had been skinned. MacKenzie my assistant was present when I got the string and remarked that he had seen the other end of it in MacArthur 's house. This string

#### **Paper 1864 – 1173**

String evidently had been used in tying the feet of the sheep. I produce and have marked it [No. 14]. On my return I saw the P.F. & got his Instructions to apprehend the two accuseds & take possession of the wool and mutton I went early next day

Friday 22 January 1864

for this purpose I found both the accuseds in MacArthurs house & apprehended them at once. I stated the charge against them. MacArthur denied it point blank. Herbertson made no remark, but was very dull and dispirited.

I took possession of the Mutton & the Wool weighing 6 lbs

[in margin] Nos 1 & 2

which I had seen in MacArthurs house on the previous day & I produce and

#### **Paper 1864 – 1174**

and mark them. The small portion of the wool which was taken possession of by Scott & which he and I specially marked & labelled is put in the bag alongside with the rest of the wool, I also took possession of the mutton

No 3

which I had seen at Herbertsons house & which weighs two pounds and produce & have marked it. The two accuseds were judicially examined by the Sheriff on Saturday 23 Janry 1864 after Herbertsons examination & at the request of the P.F. Herbertson took me to places where certain things bearing on the enquiry had been concealed by MacArthur & him. We were accompanied by MacKenzie

### **Paper 1864 – 1175**

MacKenzie my assistant and the Witness John Scott He first took us to an old Stone dyke at the edge of the burn on the farm of Belleuchrach and he there pointed out to me the spot where he & MacArthur had hid the skins and the heads of the four sheep which they had stolen on the evening of the previous Tuesday This spot is about ½ a mile from the fank and on the way by the hill from it to the Houses of the accuseds The Dyke was pulled down at the place indicated & we there found carefully concealed

[in margin] Nos 4 & 5  
6 & 7  
8 & 9 & 10

Two Sheeps Skins with heads attached  
Two Sheeps heads  
two sheeps Skins & Seven Sheeps trotters

### **Paper 1864 - 1176**

trotters all quite fresh Scott at once identified them as the property of M<sup>r</sup> Lang his Master I found

[in margin] No 11 another sheepskin

at this place partially dried which Scott could not identify, Herbertson voluntarily stated in reference to it that it had been taken from MacArthurs house by MacArthur and was laid over a stone near the fank to induce the sheep to enter it. I took possession of these skins heads and feet & have produced and marked them Herbertson next took me to the Moss at Antuim Situated below the road & laying between his own house & that of MacArthur He took us first to the place in the Moss where MacArthur cut his Peats ~

### **Paper 1864 - 1177**

Peats said that that was the place where MacArthur had hid his Share of the Mutton. we were accompanied by the Witness M<sup>r</sup> Semple & the Witness Scott, we cleared away the Peats to the foundation and after tearing up some sods found concealed at a Depth of three feet a Sack nearly filled with Mutton after getting this & without opening it I left it in charge of MacKenzie my assistant & Herbertson took me to the foot of the Moss and there on a small island on the river which flows past he Dug another sack out of a hole which was about or less than half filled

### **Paper 1864 – 1178**

filled. He said that this was his Share of the Mutton These two Sacks without being opened were carried under my own eye and put into a Machine on the road I brought these to Tobermory and had the Skins heads and trotters labelled & marked by Scott & myself I also in his presence opened the two Sacks I first opened Herbertsons Sack & found it to contain 4 Hind 4 fore quarters of fresh Mutton and also 11 other pieces and two Shanks of Mutton and some sheep tallow also fresh but older killed than the quarters I did not weigh this mutton but from lifting the bag containing it I am of opinion it will be about one hundred weight The other Sack that said by Herbertson to ~

### **Paper 1864 – 1179**

to be MacArthurs contained 21 Shanks and 67 other pieces of Mutton 5 or thereby lbs of tallow all quite fresh. There were also the fresh pluck of a Sheep & Some of the larger puddings of a sheep which had been washed and cleaned in the Bag with the Mutton I did not weigh this either but from handling and lifting the bag I am of opinion that it was not less than two hundred weight The Mutton in Herbertsons bag represented Three sheep and that in the Sack said to be MacArthurs represented not less than six sheep I have salted the Mutton in a barrel I have labelled and~

### **Paper 1864 – 1180**

and marked the bag containing Herbertsons

[in margin] No 12 Share of Mutton

and also the other Bag found in MacArthurs Moss

[in margin] No 13 and have produced them.

