

(1)

Inventory of Precognition
vs
Lachlan Galbraith
1862

(2)

Tobermory 17
July 1862

Inventory of Precognition
vs
Lachlan Galbraith

1. Petition
2. Precognition
3. Letter Lachlan Galbraith to Messrs J & A Allan
4. Copy Letter Messrs J & A Allan to L. Mactaggart Galbraith
5. Schedule

(3)

page left blank

(4)

At Tobermory the Nineteenth day of August Eighteen
hundred and sixty two years. In presence of William
Robertson Esquire Sheriff Substitute for Argyllshire

Compeared a Prisoner who being judicially cautioned and thereafter examined and interrogated,
Declares my name is Lachlan MacTaggart Galbraith - I am at present a Teacher and reside at Callert
in Inverness-shire I am nearly forty nine years of age and married - I was in the Islands of Coll and
Tyree and in the village of Buessan in April - I had a subscription Book and went about collecting
money for the purpose of enabling me to go to America - I got three shillings of subscriptions in Coll -
I also got a little in Tyree. I got several subscriptions at Buessan and neighbourhood - I paid part ~~

Lach. Galbraith
Wm Robertson

(5)

part of the passage money to Canada before I went to Buessan to James and Alexander Allan
Seventy Great Clyde Street Glasgow - I daresay I collected from fifty shillings to three pounds from
various parties - But I did not do so under false pretences or fraudulently - I did not go out to Canada
because I did not get enough of money to take me there - I did not return any of the money to the
persons I got it from - I am not aware of having committed any breach of the Peace in Coll. All which
I declare to be truth - Two words delete.

Lach. Galbraith
Wm Robertson

(6) & (7)

pages left blank

(8)

Crown agent
returning Precogn vs
Lachlan Galbraith

for Summary Trial – if
apprehended

Tobermory, 20 Augt 1862
tried Summarily for
Fraud & Breach of Peace
Plea Guilty
sentence – 30 days Impr.

(9)

Lachlan Galbraith

Crown Office
Edinburgh 11 Augt 1862

Sir

I return this case, Crown Counsel having remitted the accused to be tried by the Sheriff summarily if he should be apprehended.

I am Sir,
Your obed. Servt
Robert Chapman
For the Crown Agent

The Procurator Fiscal
Tobermory

(10)

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

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

Humbly Sheweth

That information is lodged with the Petitioner that Lachlan Galbraith a Teacher and sometime residing at Kentra, the Island of Mull Argyll in the united parish of Kilfinichen and Kilvickeon but at present without any known residence, having written or procured to be written a paper bearing to be a petition and addressed to the benevolent public soliciting subscriptions to enable him emigrate to America, did on or about the Seventeenth day of April eighteen hundred and sixty two years on or near a field in the farm of Knockvaolagan in the said united parish of Kilfinichen & Kilvickeon, occupied by Nicol MacIntyre then and now or lately residing there present the said petition[er] to the said Nicol MacIntyre, and did wickedly and felonious[ly] by falsely fraudulently and wilfully represent and pretend to the said Nicol McIntyre that he intended to emigrate to Canada that he was short of funds to pay his fare and in order to raise the funds necessary for that purpose he solicited the said Nicol MacIntyre for a subscription and he did thus or by some similar false and fraudulent means and representations induce the said Nicol MacIntyre then and there to subscribe and give him three shillings sterling and did thus cheat and defraud the said Nicol MacIntyre thereof - Like as (2) The said Lachlan Galbraith having written or procured to be written a paper bearing to be a petition addressed to his friends and fellow Country men soliciting subscriptions to enable him pay his passage to America, did on or about the fifteenth day of April and year foresaid, within or at or near the dwelling house situated in the Island of Iona in the united parish of Kilfinichen & Kilvickeon, and then and now or lately occupied by Angus McInnes a Teacher then and now or lately residing there, present the said petition to the said Angus McInnes and did wickedly and feloniously falsely fraudulently and wilfully represent and pretend to the said Angus McInnes that he intended to emigrate to America, that he was short of funds to pay his fare and in order to raise the necessary funds for that purpose he solicited the said Angus MacInnes for a subscription and he ~~

