

TPF 1865 – 13

Paper 1865 – 13003

cover

Declaration
of
Archibald M^cDonald
1865
Bigamy

Paper 13001

At Tobermory the Ninth day of June eighteen
hundred and sixty five years In presence of Major
Robert Watson Sheriff Substitute of Argyllshire

Compeared a Prisoner who being Judicially cautioned and Thereafter examined and interrogated
Declare my name is Archibald M^cDonald I am Twenty three years of age and married I am a Farm
Servant and reside when at home in the Island of Tyree but have for some time past lived in the parish
of Monklands near Glasgow - I deny the charge made against me I do not know Esther Ferguson
and I did not marry a woman of that name in Lockerbie Dumfries-shire – in the month of September
Eighteen Hundred and sixty two or at all I have a Brother in Law called Lachlan MacFadyen who is at
present residing at Number fifty four Bell Street Glasgow, - He is in the employment of Cameron &
Company Carters I admit that I married Sarah M^cLeod in the house of M^r John Macfarlane the Baptist
Minister at Balnoe Tyree – on the sixth of May Eighteen Hundred and sixty three - I do not know
whether or not my Brother in Law above mentioned ever resided in Lockerbie All which I declare to be
truth & I declare that I cannot write –

Signed R Watson S.S.

In Witness Whereof this Declaration written on this and the preceeding page by Angus Cameron
Sheriff

(Signed) Alexander M^cDonald Witness

(“) Allan Cameron Witness

(“) Angus Cameron Witness

Paper 1865 – 13002

Sheriff Clerk Depute at Tobermory was freely and voluntarily emitted by the Declarent Archibald
M^cDonald he being at the time in his Sound and sober senses and on the same being read over to him
he approved thereof and adhered thereto in every particular all before and in presence of William
Sproat Writer and Procurator Fiscal Tobermory Alexander M^cDonald Clerk to the said William Sproat
and residing in Tobermory Allan Cameron Inspector of Police Tobermory and the said Angus
Cameron

(Signed) Alexander MacDonald Witness

(“) Allan Cameron Witness

(“) Angus Cameron Witness

Paper 1863 – 13037

cover

Copy
Precognition of Witnesses
v^s
Archibald M^cDonald
Bigamy
1865

*Tried at Inveraray circuit
20 Sept 1865. Pleaded
Guilty – 15 mos impr.*

Paper 1865 – 13004

Esther Ferguson

Glasgow 3 March 1865

Esther Ferguson says I am presently a servant to Mungo Campbell Duff Architect in Glasgow and I reside in his house 183 Sauchiehall street Glasgow –

I am daughter of Robert Ferguson Carter in Lockerbie. On a Friday evening in the month of September 1862 being the 12th of that month I think, I, being then resident in my Fathers house, was married to Archibald M^cDonald, Labourer who then resided in Lockerbie after Proclamation of Banns in the Parish church of Dryfesdale, in which Parish the Town of Lockerbie is and the ceremony was performed by the Rev^d M^r Campbell then as now minister of the Free Church congregation Lockerbie. The marriage took place in my fathers house in Bridge street - From the Friday night to the Monday morning we lived together, and slept at the house of his Brother in Law Lachlan M^cFadyen Labourer, then in Lockerbie now somewhere in Glasgow - He courted me in marriage for about a month but I had known him several months - On Monday he left to search for work, as he had not been employed for sometime - but he did not say where he was going ; and he was absent for ten days - On his return he said he had been to Glasgow He remained with me and we continued to cohabit as Man & Wife from that up to the Tuesday of the week after Viz^t five days, and then he again left saying
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Paper 1875 – 13005

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Esther Ferguson

saying he was going to the Country without mentioning what it was to do. He was yet out of employment - I was doubtful about his conduct, and I told him before he left I rather suspected he was not intending to remain with me, but he gave me no satisfaction. Accordingly, as I had feared he never came back, and I never heard from him - I have been informed he married again another woman in Tyree to which he belonged - I, as also my employer M^r Duff, wrote to Tyree since I came to Glasgow making enquiry about him and this I suppose has led to the present investigation by the Procurator Fiscal -