M<sup>r</sup> Sproat P.F. informed me of the housebreaking and theft at Bellachroy on the evening of Friday

27 November 1863 He gave me the Key of the press containing the wine & Instructed me to enquire into the case. I went to Bellachroy on Saturday 28 Novr 1863 and made a careful examination of the premises along with the Witness Alexander M<sup>c</sup>

#### **Paper 1864 – 1181**

M<sup>c</sup>Lean I went first to the barn the access to which was by a trap Stair from the Stable I found that a large hole had been made in to the gable opposite the press and the wooden lining of the press in a great measure cut away. The wood bore traces of having been cut either with a pretty Sharp Knife or chisel I carefully examined the barn but found nothing there which could lead to the detection to the depredators. M<sup>c</sup>Lean had the Keys of the Inn and we then went there and upstairs to the Public room The Door entering to this room was locked and M<sup>c</sup>Lean opened it., I found on examining the Windows of this room that neither of them were Snibbed I

#### **Paper 1864 – 1182**

I found the door of the press which contained the wine locked I was present at the Sale & Knew that there was wine in it. The edge of the door above the lock and above the Wooden Architrave bore distinct marks of an Iron lever which had evidently been used in an attempt to force the Door open. The Indications of the Iron were quite distinct in the wood. The door itself on its upper half was twisted in the attempt to wrench it open I found a piece of thin Iron laying near the Door which had evidently been used in the attempt I opened the press door and found that it contained only two bottles Viz<sup>t</sup> 1 pint of Champaigne 1 quart Bottle of wine I

#### **Paper 1864 – 1183**

I removed these bottles from the press and delivered them to M<sup>c</sup>Lean to keep He also took possession & Kept the piece of Iron I made diligent enquiry but could find no clue to the depredators. I continued my enquiries but could make nothing of it I had a strong suspicion that the accused MacArthur was engaged in the House breaking but I could trace nothing to connect him with it In searching Herbertsons House in the Sheep Stealing case on 21 January 1864

*[in margin]* No 19

I found the Cork of a champagne bottle

which I took possession of and which I produce & mark. It struck me at once that this was the cork of one of the bottles ~

#### **Paper 1864 – 1184**

Bottles Stolen from Bellachroy.

on Saturday 23 Janry 1864 after we had got the Mutton Herbertson pointed out a place between his own house & MacArthurs and about 15 yards on the upper side of the road as the place where MacArthur had hid some bottles stolen by the two from Bellachroy after having emptied them of their Contents Herbertson dug out of this place and at a Depth of 7 or 8 Inches came upon some bottles which were taken possession of by John MacKenzie my assistant I was at the time searching in another place for bottles. After these bottles had been found Herbertson went to another spot on the same line & about 40 yards nearer his own house where he said some of the empty

#### **Paper 1864 – 1185**

empty bottles which contained part of his share of the Bellachroy wine were hid, he dug at this place and at a Depth of half a foot I found

*[in margin]* Nos, 20,21,22,23, & 24

5 empty bottles

which I produce and mark. One of these bottles an empty quart champagne bottle three of them one common Black quart Bottles & the other one is also a quart Bottle but lighter in the color of the glass than the ordinary manufacture.

In this Latter bottle I found a broken Cork having the words "Alf<sup>d</sup> De Luze Stamped on it. I find on examining the Wine Bottle produced by Alexander M<sup>c</sup>Lean which

#### **Paper 1864 – 1186**

which I have marked as relative hereto that the same words are Stamped on its cork. I can read them distinctly thro the glass. The two bottles are also identical in Shape Size and appearance. In one of the bottles produced by MacKenzie I also found a Cork having the same letters stamped on it. This bottle is also exactly the same in Shape Size & appearance as the other two. I have attached a Separate label

[in margin] 20 & 25

to these Corks & have tied them to the bottles respectively from which they were taken.

The Distance from Bellachroy Inn to MacArthurs house is about ½ mile and that of Herbertson is about ½ a mile farther on

### **Paper 1864 – 1187**

and on the same line The Distance from the Fank at Baleuchrach to the houses of the accuseds is about 3 miles

### **Paper 18614 – 1188 and 89**

John MacKenzie Police Constable and residing in Tobermory in the united parish of Kilninian & Kilmore Island of Mull and Shire of Argyll who says I am 26 years of age I am stationed at Tobermory and act as assistant to Sergeant Allan Cameron –

I was present with him on Thursday 21 January 1864 when the houses of the two accuseds were searched and I concur with him therein except that I was not present when the room in MacArthurs house was searched by him. I did not know either of the accuseds previously as I have only recently been appointed to this station - In the search of MacArthurs house I observed that three of the sheep skins which I found on the lofty above the kitchen Bed were tied together with a piece of

### **Paper 1864 – 1190**

of twine - After making the search we called at Achnadrish and then went to the Baleuchrach fank - I concur with the description of the traces there and a long the Burn given by the Sergeant - While making this examination I observed that Scott the Witness gave a piece of Twine

[in margin] No 14

to the sergeant which had been found at one of the places below the fank where sheep had been skinned - I remarked on seeing the twine that I had seen the other end of it in MacArthurs house tying the skins I accompanied the sergeant on Friday the 22<sup>d</sup> January 1864 when the two accuseds were apprehended together in MacArthur's house and concur with him as to what was found and taken possession of there and in Herbertson's

### **Paper 1864 – 1191**

Herbertson's house - The sergeant took possession of the wool and I did not sign the label on this visit I found

[in margin] No 15                      the piece of twine still about the skins which I took possession of & which I produce and mark - This piece of twine is exactly similar to the piece of twine found near the Baileuchdrach