(11)

he did thus or by some other similar false and fraudulent means and representations induce the said Angus McInnes then and there to subscribe and give him two shillings sterling or thereby and did thus cheat and defraud the said Angus McInnes thereof - Like as (3) The said Lachlan Galbraith, having procured a document bearing to be a printed letter from a foreign Shipping Office in Glasgow, to the Petitioner unknow[n] – and having written or procured to be written annexed to the said letter a heading after the form of a petition for subscriptions for money, did on the Thirtieth day of the said Month of April within or at or near the Dwelling house at Kirkapol in the Island of Tyree in the united parish of Tyree and Coll and then & now or lately occupied by Malcolm Livingston Teacher then and now or lately residing there present the said document to the said Malcolm Livingstone, and did wickedly and feloniously falsely fraudulently and wilfully represent and pretended to the said Malcolm Livingston that he had been teaching at Kingairloch and that he thought it expedient to emigrate to America and received some assistance to enable him to go there, and did then and there solicit the said Malcolm Livingston for a subscription and he did thus or by some other similar false and fraudulent means and representations induce the said Malcolm Livingston to subscribe and give him one shilling sterling or thereby and did thus cheat and defraud the said Malcolm Livingston thereof -

In order therefore that the said Offender may be dealt with according to Law

May it please your Lordship, to grant Warrant to search for, and apprehend the said Lachlan Galbraith

complained upon and bring him before you or any other Magistrate, for examination respecting the premises ; and thereafter to incarcerate him - in the Prison of Tobermory. or any other legal Prison, therein to remain for further examination, or until liberated in due course of Law. Farther, to grant Warrant to search the Person, Repositories, and Domicile of the said Delinquent, and the House in which he may be found, and all other likely or suspicious places, and to secure for the purposes of precognition and trial, all Articles found therein, importing guilt or participation in the crime foresaid ; and also to apprehend and bring for examination the Person in whose possession or premises such Articles may be found, and to cite all persons likely to have knowledge of the foresaid crime . in order to be precognosced thereanent, and, in case of the accused escaping furth of Argyllshire, to recommend to Magistrates of other Counties, to give their concurrence in the premises, or to do farther and otherwise in the premises as to your Lordship shall seem proper, and,

ACCORDING TO JUSTICE, &c
thirteen words deleted

Henry Nisbet.

P.F.

TOBERMORY, 15
June 1862

(12)

TOBERMORY, 15th June 1862 Having considered the foregoing Petition grants Warrant to search for and apprehend Lachlan Galbraith

complained upon, and to bring him before me or any other Magistrate, for examination ; and also to search and secure, and to cite for precognition all as craved, and recommends to other Magistrates to give their concurrence in the premises.

WM Robertson. S.S.

MINUTE FOR THE PROCURATOR FISCAL

Tobermory, 19th August 1862 the said Lachlan Galbraith

complained upon

having been judicially examined on the charge set forth in the Petition, and precognition being only in progress, Warrant is craved in terms of the prayer of Petition, for committing to the Prison of Tobermory, for further examination.

Henry Nisbet P.F.

TOBERMORY, 19th August 1862 Having again considered the foregoing Petition,
with the above minute for the Procurator Fiscal, and the declaration of the said Lachlan Galbraith
grants Warrant to commit him to the Prison of Tobermory
for farther examination.

Wm Robertson

MINUTE FOR THE PROCURATOR FISCAL

Tobermory, 18 The Procurator Fiscal now produces the declaration of the said

and precognition taken in the premises, and craves Warrant in terms of the prayer of the Petition for
committing to the Prison of - on the charge of complained upon assault~~~~
therein to remain until liberated in due course of Law.

TOBERMORY,- 18 HAVING again considered the foregoing Petition, with the above Minute for the
Procurator Fiscal , and the Declaration of the said

precognition, grants Warrant to commit them - to the Prison of - therein to remain until liberated in
due course of Law, - all as craved. complained upon and relative

(13)

PETITION

HENRY NISBET. P.F.
AGAINST
Lachlan Galbraith
1862
Falsehood Fraud &c

(14)

Precognition of Witnesses
Henry Nisbet P.F.
Vs
Lachlan Galbraith
Falsehood Fraud &c
1862

(15) *page left blank*

(16)

William Maclean

27 June 1862

William Malcolm Excise Officer and residing at Bunessan in the united parish of Kilfinichen and
Kilvickeon - says I am 31 years of age. Sometime about the
end of April last

Lachlan Galbraith the accused came to my house in Buensan He said addressing me – that he took the liberty of calling upon me - and presenting a paper asked if I would be kind enough to look at it - I took the paper and read it - The heading was so far as I remember in the following terms - I Lachlan Galbraith being in destitute circumstances, and with the object of assisting me to emigrate to America beg to appeal to my fellow countrymen & friends for ~~

(17)

2. William McLean
for aid to enable me go to Canada - Any small donations will be thankfully received - That was the purport of the heading, if not the words, I asked him what were his prospects in America and he said he had friends there and that he intended to teach - I asked how much it would cost to bring him there and he said £6 – and that the ship was lying in Greenock and to sail in the course of a fortnight - He then shewed me a letter bearing to be from some shipping Agent in Glasgow - stating the time when the ship was to leave I do not remember the name of the ship or the writer of the letter. His statement corresponded ~~