There were present at the marriage of Accused & myself my Sister Catherine Ferguson my father and one Angus M^cLeod a Labourer then at Lockerbie, now I believe in Dundee - There was also filled up in ordinary form a Schedule of Marriage for the Registrar and it was Registered. The Extract of the Proclamation of Banns I got on the occasion was Destroyed - Truth -

(Signed) Esther Ferguson

Paper 1865 – 13007

cover

Copy

Additional precognition
of Esther Ferguson

vs

Archibald MacDonald

Bigamy

1865

Paper 1865 – 13006

3

Tobermory 14 June 1865

Recompeared the said Esther Ferguson, who says, I still reside with Mungo Campbell Duff, Architect in Glasgow who lives in Sauchihall street and at the Number given in my former statement

I have this day

14 June 1865

seen Archibald MacDonald the accused in the Prison here and I identify him - He is the man to whom I was married, in the month of September 1862, and I think the date was the 12th of that month as stated in my former Declaration - In order that he might have no difficulty in identifying me I put on

the dress which I wore on the occasion of our marriage. He denied all Knowledge of me and said that he Knew nothing about me I see no change in his appearance since he left me - Truth –

I had no difficulty whatever in identifying him. I knew his face the moment the cell Door was opened.
(Signed) Esther Ferguson

Paper 1865 – 13008

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Robert Ferguson

Lockerbie 23rd Feby 1865

Robert Ferguson Declares (age 59)

I am a Carter and reside in Bridge Street of Lockerbie in the parish of Drydesdale and County of Dumfries

The accused

Archibald MacDonald

came to Lockerbie about the beginning of the year 1862, and I had some little acquaintance of him. My daughter

Esther Ferguson

was then at home with me, and he got acquainted with her, and proposed to marry her and on 12th September 1863

they were married in the house I then occupied in Bridge Street of Lockerbie by the Rev^d Alexander Campbell of the Free Church here - They had previously been regularly proclaimed in the Church - I was not actually in the room where the Marriage took place but I was just out side the door of it and I heard the Ceremony performed.

After the Ceremony, the newly married pair went to MacDonald's lodgings and lived & I suppose slept together there for a few nights when he left and went away to Glasgow to seek work. He was absent about three weeks during which my daughter had returned to my house but when he came back she returned to his lodgings and lived with him there again for a few days when he of new left for Glasgow on ~~

Paper 1865 – 13009

4

Robert Ferguson

or somewhere and has never since returned or communicated with her.

None of the people of the house where they slept together are now in Lockerbie - I believe they are now about Glasgow –

Angus M^cLeod then in Lockerbie, was M^cDonald's best man and James Carruthers a Shepherd, was also at the marriage –

M^cLeod is now about Glasgow I believe and Carruthers is at present in Wales. All which is Truth

(Signed) Robert Ferguson

Paper 1865 – 13010

5

Catherine Ferguson

Lockerbie 23 Feby 1865

Catherine Ferguson Declares (age 21)

I am daughter of and reside with the Witness Robert Ferguson in Bridge Street of Lockerbie. I was present at the marriage of my sister Esther with the accused on

12th September 1862

in my father's house. After the marriage she went to his lodgings and lived with him there - I concur with my father as to M^cDonald leaving for Glasgow & returning for a few days during which my sister again lived with him - On this last occasion I called at his lodgings one Sunday morning rather early & I saw and spoke to them both in bed together - (signed) Catherine Ferguson

Paper 1865 – 13011

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Paper 1865 – 13012

7

James Murray

Lockerbie 23 Feby 1865

James Murray Declares (age 21)

I am a labourer and reside at Lockerbie I was acquainted with the accused
Archibald M^cDonald

when he was here in 1862 and I was present in the house of the Witness Robert Ferguson in
Lockerbie on 12th September 1862

when said accused was married to Fergusons daughter Esther Ferguson by the Rev^d Alexander
Campbell of the Free Church here Truth

(Signed) James Murray

Tobermory 8 [July] 1865 Re –Examined - Being shewn the accused Archibald MacDonald in
prison here, I identify him as the person who was married as above stated to Esther Ferguson on 12
Sept 1862. I have no doubt whatever of his identity - I don't recollect anything about the signing of
the Marriage Schedule. I was not present when this was done. (Signed) James Murray

Paper 1865 – 13013

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Paper 1865 – 13014

9

Reverend Alexander Campbell

Lockerbie 23d Feby 1865

The Reverend Alexander Campbell Declares (age 34)

I am Minister of the Free Church of Scotland in Lockerbie and reside there in the parish of Dryfesdale
and County of Dumfries.