On Saturday 23<sup>d</sup> January 1864

I was present with sergeant Cameron when Herbertson pointed out the place on the Moss where he said MacArthur's share of the stolen Mutton was concealed and I concur with Cameron as the place of its concealment and its weight –

After the mutton was taken from the hole I remained in charge beside it – Herbertson took ~

### **Paper 1864 – 1192**

took the sergeant to the river side at the foot of the Moss and I saw them return with another Bag. I took the Bag left in charge with me to the road and met Herbertson and the sergeant with the other and both was put into the machine –

After this Herbertson pointed out a place on the upper side of the road between his own house and MacArthur's in which he said some of the empty wine bottles which contained wine and which were stolen from Bellachroy had been hid by MacArthur – Herbertson dug at this place with a grape and there below the surface about 7 or 8 inches I came upon seven Empty Bottles –

but in the process of digging one ~

**Paper 1864 – 1193**

one of them was broken with the grape but I took possession of Six Bottles

[in margin] No 25 to 30 Inclusive

which I also put into the machine previously tying a piece of red tape round the neck to distinguish them from the Bottles found by Allan Cameron –

We brought these Bottles and the two bags of Mutton to Tobermory along with skins and heads of sheep which had been found by the sergeant near the Baleuchdrach fank at finding which I was not present We labelled the Bottles & Signed the labels immediately on our return and I have produced the six bottles. –

so found by me - They are all quarts – 4 of them are of the common Black Bottle – the other ~

**Paper 1864 – 1194**

other two are lighter in the colour and finer in manufacture I concur with Allan Cameron as to the contents of the two sacks of mutton and the number of pieces each contained –

I on 26<sup>th</sup> January 1864

and after I had been informed of the theft of skins from Achnadrish I went again to MacArthur's House at Antuim and took possession of

[in margin] Nos 34,35 & 36 Three sheep skins

formerly seen by me there, and which I shewed to the Witness John Herbertson and Angus MacKinnon and which were identified by them - I produce and have marked them - There were other two skins in the House of MacArthur but I could not find any one to identify

**Paper 1864 – 1195**

identify them but I took possession of and shall retain them - They are labelled & marked –

I also took possession of

[in margin] No 18 a Bag of wool

weighing 8 lbs found in the house of Catherine Kennedy at Dervaig & which I also produce and mark (Signed) John MacKenzie

**Paper 1864 – 1213**

cover

Copy  
Add'l Precognition  
Against  
Archibald MacArthur  
&  
John Herbertson  
1864

**Paper 1864 – 1206**

5 August 1864

Re-compeared John Herbertson Senior,  
who says,

The fleeces of the Sheep sold by me to the accused MacArthur had all the letter "F" in tar on the right haunch. Being shewn

4 Sheep fleeces

Labels 4 & 5 8 & 9

none of these bear this mark and they are not fleeces of the Sheep sold by me to MacArthur. I Know the mark of the Lang's sheep & I identify them as fleeces from part of his Stock.

(Signed) John Herbertson

**Paper 1864 – 1207**

5 August 1864

Re-compeared Richard Semple, who says, Since my former examination I have recollected that in the month of October 1862, I sold MacArthur a Lamb that had been torn by dogs for 1/6<sup>d</sup> ~

Being shewn 4 Sheep skins

Labelled & Marked 4.5 & 8 & 9

I am distinct in saying that they are no part of that which I sold MacArthur - They are different altogether - I have marked them.

#### **Paper 1864 – 1208**

5 August 1864

Re-compeared the witness Hugh MacLean Blacksmith Dervaig who says I produce and have marked the Iron mentioned in my former Declaration as the “Stock of a plough “

Label 39

and which was delivered to me by the Witness John Maclean - Its more correct name is the “head of a plough”

This piece of Iron was part of a plough which had been sent me for repair by the witness Thomas Semple. ~

#### **Paper 1864 – 1209**

5 August 1864

Re-compeared John Maclean Dervaig who says

The plough head shewn me

Label 39

resembles exactly in every respect the piece of iron called in my former declaration the Stock of a Plough and which I found as therein mentioned and delivered to the witness Hugh Maclean. I have marked it. ~

#### **Paper 1864 – 1210**

5 August 1864

Re-compeared Thomas Semple, who says

The plough head shewn me resembles the plough head of the plough sent by me to the witness Hugh Maclean to repair.

Label 39

The one I sent had been welded in the centre and I observe that the one sent my has been so welded. I am confident it is the same but I would not like to swear to it. ~ I have marked it. ~

#### **Paper 1864 – 1211**

5 August 1864

Robert Semple Ploughman to & son of & residing with Thomas Semple Tenant Antuim aforesaid, who says, I am 20 years of age

In April last

while I was carting away the dung made by the accused MacArthur & which lay close to the end of his house, I came upon an empty champagne bottle which I have produced & marked

Label 40

#### **Paper 1864 – 1212**

Tobermory 6 August 1864

Re-compeared the witness

Alexander Maclean

who says

the Bottles Label 40

shewn me and which I have marked as relative hereto is the same as some of those in the press at Bellachroy Inn and which were stolen from it. I cant however identify it as one of them. ~

