

**TPF 1876 – 1**

**Paper 1876 – 1138**

*cover*

Inventory of Precognition  
Death of  
3 cows & 2 horses  
at Cornaigmore, Tyree  
-----

1876

**Paper 1876 – 1137**

Inventory of Precognition  
Death of  
3 Cows and 2 Horses  
at Cornaigmore, Tyree

- 1<sup>st</sup> Precognition,
- 2<sup>nd</sup> Medical Report as to 2<sup>nd</sup> horse that died dated 16<sup>th</sup> June 1876
- 3<sup>rd</sup> Medical Report as to 1<sup>st</sup> horse that died dated 19<sup>th</sup> June 1876
- 4<sup>th</sup> Inventory of Productions
- 5 Report of Professor [?Maclajon]

**Paper 1876 – 1136**

*cover*

Precognition  
Death of  
3 cows & 2 horses  
at Cornaigmore, Tyree  
-----

1876

**Paper 1876 – 1135**

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**Paper 1876 - 1001**

John Macphail

Hellipoll, 19<sup>th</sup> June 1876

John Macphail

says

I am 35 years of age. I am a Crofter and reside at Cornaigmore, in the Island and Parish of Tyree and shire of Argyll. My rent is

£15..18/-

per annum. The Stock on the farm is

6 cows,  
2 two year old Heifers  
1 Stirk  
2 mares  
1 year old colt and  
2 pigs

that was the stock which I had on the farm at the beginning of this year.

In the first ~~

**Paper 1876 – 1002**

2

John Macphail

first week of January last the cattle were as usual on a

Monday afternoon

put into the Byre and the horses into the stable. I usually assist in putting them in and in tying them up, but I do not recollect that I did so on the afternoon in question, but I am quite certain I saw them frequently in the field during the day and in the Byre and the Stable after they were housed, and I am also quite certain that they were all apparently quite healthy. I supplied them by giving each of them a supply of Oat straw, which they ate in their usual healthy way. I last saw them that night about ~~

**Paper 1876 – 1003**

3

John Macphail

about

10 o'clock

I shut the door both of the Stable and Byre. I secured them by fastening a chain attached to the door to a staple on the door check. I did not that night nor was I in the habit previously of securing either of the doors with a lock. On the following morning being a

Tuesday

I went between

8 & 9

to the Byre. I found the door secured in the same way as I had left it on the previous evening. I opened the door and went in. On entering I found the cow (a three year old) nearest the door unwell. It was standing in ~~

**Paper 1876. 1004**

4

John Macphail

in the stall. She was holding up her mouth & head and appeared to labour under a severe illness. She was moaning She kept her mouth pointing towards the roof of the Byre I went up to her head and when I attempted to pull it down she fell down. The neck was very stiff but I did not observe whether or not it was arched. When she fell the head and neck was stretched out to their full extent. She lay on her side the legs were stretched out and straight. There was nothing coming either from the mouth or nostrils. Shortly after she fell she had a passage both of Urine and Dung. I thought both were natural. The cow lay in the state and ~~

**Paper 1876 – 1005**

5

John Macphail

and position described for about

2 hours

and then died. John M<sup>c</sup>Phail, Malcolm Lamont Janet MacLean and several others saw the cow in the morning both before and after death. The Straw which I put before it the night before was all eaten. There was no haik or manger before her, the straw was put on the floor.

I opened the cow in the forenoon in the presence of the above witnesses or some of them and in presence of Neil Lamont, Farmer & Robert MacDougall his servant. The whole inside appeared to be quite healthy, and we all concurred in this, and thought that the death was strange

#### **Paper 1876 – 1006**

6

John Macphail

strange and unaccountable. I skinned the animal and sold the carcass to Neil Lamont. I do not know what he did with it. He gave me

£2..12..6

for it. The cow was worth

£12 or £14.

