TPF / 1861 / 9

DSC06022

1 Mary Macintyre or MacCallum

Tyree 8th February 1861

Compeared Mary McIntyre or McCallum a Widow - who says I am widow of the deceased Niel McCallum Blacksmith. I reside at Balinoe in the Island of Tyree in the united parish of Tyree in the united parish of Tyree and Coll - I am 34 years of age On

Monday 7th January 1861

My husband and I were invited to my fathers house to Breakfast - We had Breakfast about 10 A.M. Alexander McDonald a Witness and who is married to a sister of mine was also at Breakfast - There was a little spirits drank but nothing to injure any person -

When my husband and I went to my fathers house he took his gun with him saying MacDonald and he would go to shoot - He took also powder and shot with him - My husband ~~~

DSC06023

2 Mary MacIntyre or MacCallum

husband was not out during the morning shooting.

After Breakfast my husband and Alexander Macdonald went away with the gun, with the intention of being back in the evening to dine at my fathers

In the Evening and while I was in my fathers house a person came for the Key of our house and I was there and then informed of what had occurred - I gave the Key to the Messenger and followed immediately - On reaching my house I found a cart and horse at the door with a number of men - I went up to the cart thinking that my husband was dead - He said "O Mary Mary dear" - and began to greet. He was then carried into ~~~

DSC06024

3 Mary MacIntyre or MacCallum

Into the house and put into bed - I did not look at the wound as I know I could not bear to see it for want of a strong nerve -

My husband then told me how he got the wound - saying "as Alexander (meaning McDonald) and I were approaching Loch-an-Duine I said to Alexander keep back a little in case you may frighten the birds" - That he stepped in advance a pace or two that McDonald held the gun under his left oxter and both hands in his pockets - That the shot which was in the gun, and which was loaded by my husband went off by accident and the contents lodged in his right leg - My husband said to me that he was afraid Macdonald would take the thing too much to heart and become useless. He also said MacDonald

DSC06025

4 Mary MacIntyre or MacCallum

Donald could not be blamed in the matter that it was a pure accident.

In about an hour after my husband had been put into bed Macdonald and Donald MacLean Merchant Kennovey a witness came - McLean examined the wound and then bandaged the leg - *[note in margin]* The Doctor resident in the Island was from home & no medical man could be got till Doctor Buchanan returned

McLean went home. Macdonald remained and waited on my husband the whole night.
The following day McLean came and again examined the leg

That same day Doctor Buchanan came home and at once came and examined the leg - He desired to send for Doctor McNab but the weather being very boisterous so much so that it was impossible for any of the boats ~~~

DSC06026

5 Mary MacIntyre or MacCallum

Boats to leave the Island -

My husband lay unwell for twelve days and expired on a Saturday (19 January 1861) about 9 A.M.

On the Thursday before his death he complained of pain in his jaws and said that the “Lock jaw was on him”, and that he would never rise. He did not look like a dying man. He took a little food up till the Thursday in question - Ten minutes before his death he drank a little gruel without any assistance tho he could not eat or open his jaws. The Doctor did not latterly appear to be sanguine of the deceaseds recovery.

The deceased was 31 years of age in the beginning of last Summer

He ~~~

DSC06027

6 Mary MacIntyre or MacCallum

He all along during his illness maintained that it was by an accident he received the injury and that Macdonald was not blameable - Macdonald and the deceased were very fond of each other and lived like brothers

During the whole time my husband was unwell Macdonald attended on him without sleeping at night - The deceased would not permit any other person to wait on him -

My husband and I have been married eight years - Macdonald lived with us for about three years

My husband was interred in Soriba burying ground on the farm of Balemartin in the Island of Tyree aforesaid on ~~

DSC06028

7 Mary MacIntyre or MacCallum

On the Tuesday after his death

Truth

DSC06029

8

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DSC06030

9 Alexander Macdonald

Tyree 9th February 1861

Compeared Alexander Macdonald a fisherman and residing at Balemartin on the Island of Tyree, in the United parish of Tyree and Coll Argyllshire - says I am 31 years - On a

Monday 7 Jany 1861 the First Christmas which was held in January last Niel MacCallum who is married to my wife’s sister, - his wife and family met me and my wife and family by invitation at breakfast in our father in Laws house. MacCallum brought his gun. He and I drank a few Glasses of whisky after Breakfast, but we did not take so much as to render us in the least unfit for any duty. After breakfast MacCallum proposed that he and I should go to shoot I consented - we both left. having only the ~~