(18)

3 William Maclean
corresponded with the letter - I asked him if he intended to bring the wife with him and he said in answer “Oh yes what else could I do”. I said to him if I thought he had been going about in a fictitious manner – I would not give him anything, but as his story appeared from the letter to be true I would subscribe - which I did and gave him 1/-

There would be from 30 to 40 names attached with small sums from 2/6 to 1/- marked opposite these -

It was in consequence of the accuseds representations and of the letter above referred to I was induced to give him the money - I would not have given him any money ~~

(19)

4 William Maclean
money had I thought his story not true - The accuseds wife I am told lives in this parish, & that he does not put up with her. Truth -

(20)

5 Charles MacQuarie

27 June 1862

Charles MacQuarie Merchant in Buensan in the united parish of Kilfinichen and Kilvickeon aforesaid says I am 31 years of age - About

2 months ago

Lachlan Galbraith the accused came to me in the shop and presented a Subscription list in which I saw a number of names with small sums marked opposite their respective names from 2/ downwards - In presenting the List - to which I saw no heading - He said his object in going about was to raise some money to enable him to emigrate to Canada in America. I said something to him about the wife but I do not remember what was said -

He shewed me a document purporting to be a Receipt from some ~~

(21)

6 Charles Macquarie
some foreign shipping Office in Jamaica or Union Street in Glasgow acknowledging that a certain sum of money had been paid on account of passage fare - I do not remember the sum specified in the receipt -

I subscribed and gave him either 2/ or 2/6 I do not remember which -

It was in consequence of his representation to me, that he was to emigrate to America and that he was in need of assistance to enable him go there I gave him the money.

I would not have given him the money had I any idea that his representations were not true.

I was afterwards sorry that I gave him the money because I saw him under the influence ~~~

(22)

7

Charles Macquarie

influence of drink - and very unlike a person obtaining benevolent assistance.- The accuseds wife lives in this parish, but he does not put up with her.

(23)

8

[page left blank]

(24)

9

Lachlan Macphail

Buinessan 27 June 1862

Compeared Lachlan Macphail who says I am a Merchant and have a shop at Buinessan in the united parish of Kilfinichen and Kilvickeon, I reside at Bremanoir Ardtun in the said united parish - About 2 months ago

Lachlan Galbraith the accused called at my shop in Buinessan, presented a paper to me which I read - It was a letter from some shipping Office - and saying that the ship, the name of which I do not remember was to sail on a certain day - It was in writing - there were a number of named attached - I would say about 40, with small sums from 2/6 to a /6d marked opposite their names - In handing me the paper he said read that and see ~~

(25)

10

Lachlan Macphail

see how much you will give - I asked him if he intended to go to America and whether he was to take the wife with him - He said yes and that that was the reason why he went about collecting money so that he might receive assistance to enable him pay his passage to America - I subscribed for either 1/ or 2/ but I cant say which as I do not remember and handed him the money and he went away -

In about ¼ of an hour I again saw him and he was then under the influence of drink.

It was because of his representation that he intended emigrating to America and was in need of aid to bring him there I gave him the money ~~~

(26)

11

Lachlan Macphail

money - I certainly would not have given him the money had I thought that he would have squandered it on drink or otherwise misused it - The accuseds wife lives in this parish, but he does not live with her -

(27)

12

page left blank

(28)

13

John MacDonald

John McDonald retired parochial School master and residing at Buinessan in the united parish of Kilfinichen and Kilvickeon Island of Mull and County of Argyll aged 60 years says

I know the accused Lachlan Galbraith He was for sometime a Teacher at Kentra in this parish & got married when there. His wife is still so far as I am aware at Kentra. He left that about a rather better than 12 months ago but I do not know where he went or what he was doing -

In the End of April last

he called for me in the schoolhouse at Buinessan and shewed me a paper which I read and found it to be a list of subscriptions to aid him in emigrating to America. The names of several parties whom I knew were attached to the list as subscribers. The Rev. Robert Stewart, Mr Charles McQuarie, Mr. Wm McLean & other Witnesses in

(29)

14

John Macdonald

in precognition was on the List for small sums. He solicited a subscription from me, to aid him in getting to America - He shewed me a letter from a firm in Glasgow saying that would give him a passage for £10. He said he was going off immediately and as soon as he could raise the funds - He gave me to understand that he had funds of his own but that the amount was short to enable him take passage and that the object of his subscription was to make up the deficiency - from a benevolent public - and on the [...rth] of these statements I then and there gave him 1/ stg and wrote my name to the list for that amount. He then left me & I have not seen him since. Truth -