On a day

a week after

the above occurrence I put the cattle and horses into the Byre and stable in the evening and after suppering them as before and securing the doors in the manner already described, left them in apparent good health. Next morning

Janet MacLean

my servant went to the Byre~~

#### **Paper 1876 – 1007**

7

John Macphail

Byre before me, she returned to the house almost immediately and informed me that another one of the cows was unwell. I accompanied her to the Byre and found that the cow standing nearest to the door was unwell. It was lying in the stall with its head in the wooden stake. It was breathing heavily but I do not remember whether or not it was moaning or groaning, and as the head was in the stake I did not observe whether or not the neck was stiff, but the legs were stretched out to their full extent like the former one. I removed the head from the stake and after I did so it lay stretched out the same as the former one ~~

#### **Paper 1876 – 1008**

8

John Macphail

one. Some tea was prepared to give it as a warm drink but I do not remember whether or not it was administered. I was much put about by the illness of this second cow and did not know well what to do or say. It lay in the state described till about

3 P.M.

when it died. I opened and skinned it and could see nothing to account for death. Everything appeared to be quite natural. I cut up the carcass sold a part of it to neighbours and salted and used the remainder myself. I did not suffer in any way after eating of it. After this I secured both the doors  
~~

#### **Paper 1876 – 1009**

9

John Macphail

doors each with a padlock after securing the horses and cattle for the night.

On a day

5 or 6 weeks after the last occurrence I put in the cattle and

horses and after suppering them with straw as usual the doors was shut and secured by hasp staple and padlock. I am not quite sure that I did this myself though it is my impression that I did so, I am quite certain however that the animals were housed that evening as usual. On the morning following I myself went first to the Byre, I found the keys on the chimney piece in the kitchen before I went out. I  
~~

#### **Paper 1876 – 1010**

10

John Macphail

I opened the Byre door first. I found the door locked and I had to open the padlock before I got in. On entering I found another one of my cows unwell, it was the one nearest the door. It was lying down in the stall with its head in the stake. It was moaning and groaning. It was lying in a natural position. I took its head out of the stake, and when I did so it full stretched out to its full extent. I with the assistance of

Malcolm Lamont &  
Robert M<sup>c</sup>Phail

pulled the animal a little outwards and after doing so it turned upon its side with the legs stretched out  
~~

**Paper 1876 – 1011**

11

John Macphail

out to their full extent in which position it lay without moving till  
2 P.M.

when it died. I am not aware that anything was given to it after finding it unwell as above described. I skinned it and afterwards buried the carcass without opening it. I could not account for this death more than I could account for the previous ones.

On Monday 29<sup>th</sup> May last

I saw Malcolm Lamont put my

6 year old mare

into the stable about the gloaming~~

**Paper 1876 – 1012**

12

John Macphail

gloaming. It was then quite well and within a fortnight of foaling. I saw the stable door locked after it was put in. I went next morning about

6 oclock

to the stable. I got the key on the chimney piece in the kitchen. I found the door locked. I opened it and on entering found the mare lying down on the straw. she was almost delivered of a foal the hind legs only remaining in the uterus. I removed the foal. It came away easily. It was dead. I did not expect that she would foal for at least a fortnight. the mare at the time was about dead, and died in less  
~~

**Paper 1876 – 1013**

13

John Macphail

less than an hour. The mare lay when I went in on her side with her four legs stretched out, her breast was close up to the haik and her head and neck raised against and resting on it. Shortly before death we dragged the mare outwards and after we did so the neck and head fell down stretched to the full extent. We did not open the mare but buried her and the foal in their hide.

On Saturday 10<sup>th</sup> June current

an old mare which had foaled on the previous day was grazing in front of the house all day apparently quite well. I put it along with  
~~

**Paper 1876 – 1014**

14

John Macphail

with the foal into the Barn. I did not tie her up. After I put her in I saw that she was unwell, It would not allow the foal suck. She kept moving round and round the house, with her head hanging down. I tried to give her a drink of warm gruel, but she swallowed only a small quantity of it. John MacPhail and several others were along with me. I did not observe whether the mare had any difficulty in swallowing. I remained with her till

1 oclock

in the morning and went again at day break to see her, and found she was in the same state, and  
~~

**Paper 1876 – 1015**

15

John Macphail

and she continued so till about

10 oclock

when I let her out to the grass. I observed that she attempted to eat and though she cut she did not swallow any of the grass. After being outside for an hour she fell, her head falling under the body. I was near her at the time and relieved the head. She lay on her side with her four legs stretched out to their full extent, the head and neck remaining in the position which I placed them.. She lay in that position till about

3 oclock

when she died. I buried her ~~

### **Paper 1876 – 1016**

16

John Macphail

her on the following day without opening her.

I assisted John M<sup>c</sup>Dougall, Police constable to exhume this mare on Friday last the 16<sup>th</sup> instant

on which day D<sup>r</sup>. Buchanan opened and examined the body. He removed the stomach which remained till this day in a Sealed Barrel in my barn. Today the Seal was broken and the Stomach and part of the contents were put into a Delf vessel and handed to

Allan Cameron, Police Inspector by D<sup>r</sup>. Buchanan.