DSC06031

10 Alexander Macdonald

the one gun which belonged to MacCallum and which he loaded with Powder and small shot, we were out about an hour before he fired off the shot, He then reloaded and I then fired that shot - we were then on the sea shore towards Crosspoll. MacCallum loaded the gun again and gave it to me. He put a percussion cap on the nipple I cant say whether the Dog was at half or full cock but I put the gun under my left oxter and carried it with the muzzle to the front and pointed downwards - After giving me this gun He got another at Crosspoll House which he loaded - We then went in the direction of Reef, each having a gun. He fixed several shots and killed some fowls. I did not fire - we then went to the farm of Kenovey and met Donald ~~~

DSC06032

11 Alexander Macdonald

Donald MacLean a witness We proceeded on towards a small fresh water lake on that farm called Loch-an-duine. We expected to find some fowls on the lake. As we approached near the lake and when we were about 250 yards distant MacCallum said to me, I being then a few paces in advance of him, stop back a little in case you frighten the birds. I did so and he then stepped in advance so that he could get at the fowls quietly - he had gone about 3 paces in advance of me. I was at this time carrying my gun under my oxter with the muzzle in front pointed downwards and having both hands in my trowsers pocket - While we were in this position I raised my left hand from my pocket and in doing ~~~

DSC06033

12 Alexander Macdonald

doing so, the gun accidentally went off the shot or part of it entering MacCallum's right leg. He walked a few paces and then turned round and said to me, "I think your shot has gone into me". I laid the gun aside. He sat down and asked me to take off his boot, which I did - Donald Maclean came up to us - There was a hole thro' the leg of his trowser from behind towards the front - and another hole corresponding in size and place thro the leather of the boot. I then examined the leg and found a wound about 4 inches above the ankle joint which apparently penetrated thro the leg and which corresponded in size and situation with the penetrations on the Boot and trowsers ~~~

DSC06034

13 Alexander Macdonald

trowsers - A good deal of blood was flowing from the wound. I tied my cravat about the wound. I then looked at the left leg and about the same distance above the ankle joint as that on the right leg there was a skin wound a portion of the leather and trowser was also carried away. This wound was not deep. Donald Maclean got a cart and MacCallum was put into it and taken home. I went for Donald MacLean Merchant Kennovey a Witness so that he would render his assistance in dressing the wound - as the Doctor who resides on the Island was from home and no medical man could then be got - Maclean came with me and examined the wound and afterwards bandaged the leg - MacLean remained for several hours and then left. The ~~~

DSC06035

14 Alexander Macdonald

The following day he came again and of new examined the wound and he then applied some sticking plaster and then bandaged the leg again. That same day Doctor Buchanan came and he removed the bandage and examined the wound. He extracted from the wound a small piece of loose bone. He dressed the wound and asked that Doctor McNab Bunessan should be sent for. The Doctor was very attentive. He MacCallum was confined for thirteen days and expired on a Saturday morning about 9 o'clock.

The body was interred on the following Tuesday in Soribie burying ground on the farm of Balemartin in the Island of Tyree aforesaid

I ~~~

DSC06036

15 Alexander Macdonald

I attended on the deceased during the whole time he was confined till his death.

The deceased took always a little food up till the Thursday before his death but on that day he complained of severe pain in the jaws and that he was unable to take food tho he could take a drink.

It would be about 2 P.M. when he deceased and I left our father in Law's house - and we intended to be back in the evening to dine.

The discharge of the gun was a pure accident. I became stupid and did not know right what I was doing when I saw what had happened. The deceased kept himself composed and said to me that it was an accident and that I could not help it. I recovered and it was then I went for McLean. It would ~~~~

DSC06037

16 Alexander Macdonald

would be about 3 P.M. when the accident occurred.

I liked the deceased well and he had the same regard for me. I cannot express how much grieved I felt and still feel for what occurred. I could not help what occurred as the shot went off entirely unawares. –

Three or four days before the Deceaseds death I prepared to go for Doctor McNab but the weather was so very stormy that no boat could leave the Island - The deceased latterly grew worse but I did not think death was so near as he could speak distinctly and without any assistance take a drink - Truth.