(30)

15

Robert Stewart

28 June 1862

Compeared the Reverend Robert Stewart residing at Assapoll in the united parish of Kilfinichen and Kilvickeon in the Island of Mull -

Sometime in the latter end of Spring last (about the end of April 1862)

The accused came to my house at Assapoll with a petition - The heading of which was an appeal to his friends for aid to assist him to emigrate to America - He said his object in going about gathering money was to enable him go to America, and asked me to put my name to the paper - I said to him, he had better call upon his friends first and then to call on me and that I would give him some thing to assist him - He then went away and in the course of ~~

(31)

16

Robert Stewart

some weeks afterwards he came to me again I then gave him 2/6, but I forget whether I put my name to petition or not - He then went away

From what I saw there would be from 20 to 30 subscribers with small sums from 2/6 downwards opposite these -

He shewed me a document purporting to be a receipt for money paid to account on behalf of his passage money - I do not remember the sum contained in it, or the granter - I understood from it he had a certain sum to make up before he could succeed in getting a passage.

The Receipt was as of from some foreign shipping Office in Glasgow

It was because of the accuseds ~~

(32)

17

Robert Stewart

accuseds representations that his object was to emigrate to America I gave him the money -

I am aware that the accused is married and has been for the last 2 or 3 years, he being there for sometime a Teacher in this parish

I am not aware from my own Knowledge whether he lives with his wife or not Truth -

(33)

18

page left blank

(34)

19

Nicol McIntyre

28 June 1862

Nicol MacIntyre Tacksman of and residing at Knockvaolagain in the united parish of Kilfinichen and Kilvickeon says I am 59 years of age - on or about the

17 of April last

Lachlan Galbraith the accused made up to me while ploughing on one of my fields in Knockvaolagain farm, After passing some remarks about my ploughing - I asked if he wanted anything with me - He said he had a paper which he wished to let me see - and handed me one - which was a Petition - I

asked what he meant with it, and he told me he was for emigrating to Canada, that he was short of cash, and was now endeavouring to raise in this manner as much money as would pay his passage. – I asked if he meant to take the wife with him - He said he did - I believed ~~

(35)

20

Nicol McIntyre

believed his story to be true, and then and there subscribed and gave him 2/6 - I gave him the money because I thought it an act of charity to do so -

He said he had a letter from some shipping Office in Glasgow on the subject but I paid no attention to them - He went away and left me –

(36)

21

Angus MacInnes

28 June 1862

Angus MacInnes Teacher and residing in the Island of Iona in the united parish of Kilfinichen and Kilvickeon says I am 28 years of age - On or about

15 April last

Lachlan Galbraith the accused came to my dwelling house - He handed me a paper, somewhat of the nature of a Petition - setting forth that he was in destitute circumstance, with an appeal to his friends and fellow Countrymen to give him some money to assist him to pay his passage to America - There would be about 50 subscribers - with 2/6 to /6d. He had also a letter from some shipping Office in Glasgow - signed so far as I remember by a person of the name of Lang a Shipping Agent in Glasgow - containing a Receipt so far as I remember for 10/ paid on account of passage money From ~~

(37)

22

Angus McInnes

From these documents I thought the man to be Honest & true in his representations, I therefore subscribed and gave him 2/ then & there and he then went off - I have not seen him since Truth

(38)

23

Jane MacColl or Smith

Tyree 23 June 1862

Jane MacColl or Smith wife of and residing with James Smith Light keeper and residing at Hynish Tyree in the united parish of Tyree and Coll - who says I am 39 years of age - about

2 months ago (I think about the beginning of May last)

a man came to my house, He was a stranger to me, He was respectably dressed - He handed me a paper and in doing so said he was gathering a subscription to enable him go abroad - I do not remember where - I had no change and said to him he had better come in again - He left me and went into Mr Sandersons -

Had I change I would have given him some money because I believed his story to be true - There was a good deal of writing on the paper - I do not remember the ~~

24

Jane MacColl or Smith

the nature of it. I read only a few lines to which I paid very little attention. I think I would know the man again if I saw him

25

Jessie Bannatyne or Sanderson

Tyree 23 June 1862

Jessie Bannatyne or Sanderson wife of Thomas Sanderson Lightkeeper residing at Hynish Tyree in the united parish of Tyree and Coll says I am 33 years of age - About

2 months ago –

a man a stranger came to my house - He presented a paper containing a letter from some shipping office in Glasgow - and so far as I remember it was in reference to parties emigrating to America –

one of the points in it was that unless he could pay a certain sum of money, which I do not remember, he could not obtain a passage. I asked what he meant by that and he said he was about to emigrate and that as he was in need of assistance he was going about for subscriptions in money - I turned the ~~~