I ~~

### **Paper 1876 – 1017**

17

John M<sup>c</sup>phail

I this day assisted to exhume the body of the mare which died first, and I saw

D<sup>r</sup>. Buchanan

open and exhume the body in the presence of the

Procurator Fiscal

In the month of September last

I had

2 pigs

each about 4 months old. they were not confined but were feeding on the farm and about the house. In the middle of that month one of these pigs disappeared and though I searched for it could find no trace of it what ever. In about

4 weeks after~~

### **Paper 1876 -1018**

18

John Macphail

after this disappearance the other pig was also amissing I saw it on the day after it was missed lying near the house dead. I was informed that it had been found, but I don't remember by whom drowned in the

Mill Dam

about

200 yards from the house.

In the month of

July of last year

a set of Plough chains were taken from the stable and I have not been able to find any trace of them since.

About the same time a was cut with a

[?Heinpen] Cow Tether Knife~~

### **Paper 1876 – 1019**

19

John Macphail

Knife

it was lying on the inside wall in one of the houses but I cant say which.

About a month afterwards a

Grape

was taken away from the outside of the Office houses, & about the same time though on a different day a set of Plough reins was taken away from the outer door of one of the office houses.

I did not give information of the foregoing occurrences to the Police because I thought nothing could be made of them.

My present possession was held jointly by ~~

**Paper 1876 -1020**

20

John Macphail

by my sister

Widow Ann MacPhail

for a number of years up to Whitsunday 1873. At the term she gave it up sold the stock belonging to her and after selling the crop she went to Glasgow in the autumn of that year to live with her sons

Donald and Hugh

who were resident there. After she left I became sole Tenant and have held the whole lands since and paid the rent therefor. In the

Spring of 1875

she returned to Tyree and without consulting me, took possession of the house and the farm which she occupied before leaving. I found fault with ~~

**Paper 1876 -1021**

21

John Macphail

with her for doing so. She told me that it was her own house and that she meant to occupy it. She put a cow on the grass. I told her to remove it but she refused saying that the ground was her own and that she had a right to have the cow there. I spoke to the Factor and he told me to turn the cow off the ground. I did so and she then sent it to graze on the adjoining farm occupied by

Neil M<sup>c</sup>Lean

Her son

Hugh

came to Tyree about

Martinmas of

**Paper 1876 – 1022**

22

John Macphail

of last year, and began shortly after his return to manure a portion of my ground by laying down Sea weed. I found fault with him and told him to desist. He refused saying he had as much right to the Lands as I had. I told him frequently to desist but I always got the same answer. Donald his brother returned also to Tyree and took up his residence with his mother. The cow which had been at Lamonts farm was brought back and put on my ground and

Hugh

bought a horse which was also put on the ground. I complained repeatedly to them ~~

**Paper 1876 – 1023**

23

John Macphail

them of their conduct and told them to remove their cattle. they spoke quick and in apparent anger refusing as before that they had as much right to it as I did.

Two or Three days before the death of the first mare I found the cow as usual on my grass. I went where it was and turned it off. Hugh came to me as I was doing so in much anger told me to stop not to remove the cow that she would be there this year in spite of me and at the same time he clenched his fist and placed it on my cheek and with the other hand pushed me backwards, causing ~~

**Paper 1876 -1024**

24

John Macphail

causing me to stagger. I told him that I would not fight and that if I could not maintain my right to the lands without that I would not have the lands. I then left him and went home. On the following day I again met him and told him to remove both Cow and horse. He refused to do so saying a new Factor was coming and that the matter would be referred to him. M<sup>r</sup> M<sup>c</sup>Diarmid is the new Factor and he came to Tyree about a week after the above occurrence and I went and saw him. He told me to remove the cattle but they were taken away shortly after this by Hugh himself ~~

**Paper 1876 – 1025**

25

John Macphail

himself at M<sup>r</sup> M<sup>o</sup>Diarmid's request and the cattle have not since been on my ground, though my sister and her sons still continue to occupy the house.

Neither my sister nor her two sons came to see any of the cows or the first mare while they were ill. but both Donald and Hugh saw the first mare after it was dead. I am not aware that they made any remark. None of them saw the last mare during its illness. Their house is within  
20 yards

of mine and it is situated quite close to my office.

None of them ever spoke to me about the deaths in my stock nor did they ~~

**Paper 1876 – 1026**

26

John Macphail

they sympathise with me in my loss.