DSC06038

17 Donald MacLean

Tyree 9 February 1861

Compeared Donald MacLean who says I am about 40 years of age. I am a Crofter and reside at Heanish on the Island of Tyree in the united parish of Tyree and Coll Argyllshire. About 1 P.M. of a Monday early in the month of January last (7th January) which was held in Tyree as Big Christmas While passing thro the farm of Kennovey I met Niel MacCallum Blacksmith Balinoe and Alexander Macdonald a Witness each having a gun. We spoke in passing. I knew from their demeanour and speech that both had been tasting spirits - MacCallum was staggering a little he being the worse of the two. Macdonald walked steadily and was sober, tho' he had, I would say, from his appearance been tasting. They were both on good terms and very merry when I met and passed ~~~

DSC06039

18 Donald MacLean

passed them. MacCallum was a few paces in advance of Macdonald. After I had passed them and when I was about 200 yards distant I heard the report of a gun in the direction they had gone. I turned round and saw MacCallum lying on the ground and Macdonald stooping over him - It occurred to me that something was wrong - I then saw Macdonald take off MacCallums Boot - I returned - When I reached, Macdonald was greeting I asked what was wrong and MacCallum told me that he had been shot accidentally in the leg by MacDonald - I lifted the Boot which was next to me and found the leather penetrated thro' in a rough manner, the parts being still attached in one corner. These penetrations ~~~

DSC06040

19 Donald MacLean

penetrations were situated about 3 inches downwards from the upper part of the boot, and running from behind thro the front. I then saw MacCallums leg. I think it was the right one - about 3 or 4 inches above the ankle joint there was a bad wound which apparently penetrated thro the leg from behind in a slanting direction towards the right side of the front of the leg. Macdonald tied his cravat about the wound and told me in hearing of MacCallum how he held the gun when the shot went off. He told me the gun was loaded with shot and that a percussion cap was on the nipple, that the Dog was at full cock, that his foot slipped, the ground being slippery with frost, that the muzzle of the gun was pointed downwards that as his foot slipped he clothes came ~~~

DSC06041

20 Donald MacLean

came in contact with the Trigger of the gun and that the shot went off and lodged in MacCallums leg - MacCallum affirmed strongly and that repeatedly that no blame could be attached to Macdonald as it was an accident. MacCallum endeavoured to keep up MacDonalds spirits, I think he assumed this air so that Macdonald, who was much under the influence of grief, might not become unserviceable in aiding MacCallum home - MacCallum bore a pleasing expression the whole time. Macdonald then asked me to put MacCallum on his back so that he would carry him home but the distance being too great I proposed to get a cart to which they both consented. I went ~~~

DSC06042
21 Donald MacLean
went and got John Black a Witness to come with his cart. MacCallum was put into it and taken home Macdonald was weeping bitterly for what occurred, but MacCallum in a friendly and pleasing manner desired him repeatedly to be quiet that he was not to blame and that it was an accident - I returned home - about 12 days afterwards I heard that MacCallum died

The deceased and Macdonald were married on two sisters - They were very fond of each other and lived on the best and most friendly terms.

From what I knew both of the deceased and Macdonald it is my firm belief that the injury sustained by the deceased was a pure accident and that Macdonald had no intention of doing the deceased any harm and that he was extremely ~~~

DSC06043
22 Donald MacLean
extremely grieved for what had occurred.

The deceased and Macdonald were on the farm of Kennovey when the accident occurred and about 300 yards from a small lake which is on that farm called Loch-an-duine - to which they were both going for the purpose of shooting wild duck.

After the deceased had been put into the cart as aforesaid Macdonald went immediately for Donald McLean Merchant Kennovey a Witness. The Doctor being from home. Mr McLean is always called to render his assistance in cases of emergency and in the absence of a medical man Truth

DSC06044
23 James Black

9 February 1861

Compeared James Black shoemaker residing at Kennovey in the Island of Tyree aforesaid, who says I am 33 years of age

About 2 P.M. of the last big Christmas which was held on a Monday (7 Jany 1861) Donald Maclean Heanish a witness came and informed me of what had occurred to Niel McCallum. McLean asked me to yoke my horse in the cart and go with him to take McCallum home which I did. I found MacCallum at the Road side lying on the ground and Alexander Macdonald near him - MacCallums right Boot was off and a cravat tied round the leg - He complained of pain in the leg He~~~

DSC06045
24 James Black
He could not stand - Macdonald went to Kennovey for Donald MacLean the Merchant so that he might direct what should be done in the absence of the Doctor who was out of the Island. MacCallum was put into the cart and he was conveyed by Donald McEachern a witness and me home - when we reached we found MacCallums door shut. MacCallum told us his wife would be in her fathers house and we sent a boy for the key. Mrs MacCallum came and opened the door and McCallum was carried into his own house and put into Bed with his clothes on - In about an hour Donald McLean Kennovey and Alexander Macdonald came McLean ~~~