I recollect on 12 September 1862
of performing the usual Ceremony of marriage between the accused
Archibald MacDonald

then residing in Lockerbie and

Esther Ferguson

daughter of Robert Ferguson (Witness) also then in Lockerbie. I married them after due publication of
Banns of which a certificate was produced to me within her fathers house in Lockerbie in presence of
a number of persons. All which is truth.

Paper 1865 – 13015

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Paper 1865 – 13016

11

Alexander Ferguson

Lockerbie 23^d February 1865

Alexander Ferguson declares (age 66)

I am Registrar of the Parish of Dryfesdale and reside in Lockerbie - On
13th September 1862

I registered the marriage of Esther Ferguson (Witness) with the accused
Archibald M^cDonald

which had been celebrated the previous day 12th September by the Reverend Alexander Campbell of
the Free Church here. The said parties were married after due proclamation of Banns and the
attesting Witnesses were Angus M^cLeod and James Carruthers both then in Lockerbie - I now
produce an Extract of the registration of said marriage signed by me - Truth –

(signed) Alexander Ferguson Reg^r

Paper 1865 – 13017

Paper 1865 – 13018

12/1

Glasgow 13 July 1865

Mary MacDonald or MacFadyen (aged 27) – says I am wife of Lachlan MacFadyen, Carter, and I reside with him at 54 Bell Street Glasgow

My husband and I lived 18 months at Lockerbie ; that was more than 2 years ago - My brother Archibald MacDonald was there for a short time and lodged in our house. ~

I was at what was called the “Wedding Spree” of my brother and Esther Ferguson, held in the “Blue Bell” Inn Lockerbie, the evening they were said to have got married, but I was not present at the Marriage. I heard the marriage was to take place, not from my brother, but from a M^{rs} Dalgleish a neighbour, only a few days before the marriage ~

I only saw Esther Ferguson once before the “Wedding Spree”, a couple of days or so before it and that was one morning after he and she had been in a room in our house.

He had the key of the house and he brought her in unknown to my husband or me the previous night ~

After the marriage they slept in our house for 2 or 3 nights as married persons but he left the place soon afterwards and deserted her - He never made any distinct admission to me that he had married the woman Ferguson - She had a bastard child - I did not think much of her, - Truth – cannot write –

Paper 1865 – 13019

12/3

Glasgow 30 June 1865

Lachlan MacFadyen, Carter, residing at 54 Bell street Glasgow Says,

I am married to a sister of accused – I was at Lockerbie at the time the marriage between accused & Esther Ferguson took place there, and that was about 3 years ago, but I was not present at the ceremony. I was at a meeting held afterwards the same evening in the Blue Bell Inn there – a wedding party comprised of Archibald MacDonald Esther Ferguson & myself and other friends - Their marriage was spoken of as having been celebrated that day - The wedding party was kept up til 5 o'clock next morning - they spent one or two nights in my house shortly after the marriage occupying the same bed I understood but I did not see them going to or arising from the same bed, tho [.....] ~ I was then working on the night shift ~ I took them to be married persons both from [c.....] report and what the parties themselves said – Esther Ferguson was a stranger to me – Accused left the locality about a week after the marriage ~

(Signed L MacFadyen)

Paper 1865 – 13020

12/4

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Paper 1865 – 13021

13

Sarah M^cLeodArynagour Coll 15 Feb^y 1865

Compeared Sarah M^cLeod or MacDonald daughter of and residing with Archibald M^cLeod crofter residing at Balevillin in Island of Tyree in the united parish of Tyree and Coll in the County of Argyll - who says

I am 21 years of age. Two years ago past this Spring I had occasion to go to Tobermory . - The boat with which I went put into Arynagour in the Island of Coll, and in consequence of storm had to remain there for the night. I went to the house of Donald MacDonald labourer Arynagour Coll to pass the night - I then and there for the first time met Archibald M^cDonald the accused & son of the said Donald MacDonald, I left next day for Tobermory - I found them very kind in MacDonalds house - I did not observe anything particular in Archibald M^cDonalds conduct which would lead me to suppose that he had any regard for me in particular - I remained a night in Tobermory & returned with the boat next day - we touched at Arynagour and on landing I called at MacDonald's house - returned to the Boat immediately and ~