The value of the animals which died would be from  
£150 to £160

Truth

Hellipoll 20<sup>th</sup> June 1876

Re-examined, says

I do not recollect that I observed any symptoms of perspiration followed by cold shiverings in any of the three cows during their illness.

John Campbell

a Witness saw them all before death. I recollect that Campbell or some other person not being sure who remarked that the above symptoms were present during the illness of ~~

**Paper 1876 -1027**

27

John Macphail

of the Second cow, but I have no recollection of observing these symptoms myself, and I did not observe any symptoms beyond those I have already described.

I omitted in my examination Yesterday to mention about the clothing & the Ducks and Hens which were taken away from me at the times and in the way described by my servant Janet MacLean. I did not inform the Police because I thought nothing could be made of it.

Truth

Cornaigmore, 21<sup>st</sup> June 1876

Re-examined, says

On ~~

**Paper 1876 -1028**

28

John Macphail

On the morning that I discovered that the Second cow was unwell I sent for Neil Lamont, Farmer, Cornaig to request him to come and Bleed the cow., He came and Bleed it. I cant say how much blood he took from it. The Blood appeared to be quite natural. Truth.

**Paper 1876 – 1034**

29

Janet MacLean

Hellipoll, 20<sup>th</sup> June 1876

Janet MacLean  
says

I am 30 years

of age. I am servant to and residing with John MacPhail at Cornaigmore, aforesaid. I recollect on a day

a week before Christmas old style of 1875

[in margin] - beginning of January 1876

of the first cow taking unwell, and dying suddenly. That cow along with the others were put into the Byre the night previously and I milked them all and they were all quite healthy. I so milked them between 5 & 6 PM and I did not see them again till the following morning. On that morning my master M' MacPhail went~

**Paper 1876 – 1035**

30

Janet MacLean

went early to the Byre as it is his habit. He returned almost immediately to the house & informed me that the cow was sick. I went with him to the Byre and found the cow nearest to the door lying on its side moaning and groaning, I did not take notice of the position of its head or legs. I made some warm tea and tried to give it to the cow out of a jug but I could not get it to swallow. I then injected the tea from my own mouth to that of the cow, Very little of the tea was swallowed. Most of it fell out of its mouth after I injected it. I was about the cow till it died ~~

**Paper 1876 – 1036**

31

Janet MacLean

died in about

2 hours

after I saw it. The cow was opened after death but I was not present. Some of the neighbours including

Malcolm Lamont &  
John Campbell

were present. I am quite sure that this cow was quite well on the previous evening when I milked it. I never saw a cow die in the same way before.

In a week after the above occurrence on going to the Byre on a day about 6 o'clock

in the morning I found that another of the cows was sick. It was in ~~

**Paper 1876 -1037**

32

Janet MacLean

in the stall nearest the door and I found it lying on its side the same as the other one. I had milked that cow on the previous evening and it was then quite well. I ran for my master and he came with me to the Byre at once. I left him there. This cow was affected similarly to the other one, it was moaning and groaning but I did not take notice of the position of its head or legs. I did not attempt to give anything either to eat or drink to it, for the reason that I did not think the animal was in a state to take anything. The animal lay in the state described till about ~~

**Paper 1876 -1038**

33

Janet MacLean

about

2 PM

when it also died. This cow was opened, part of the carcass was sold and the remainder was salted and used in the house, I partook of it repeatedly and found it the same as other Beef. I did not suffer in any way from its use. It was my master who salted it.

Up to this time neither the Byre nor the stable door were locked at night, but from this time henceforth my master has both secured with padlocks. It did not occur to me that there was any special reason for this and my master did not ~~

**Paper 1876 – 1039**

34

Janet MacLean

not assign to me any reason for doing so. My master and I talked about the death of these cattle and we both came to the conclusion that it was unaccountable as we had neither heard nor seen cows die in a similar way before.

On a day 4 or 5 weeks after the last occurrence another of the cows sickened and died in the Byre under exactly similar circumstances. I had milked it the night before



when it was quite well. I saw this cow when it was ill but I did not attempt to give it any thing. This cow was near its calving and ~~

**Paper 1876 – 1040**

35

Janet MacLean

and it was buried after being skinned. I do not recollect that my master gave any reason why this one was not eaten the same as the former ones, but I am of opinion that it was because it was very near calving. The keys of the Byre and stable lay on the chimney piece in the kitchen.