(39)

26 Jessie Bannatyne or Sanderson

the sheet and saw a long list of names with small sums opposite them -

I had no change & went out to Mr Smiths for the loan of a 1/ leaving the man in the house I found Mr Smith who on hearing my errand accompanied me to my own house - He handed the accused 2/6 and said to him give me a /6d and that will be a 1/ from her, meaning me, and another from myself - He gave Mr Smith the /6d and then shewed us a paper stitched up and written in Gaelic - Which we could not understand - It was handed back to him - He said it was a sermon of his own composing The man then went away and I saw no more of him - I do not think I would have any difficulty in identifying the man

(40)

27 Malcolm Livingston

Tyree 23 of June 1862

Malcolm Livingston Teacher residing at Kirkapoll in the Island of Tyree in the united parish of Tyree and Coll - says I am 31 years of age - On

30th April 1862

The accused called at my house at Kirkapoll - He introduced himself and said he had been teaching at Kengairloch in Morven, and that he thought it expedient to emigrate to America so far as I remember - and required some assistance to enable him go abroad - and handed me a printed letter from some shipping office in Glasgow communicating with some foreign part which I do not remember - The sheet was double and blue quarto size - On the third page there was some heading written in a good ~~

(41)

28 Malcolm Livingston

good hand but I do not remember what it was - There were a number of subscriptions with small sums I should say from 40 to 50 -

I subscribed and gave him 1/- I did so because from his representations that he was in need of aid and to enable him to emigrate to some foreign part -

Had I then known what I have since heard of his drunken and disorderly conduct in the neighbouring Island of Coll, I would not have given him the 1/-

(42)

29 John Gregorson Campbell

Tyree 23 June 1862

Rev. John Gregorson Campbell residing at the Manse of Tyree says about
the end of April last

a man, a stranger to me, called at the Manse, which is in Gott Tyree, for me - I met him outside near the Manse - He handed me a paper bearing to be from some shipping Office in Glasgow I looked over it and also over a list of subscribers attached - and saw the names of a number of respectable parties attached - I understood from the name that he meant to go abroad and was collecting some money to enable him do so - The man was quite a stranger to me but from seeing so many respectable parties subscribing and giving him a little, and also his saying he was from Kengairloch, my native place, with his statement in regard to emigrating I gave him 1/6 and subscribed for

(43)

30 John Gregorson Campbell

that sum -

Probably had he come to me and in need of money and saying he was Kengairloch I might have given him 1/6 but if I was then aware, as I have since heard, of his unseemly conduct in Coll, I would not have given him the money - I am not aware of having seen the man before but I think I could identify him if I saw him again -

(44)

31

Duncan Martin

Tyree 23 June 1862

Duncan Martin Drainer and residing at Hillipoll in the Island of Tyree - aged 33 years - says on or about the end of April last,

The accused called on me here with a subscription list - He said he was for going to America and was gathering some money to pay his passage - and then handed me the paper and I subscribed and gave him 2/6 - I don't remember the heading on the paper but it was apparently from some foreign shipping Office in Glasgow

It was because of his representation to me as above stated I gave him the 2/6 otherwise I would not have given him the money - I would know the accused if I saw him

(45)

32

page left blank

(46)

33

Lachlan Macdonald

Tyree 23 of June 1862

Revd. Lachlan Macdonald residing at Mannal in the Island of Tyree in the united parish of Tyree and Coll - says I put up in the house belonging to the late Colin Brown now to his widow Mrs Brown - Lachlan Galbraith the accused I have known since the Summer of 53 - He was then Teacher of an adventure School at Kilberry near Tarbert - again in the Summer of 1856 I saw him in Melness parish of Tongue Sutherlandshire - He called on me then with a subscription list - It was headed an appeal to the benevolent Highlanders to aid by their means a person who had been so noted in translating some books from English into Gaelic, and had now resolved to ~~

(47)

34

Lachlan Macdonald

to emigrate - So far as I remember that was the import of the heading - The accused told me it was written by Dr McGillivray M.D. in Glasgow -

There was a certificate attached bearing to be by Dr. McLeod of St. Columba Glasgow - and Dr. McLeod and Dr. McGillivray were the 2 first on the list of subscribers I then gave him a little under the word a friend - I saw no more of him till the latter end of

Spring last

when he called on me here and produced a paper which I took and read - On reading the paper, which was a written letter, I understood it to be in answer to enquiries regarding the time when one of their ships was to sail to Canada and was addressed to "L Galbraith" It was directed from ~~

(48)