Paper 1865 – 13022

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Sarah M^cLeod

and proceeded on to Tyree. About 20 days after MacDonald the accused went to my fathers house he remained there about a week. He said on his arrival that he had some private business to transact in Tyree, a few days after he made a proposal of marriage to me, to which I agreed - My father spoke to me saying that the accused had spoken to him on the subject and that he gave his consent - It was arranged that we were to be married but the time was not fixed then. He returned home to Coll and came back to Tyree on the Saturday of the following week It was then arranged and agreed that we should be married on the

Wednesday after

and that we were to be proclaimed next day Sunday within the parish church at Kirkapoll Tyree - which was done - We were accordingly married by The Reverend John M^cFarlane Baptist Minister residing at Balnoe Tyree within his Dwelling house at Balnoe aforesaid in presence of my father Donald M^cNeill Senior Cartwright, Alexander M^cLeod my brother, Flora M^cNeill all Witnesses in precognition and a number of others. A certificate of the proclamation of Banns with Marriage Schedule were produced but I cant say by whom - After the ceremony was performed The ~~

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Sarah M^cLeod

The accused not being able to write took the pen and inserted a **X** in the Marriage Schedule and my brother Alexander at his request wrote his name - I then signed my name in the Schedule - M^r M^cFarlane and the Witnesses then signed their names and when the paper was filled up the accused got it and it was taken to Livingston the Registrar by some one of my fathers family

We were married on a Wednesday

and so far as I remember a fortnight before

the term of Whitsunday old style

and we will be two years married in May next

we lived together as man and wife in my father's house till the time of

Glasgow Summer fair

when we went to Glasgow for the purpose of taking a house. The accused took a house in 100 Eglinton street Glasgow - He got into employment and we remained together there a month – when I returned to Tyree - I remained about a month, and went back to Glasgow - We removed & took another house in Muse Lane Cowcaddens and remained there for 2 months when I returned home in the family way, and was confined and delivered of a male child in early spring - The accused came home to Tyree about the middle of Spring

Page 16 missing

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Alexander M^cLeod

Tyree 14 Feby 1865

Compeared Alexander M^cLeod son of and residing with Archibald M^cLeod Crofter residing at Balevulin in the Island of Tyree in the united parish of Tyree & Coll who says I am 17 years of age. About a fortnight before Beltane

2 years past first Beltane

Archibald M^cDonald the accused and my sister Sarah M^cLeod or M^cDonald were married by The Rev^d John Macfarlane Baptist Minister residing at Balnoe in the Island of Tyree aforesaid within his own Dwelling house there. The accused who is a native of Coll came to my fathers house and remained there about a fortnight before the marriage took place. I understood that such was agreed upon - They were proclaimed at Kirkapoll parish church in Tyree on the Sunday before the marriage

My father and a number of others were present at the marriage - When the Marriage ceremony was over we all returned to my fathers house to enjoy ourselves. Before we left M^r Macfarlane's house and immediately after the ceremony was performed, The Marriage Schedule was filled up. my sister signed her name to it, the accused taking the pen signed by mark thus **X** M^r Macfarlane then signed and I and the other witnesses signed after him - They lived in ~~

Paper 1865 – 13026

in my fathers house as man and wife till about the middle of Summer when both went to Glasgow for the purpose of living there and taking a house. They remained South till harvest time of same year when my sister returned home - She was in the family way and gave birth to a male child about the end of January - The accused returned home about the middle of Spring 1864 and had the child baptised. The accused and my sister lived together as man and wife from that time till about the middle of the past winter when he left home saying he was going to Coll for work - He was absent for sometime but I cant say how long and returned to Tyree - A day or two after the last christmas old style - 5 Janr^y 1865

he left again saying that he was going to Coll again to work. The next I heard of him was that after working in Coll for a few days he went to Glasgow & I have not heard of his whereabouts since. I heard last week he was married before in the South and that she is still living - My Sister went to Coll yesterday to enquire about him and has not returned yet ~

Paper 1865 – 13027

19

Archibald M^cLeod

14 February 1865

Compeared Archibald M^cLeod who says I am a crofter and reside at Balevulin in the Island of Tyree aforesaid. I concur with my son Alexander M^cLeod a Witness in his statement with the following additions.