I know that 2 mares

belonging to my master took ill and died very suddenly. I saw them when they were ill but paid no attention to the symptoms except in the case of the last one which I saw moved round in a circle holding its head down and ~~

**Paper 1876 -1041**

36

Janet MacLean

and refusing to allow the foal to suck. My master did not say anything to me as to the death of these animals. I am aware that

Hugh MacPhail

put a cow on my masters ground and that he began to manure part of it by laying down Seaweed. My master I know was displeased at this and he told me that he had spoken to his nephew on the subject, but I did not hear the conversation and I did not myself have any communication with

Hugh MacPhail

in the matter. He lived with his mother in a house ~~

**Paper 1876 – 1042**

37

Janet MacLean

a house a short distance from my master. M<sup>rs</sup> MacPhail had been absent in Glasgow for two or three years and when she returned to Tyree she went into this house. I do not know whether or not she had previously spoken to my master about it. Her two sons

Hugh & Donald

came on separate occasions recently and now live with her.

I concur with my master as to the

2 Pigs

the first one was never found, the Second one was found in the

Mill Dam

but ~~

**Paper 1876 -1043**

38

Janet MacLean

but I do not know who found it, and I did not see it after it were brought to the house.

I am aware that my master during winter last missed

Plough chains &

a Grape

but I do not know anything of this myself. During the winter and Spring last we had

18 Ducks &

32 Hens

all of these disappeared during

Winter and Spring last gradually except

6 of the former &

3 of the latter

They disappeared from the Barn in two or threes. I~~

**Paper 1876 -1044**

39

Janet MacLean

I could form no idea as to their disappearance except that I missed them. I told my master from time to time that they were disappearing, but I do not remember if he said anything to me on the subject.

During last Summer

2 towels  
1 Sheet &  
1 Shift

were taken away from a green near the house during night. This was the commencement of our misfortunes.

I did not see Mrs MacPhail nor her two Sons about the house during the illness of the animals who died nor ~~

**Paper 1876 – 1045**

40

Janet MacLean

nor am I aware that they ever made any enquiry about them, none of them ever spoke to me on the subject. Our other neighbours all did so. I thought this conduct on the part of Mrs MacPhail and her sons very strange. Truth.

**Paper 1876 – 1029**

Janet MacLean

Hellipoll, Tyree 21<sup>st</sup> Augt 1876

Janet MacLean

Re-examined

says

the cow that died as well as the other cows in the Byre were fed by my master

John Macphail

He was assisted in this occasionally by me and generally by

Malcolm Lamont.

It was my master and Malcolm Lamont who fed the horses. I took nothing to do with them.. I was not present so far as I remember on the nights before the respective deaths of the

3 cows

but~~

**Paper 1876 – 1030**

Janet MacLean

but I saw them in the Byre and milked them on the evenings respectively preceding the mornings of their death. I never saw

Ann Macphail or any of her family give food either inside the Byre or Stable or outside to any of the Cows or horses. I did not see them or any of them in or about the Byre or Stable. I never told any body that I had seen

Mrs Ann Macphail give the Cattle food. I am quite sure of this.

Neither Mrs Macphail or her sons Hugh & Donald or ~~

**Paper 1876 – 1031**

Janet McLean

or her daughter

Flora

ever spoke to me about the illness or death of the animals or any of them. I do not remember in any conversation I had with them or any of them of my referring to the subject. None of them have been in my masters house since the first cow died. I met them occasionally outside and sometimes we spoke and other times we did not. I did not think it strange that they did not call on my master because I knew they wanted the Croft and that he would not ~~

**Paper 1876 – 1032**

Janet MacLean

not give it. I used to call for Mrs Macphail at her house and I was good enough terms with her and her family, but we have not spoken nor have I been in her house since I was formerly examined. I wished to keep myself clear as I knew that my master and they were not on good terms. I never saw Poison

of any kind in my masters house and I never saw Poison with M<sup>rs</sup> Macphail or any of her family & I never heard any of them speak about Poison. I ~~

**Paper 1876 – 1033**

Janet MacLean

I do not think that I ever spoke to Hector Macphail about the death of the Cows and horses. I believe he and my master are on good enough terms. He visits at the house but I am not sure whether or not he saw any of the animals when they were ill. Hugh Macphail is still living with his mother and is working at days labour on the Island. Truth.