35

Lachlan Macdonald

from some foreign shipping Office in Union Street Glasgow - and stated that one of their ships was to sail in the Course of a fortnight - He said something to the effect that he was wanting assistance to enable him sail with the vessel referred to in the letter - I remarked that he was too late for that one, and that she had already sailed - I said to him I know you - He said he couldn't say so about me - I said is your name not Lachlan - He said yes - I said were you not at Kilberry Teaching He denied it - I then said - you called on me in Sutherlandshire with the same representation as now and that I then subscribed. He denied it and said I never saw or gave him anything - I then began to remonstrate with ~~

(49)

36

Lachlan Macdonald

with him for going about in such a manner - He then took the paper out of my hand abruptly and went away and I saw no more of him -

There were a number of names attached to the paper with small sums marked opposite their names from 1/ to [.....] The list commenced on the first page below the letter and continued on to the 3rd page

(50)

37

James MacColl

Coll 12 June 1862

Compeared the Revd. James MacColl who says I live with my brother in law Donald McLean farmer Arileod in the Island of Coll - About the end of

April or beginning of May last

The accused whose name I have learned is Galbraith came to me in the Garden near the house and presented a printed letter from some foreign shipping office in Glasgow - I saw on the second page of the letter a number of subscriptions, among others there was the name of Mr Campbell then of Reef now in Ulva with small sums apposite their names from 2/ to a 1/- There would be from 30 to 40 subscriptions

I subscribed and gave him 1/6 - Before giving him the money he told me his object in going about in such a manner was ~~

(51)

38

James McColl

was to gather some money to assist him in going to America - It was in consequence of this story I gave him the money and had I known that he was going about in a fictitious manner I would not have given him what I did The accused went away -

(52)

39

Duncan MacArthur

Coll 21 June 1862

Duncan MacArthur Drainer residing at Grimsary in the Island of Coll aforesaid says I am 36 years of age - In the end of April last or early May

Lachlan MacTaggart Galbraith the accused came to my house on
a Saturday

and remained till Monday morning when he left for the Island of Tyree.

I saw a subscription list with him ; and he wanted me to give some and subscribe - I declined saying you know very well Lachlan I did so before and what was the result - I read the heading on the paper which I do not remember, but it was to the effect that he the accused was preparing to go to America and being in need of aid petitioned for assistance.

I have known the accused for the ~~~

(53)

40

Duncan MacArthur

the last Twenty years - He was for sometime a Teacher at Groag Port Caradale Kintyre about 7 years ago - He then made up a Petition on similar terms as on the occasion in question and raised a large sum of money, either £16 or £26. He got on the spree and drank the whole of it and he then went away leaving the School vacant. The next I heard of him was that he taught a School in the Ross of Mull -

He neither burned nor destroyed any papers in my house so far as I am aware -

(54)

41

Mary MacLean

- Gaelic -

Coll 21 June 1862

Mary Maclean residing at Knock-a-vada Arynagour in the Island of Coll says I am 45 years of age - I live in the same house with Ann McKenzie a Witness - In the

latter end of Spring last (End of April of beginning of May)

as I was at dinner a knock was made at the door - I went to and opened the door - The accused stepped in - he was rather drunk - He said addressing me give me some of that, meaning the food on the table, and I will pay you for it - I said I would not ask payment and in a bowl gave him some tea which he drank - As it handed him the bowl with the tea he put his hand into his pocket and took out 4/2d and held it on the palm of his hand - He spoke addressing me in a low tone and offering ~~

(55)

42

Mary Maclean

offering me the money, said prepare the bed - I said I would do that when I required it but would not do so just now. He said something else which I did not hear - He then endeavoured to get his hand round my neck and asked a kiss - I avoided him - He spoke repeatedly in a similar manner in a low tone of voice and endeavouring to catch and kiss me but he did not succeed. The last time he got his hand round my neck - I got rid of him and went out because I understood his motives to be bad and that he wanted to get the better of me - I went behind the house and looked in thro a window in case he would do anything wrong with the woman McKenzie who is an aged ~~

(56)

43

Mary Maclean

aged person - I saw MacKenzie go out by the door - I went to meet her - I heard the accused say get your daughter for me, thinking I was the daughter of the woman - MacKenzie came out and told me the accused said his object was to have connection with me - Hearing this I became angry and standing opposite the door ordered him to leave the house - He then came out and ran after me - I ran away from him for some hundreds of yards I returned to the house and he still chasing me - I returned and ran from the house again calling out for assistance when John Johnston came to my relief - I was afraid he would come to the house again and attempt to do what he wanted with me - but he did not return

(57)

44

page left blank

(58)