Before arranging for the marriage the accused asked my consent which was given A day or two after they were married I took the Marriage Schedule to Livingston the Registrar and delivered it to him.

Paper 1865 – 13028

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21

Flora M^cNeill

14 February 1865

Compeared Flora M^cNeill residing with Donald M^cNeill Crofter residing at Balevullin Tyree aforesaid – who says, I am 32 years of age - About

14 days before the term of Whitsunday 1863

I was at the accuseds wedding with Sarah M^cLeod I acted as bridesmaid. I concur with the other witnesses as to the celebration of the marriage and what occurred afterwards –

Paper 1865 – 13030

22

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23

Donald M^cNeill Senior

14 February 1865

Compeared Donald M^cNeill Senior Cartwright residing at Balevulin in the Island of Tyree aforesaid who says I am 40 years of age –

I concur with the witness Alexander M^cLeod with the following addition . I was present at the celebration of the marriage and after it was performed I signed my name to the Marriage Schedule as a witness.

The accused could not sign his name but he caught the pen and inserted a mark and so far as I remember M^r Macfarlane on behalf of the accused wrote his name ~

Paper 1865 – 13032

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Paper 1865 – 13033

25

Reverend John M^cFarlane

Compeared The Reverend John Macfarlane Baptist Minister residing at Balinoe in the Island of Tyree in the united parish of Tyree & Coll aforesaid , who says

I am years of age, In

May 1863

I remember solemnizing a Marriage between Sarah M^cLeod a Witness and Archibald M^cDonald the accused within my own Dwelling House at Balinoe aforesaid. I remember the date being early in May in consequence of the death of my father which occurred about that time.

Before the celebration of the Marriage the accused produced a certificate of the proclamation of Banns with the Marriage Schedule - The certificate bore that they were proclaimed once in the parish church at Tyree and certifying that no objections were lodged - The parties were then & there duly married by me and the Marriage Schedule filled up & signed - and I handed both papers to the accused - A number of men and women were present at the Marriage ~

Paper 1865 – 13034

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Paper 1865 – 13035

27

Malcolm Livingston

Tyree 14 Feby 1865

Compeared Malcolm Livingston Registrar of Births, Deaths and Marriages for the Island of Tyree and residing at Kirkapoll in the Island of Tyree in the united parish of Tyree & Coll – who says I am 33 years of age.

I have been Registrar for Tyree since 1857. No successor has as yet been appointed, but Martin Campbell the incumbent takes charge of and conducts the duties required of a Session Clerk - In regard to proclamation of Banns the Certificate anent such are given under the hand of M^r Campbell

I produced a Certificate extract from the Register of Marriages for 1863 relative to

Archibald MacDonald the accused

and

Sarah M^cLeod a Witness

Before I give out the Marriage Schedule I cause the parties to produce and shew me a certificate certifying the proclamation of the Banns and that no objections have been lodged - So far as I can remember a brother of the accused came to me shortly before his marriage to MacLeod and produced the Certificates of the proclamation of Banns and I think it was to him I gave the Schedule - I filled up ~~

Paper 1865 – 13036

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Malcolm Livingston

up the Schedule in terms of my instructions so far as practicable from the information supplied by the person who came for the Schedule. On referring to the Register I find that it was returned on

9 May 1863

and, the blanks left by me were filled up. I find on referring to my Diary the following entry on Monday the 4th of May 1863 "Filled Schedule for MacDonald Coll & M^cLeod Balevulin - My impression is that the Certificate of Proclamation of Banns was dated on that day i.e. 4th May 1863, and from another entry in my Diary to the effect that there was preaching at the Kirkapoll church on the 3rd May 1863. I am certain the proclamation would have been made immediately before the benediction was pronounced at the end of the forenoon service in that church.

I do not think the parties were proclaimed in Coll. the church at Kirkapoll and Moss being the parish churches. the Islands of Tyree & Coll being a United Parish -