DSC06046
25 James Black
Maclean caused the clothes to be taken off MacCallum and the cravat was loosed off the leg – from which a great quantity of blood came - Maclean bandaged the leg and the blood continued to flow. I did not examine the wound so that I cannot describe it. MacLean McEachern and I remained till 8 P.M. when we went home. MacCallum told me while we were at the door and before his wife came how he received the injury on the leg. He stated that Macdonald and he were near Loch an Duine that he was a few steps in advance of Macdonald, - and Macdonald held the gun under his oxter the gun being loaded having a percussion cap on the nipple, and the Dog at full cock – that ~~~

DSC06047
26 James Black
that the gun was falling down in his oxter that he raised up his hand so as to get the gun better into his oxter and as he did so the shot went off and the contents of the gun lodged in MacCallums own leg - MacCallum told me it was an accident which Macdonald could not help.

Macdonald was much grieved and very sorry for what had happened. The deceased was unwell for about 12 days and I was told he died on a Saturday morning -

I was intimately acquainted with the deceased and Alexander Macdonald - They were married on the two sisters and they lived on the very best terms and had great ~~~

DSC06048
27 James Black
great regard for each other - I feel confident that Macdonald had no intention of doing any injury towards MacCallum and that the injuries sustained by McCallum were accidental.

DSC06049
28
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DSC06050
29 Donald MacEachern
Compeared Donald MacEachern son of and residing with John MacEachern residing at Kennovey in the Island of Tyree aforesaid who says I am 17 years of age -

On Monday on which big Christmas last was held here -
James Black passed my fathers house with a horse and cart - he told there was a man “down here” “shot with a gun” - I accompanied Black to the spot and concur with him in his statement Quoad Ultra. –

DSC06051
30
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DSC06052
31 Donald MacLean
Compeared Donald Maclean Merchant residing at Kennovey in the Island of Tyree aforesaid - who says I am 77 years of age - On

Monday 7 January 1861

Alexander Macdonald came to me about 3 P.M. He was in a state of great excitement - He told me of what had happened to his brother in Law and asked me to accompany him to his brother in Laws house - I declined as I was unable from bodily weakness to go - Macdonald said he would carry me on his back He urged me and I consented and ordered one of my horses to be yoked in a cart - I accompanied Macdonald in the cart - On reaching I found MacCallum in bed with his clothes on - I got the clothes taken off there was a cravat ~~~

DSC06053
32 Donald MacLean
cravat about McCallums right leg which I got removed. I then saw a wound on the front of the leg about 5 inches above the ankle joint. There was another wound behind the leg - both appeared to be connected with each other - The wound on the hind part of the leg was about the size of a half penny and was round like a hole penetrated into the leg - The wound on the front was as if the skin had been split open from within and the bone apparently fractured underneath the wounded portion of

the skin - Mrs MacCallum requested me to ascertain whether the bone was broken - but I declined as I would not take upon myself to do so in case I might do harm instead of ~~~

DSC06055

33 Donald MacLean

of good - Blood flowed freely from the wounds but there was no swelling of any consequence - I bandaged the leg with cotton - I went to see MacCallum the following day and he was complaining of the pain in the leg I applied some sticking plaster - The Doctor came for which I was very glad - Sometime afterwards I heard the deceased died – Truth

DSC06056

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DSC06057

35 Alexander Buchanan

Tyree 11th Feby 1861

Compeared Alexander Buchanan Surgeon residing in the Island of Tyree aforesaid , Who says I am 25 years of age. At the request of the P.F. I have of this date made up a report touching the death of Neil McCallum. That report is a true report. On my first visit I found McCallum in bed in his own house with his right leg bandaged. I removed the bandage & I examined the wound & found the injuries thereon described in my report, which I was told was sustained the previous day. I at once suggested that Dr. McNab Bunessan should be sent for so as to get the leg amputated, but the deceased nor his friends would not hear of ~~~

DSC06058

36 Alexander Buchanan

of it. The deceased saying he would rather go to his grave with both legs on. I treated him medically. But at the same time I stated that I had no hope of his recovery, on account of his having declined to have his leg amputated. Three or four days before his death the deceased & his friends consented to have the leg amputated but I then said that tetanus had supervened & I then considered it hopeless to have the leg amputated.

Alexander Buchanan.

DSC06059

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DSC06060

No 1
Precognition of Witnesses
Death of
Neil McCallum
1861
Tobermory