45

Ann MacKenzie

- Gaelic -

Coll 21 June 1862

Ann MacKenzie residing at Knock a vada in the Island of Coll aforesaid says I am 83 years of age - The witness Mary McLean and I live in the same house -

I concur with the witness Mary MacLean in regard to the accuseds coming into the house and getting the Tea - but I did not see him with any money - I saw her go out of the house - The accused said addressing me get me your daughter, thinking she was my daughter - and that he would make his own of her - I went out - He did the same and chased the woman McLean thro' the fields - There was no one near at the time to stop his conduct till Johnstone came - I went into the house and saw no more - Mary McLean returned she was much ~~

(59)

46

Ann MacKenzie

much excited and afraid the accused would come again, but he did not

This witness is old and in dotage

(60)

47

John Johnston

Coll 21 June 1862

John Johnston Junior and son of and residing with John Johnston Senior residing at Arnabost in the Island of Coll aforesaid - About

6 weeks ago (beginning of May last)

and on my way to Arynagour I heard a loud cry from a person as if in distress I went off the road in the direction and found Mary McLean a Witness being chased by the accused a short distance from her own house - I went up to him and interfered He would have me to fight but he saw it was of no use - I got him away from the house and went in the direction of the hill - I proceeded on my way to Arynagour and left him -

The man had evidently been tasting spirits ,
The woman was much excited and afraid of him -
The ~~~

(61)

48

John Johnston

The accused spoke a great deal of bad language of an obscene character - Truth

(62)

49

Allan Maclean

Coll 21 June 1862

Allan MacLean residing at Mippost in the Island of Coll aforesaid and farmer there - says I am 39 years of age - on or about

the 6th or 8th days of May last

about 4 P.M. I was sent for to the house - on reaching, the house, I found the accused kicking at the front door, which was shut - I said to him what are you about - He said whats that to you - I said he dare not carry on so and pushed him away - He was drunk - He spoke much abusive and obscene language - Niel Macfadyen a witness was near and having heard of the accused bad conduct before this, and that my own wife with the women in the neighbourhood were much in dread of him, - and it being Saturday night I said to ~~~

(63)

50

Allan Maclean

to Macfadyen that we had better take him to Arynagour - Macfadyen consented and partially by force and coaxing we got him to Macdonalds in Arynagour - Macdonald threatened to keep him in custody and send for the Policeman to Tyree on the Sunday morning He became a little pacified and we got him to the Inn - Macfadyen and I remained with him for sometime in the Inn - He became more sober - I saw him take a paper out of his pocket crush it together with his hand and then put it into the fire - where it was burned - Another paper fell off his knee - I took it up and looked at it - It appeared to be a letter - He the accused grasped it suddenly ~~

(64)

51

Allan Maclean

suddenly and pulled it out of my hand so that I did not see its contents - He was much sobered by this time -

I went away and saw no more of him -

While Macfadyen and I took him to Macdonalds house he spoke much about women and filthy language - Truth

(65)

52

page left blank

(66)

53

Niel Macfadyen

21 June 1862

Niel Macfadyen a farm servant residing at Cliad in the Island of Coll in the united parish of Tyree and Coll says I am about 26 years of age - About

a fortnight before Whitsunday last old style – and so far as I remember on a Friday the accused came to Miss Catherine Campbells house, by whom I am employed, at Cliad and asked for a bed - He was told he could not be accommodated - He then gave a good deal of abusive language and spoke in an unbecoming manner in the kitchen - He appeared to be under the influence of drink - I accompanied him part of the way from the house - He swore and spoke a great deal of bad language to me - On the Saturday of the following week ~~

(67)

54

Niel Macfadyen

week the accused came again to the house - I met him at the door - and seeing that he was drunk and knowing that my employers were timorous and afraid of him - I objected to his entering the house - He had a bottle ½ filled with whiskey He offered and threatened to fight but when he saw his attempting such would not avail him - he became afraid - He spoke most obscene and filthy language, so much so that all the females were under dread of him - I followed him to the witness Allan McLeans house - He went in - He spoke a good deal of bad language and the women left the house - I then took him out and led him over thro one of the fields - Allan McLean came to the house The ~~~

(68)

55

Niel Macfadyen

The accused returned to Allan McLeans again began making a noise and kicking at the door. McLean and I agreed to take him to Arynagour to Donald Macdonalds -

I concur with Allan McLean as to what took place afterwards and adds - The accused was very drunk when we took him to Arynagour Inn - In the course of about 2 hours he sobered a good deal and came more to his senses - He then took some papers out of his oxtar pocket - Crushed one of them together and put it into the fire in the kitchen - I took it out of the fire with the tongs and handed it to Allan McLean - Before giving it to him I opened it up - It was partially burned - It was a double sheet of paper with writing ~~

(69)

56

Niel Macfadyen

writing on both sides - but as I cannot read writing I do not know what were its contents - When MacLean took it in his hand the accused grasped it suddenly and took it out of his hand and put it into the fire again, and it was burned -

When the accused had been threatened with the Policeman he became more peaceable and was afraid -

McLean and I when we had remained about 2 hours went home and left him in the Inn - and I have not seen him since -

(70)

57

James Hawthorn

Coll 20 June 1862

James Hawthorn Innkeeper residing at Arynagour in the Island of Coll in the united parish of Tyree and Coll, - says I am 34 years of age - About

6 weeks ago

Lachlan Galbraith the accused came to the Island with the Steamer Chieftain (so far as I remember from Bunessan Mull on a Monday) He called at the Inn - I saw from his demeanour that he had been tasting strong drink He told me he was going about for subscriptions to enable him go abroad, - and presented a paper - the heading of which I do not remember, but so far as I recollect it contained a certificate and was signed by a Revd Mr Reid, Certifying that the bearer was Lachlan Galbraith - I do not remember any ~~

(71)

58

James Hawthorn

any other points embraced in it - I refused to give him anything seeing the state he was in He then gave me a good deal of abusive language saying as I was from Kintyre I should patronise him - The reason why he wanted assistance he said was because he intended to emigrate to some foreign part and I think he said America - I declined to give any money - and he left me highly displeased. -

The paper which he had was a large double sheet, and I saw that it contained a number of names with small sums marked opposite them -

On a Saturday night (and so far as I recollect the second Saturday) after Donald MacDonald a witness and other two men came to the Inn with the accused The ~~~

(72)

59

James Hawthorn

The accused was much under the influence of drink and was very noisy and outrageous - Macdonald asked me to accommodate the accused with Lodgings, so that he would not be going about the Island in an unruly state, and causing annoyance to parties - I consented - the two men remained with him for a short time - He became more sober and peaceable - I saw him take a paper out of his pocket, resembling the one which he presented me for the money subscription as aforesaid, and put it into the fire - It fell from the fire on the floor - Allan MacLean took it up and began looking over it, but I cant say whether he read any of it or not ~~

(73)

60

James Hawthorn

not - I saw some writing in it which to me appeared to be that of names, - but as I had not the paper in my hand I could not make the writing out - This I am of belief was the paper presented to me by the accused for the subscription -

In the forenoon of that Saturday he came to the house and got a bottle of Whiskey - I then suspected that matters were not right with him - and that his representations were not true -

The accused left the Inn early on the Sunday morning and sailed with the Chieftain on the Monday following on her voyage to Glasgow -

(74)

61

William Tait Meikle

Glasgow 11 July

William Tait Meikle, Says

I am Clerk to firm of J & A Allan Merchants & Shipping Agents No 70 Great Clyde Street Glasgow and residing at No 10 Abbotsford Place Laurieston in or near Glasgow.

The Letter No of Proceedings dated "Loch Aline 19th March 1861" addressed to "Messrs J & A Allan" and subscribed "L McT Galbraith" was duly received by Messrs Allan after the date thereof together with the Post Office order referred to therein, but no farther or other communication was sent by Galbraith. The firm wrote him an answer to that Letter acknowledging receipt of the Post Office order and informing him that as he had named no ship in which he wished to sail we could not send him a ticket for the passage out to Canada. There the matter ended I produce a copy ~~

(75)

62

William Tait Meikle

copy of our Letter which together with his I mark as relative hereto It will be observed that his Letter is erroneously dated 1861 -

Truth

W T Meikle

(76)

Index

1	William McLean	page	1
2	Charles MacQuarie		5

3	Lachlan Macphail	9
4	John Macdonald	13
5	Revd. Robert Stewart	15
6	Nicol MacIntyre	19
7	Angus MacInnes	21
8	Jane MacColl or Smith	23
9	Jessie Bannatyne or Sanderson	25
10	Malcolm Livingston	27
11	Revd John Gregorson Campbell	29
12	Duncan Martin	31
13	Revd Lachlan McDonald	33
14	Revd James McColl	37
15	Duncan McArthur	39
16	Mary McLean	41
17	Ann MacKenzie	45
18	John Johnston	47
19	Allan McLean	49
20	Niel Macfadyen	53
21	James Hawthorn	57
22	William Tait Meikle	61

(77)
page left blank

(78)
page left blank

(79)

No 2
Precognition of Witnesses
Henry Nisbet P.F.
Vs
Lachlan Galbraith
1862
Falsehood Fraud &c

(Tobermory)