**Paper 1876 – 1046**

41

John MacPhail

Hellipoll 20<sup>th</sup> June 1876

John MacPhail  
says

I am 30 years of age. I am a tailor and reside at Cornaigmore aforesaid. My house is barely a quarter of a mile distant from John Macphail Crofter. He is my uncle. In the end of December or the beginning of January last I got a message in the morning from my uncle that one of his cows were ill and asked me to go down. I went and reached a little before

9 oclock

John Campbell

Malcolm Lamont

and several others were there. the cow was lying in ~~

**Paper 1876 – 1047**

42

John MacPhail

in the stall nearest the door, on her side having its legs stretched out its head and neck were also stretched out. I did not observe then alternate perspiration and shivering. I put my hand on the horn and found it warm. It was drawing the legs inwards and stretching them outwards and remaining motionless for short intervals when the movement of the legs were resumed. She was moaning but I did not remember whether she was striking her head on the ground and I did not observe that there was any stiffening of the neck. She appeared to be suffering. It ~~

**Paper 1876 – 1048**

43

John MacPhail

It continued in this way till it died in about an hour after I reached. I never saw a cow suffering in the same way before. I saw the animal opened and the carcass, intestines, viscera appeared to be perfectly healthy. I could discover nothing to account for death, and I could arrive at no conclusion as to the cause. My uncle sold the carcass to Neil Lamont. I don't know what he made of it. I saw the other two cows that died while they were ill. The symptoms and sufferings of these two were precisely the same as the other one. I saw the second also opened ~~

**Paper 1876 -1049**

44

John Macphail

opened and the viscera intestines and carcass were perfectly natural in appearance and I could in this case also see nothing to account for death. I got a part of the carcass and ate it. I did not suffer in consequence. The third one was not opened and I do not know why it was not. It was buried after being skinned.

I did not see the first mare that died during its illness.

I saw the second one while it was ill in the morning after daybreak. It was in the Barn and I concur with the symptoms described by the witness John Campbell I ~~

**Paper 1876 -1050**

45

John Macphail

I also saw it in the field but I went away before it died. I did not see it fall. I could not account for the death. I never saw a horse similarly affected before. I had no conversation with my uncle or any other person as to the cause of death. Truth.

**Paper 1876 – 1051**

John Campbell

Hellipoll, 20<sup>th</sup> June, 1876

John Campbell

Says

I am 60 years of age. I am a tailor and reside at Cornaigmore aforesaid. My house is situated about 30 yards from John MacPhails house and his Byre about 10 yards.

I saw the first cow that died early in the morning. It was lying in the stall nearest the door, on its side and apparently suffering much pain, it was labouring and pressing itself up against the head of the stall and moving its legs backwards and forwards and breaking out ~~

**Paper 1876 – 1052**

47

John Campbell

out into perspiration followed by cold and shivering. We drew it back and it continued to lie in the position we placed it till it died. These perspirations and shiverings continued till its death moaning at intervals, and moving its legs backwards and forwards. The legs were stretched out and after being so stretched would shiver and it was lifting its head and striking it on the ground. The head and legs were working continually in the way I have described, till shortly before death and I did not pay attention to whether the neck or body was arched or stiffened. I never saw a ~~

**Paper 1876 – 1053**

48

John Campbell

a cow suffering in the same way before, and I have seen cattle suffering and dying of all known diseases. I saw the animal after death opened and I could detect nothing to account for death. The whole intestines and viscera appeared to be perfectly healthy, the carcass the same and I could arrive at no conclusion to account for death.

I saw the other two cows that died during there illness. they suffered both of them in the same way and the symptoms present in the first were present to the same extent and in the same form as in the first. I never saw ~~

**Paper 1876 – 1054**

49

John Campbell

saw three animals dying at intervals affected so precisely the same. I saw the Second one opened and the appearances were exactly the same as in the first, the Third was not opened it was buried in the carcass. I spoke to M<sup>c</sup>Phail as to these deaths and he said to me that he could not understand how they were dropping off so suddenly, and I myself did not know what to say about it, there was a whisper of witchcraft as the cause among the neighbours but I did not go in with this.

I saw the first mare in the Stable about ½ an hour before its death It ~~

**Paper 1876 – 1055**

50

John Campbell

it was lying on its side in the stall and it kept moving one of its hind legs continually backwards and forwards and the other three were stretched out and lying without motion. I lifted its head and held it on my knee but I did not observe that it was stiffened nor did I observe that the legs were stiffened. the beast was almost dead before I saw it. I saw from the disturbed state of the earth that there must

have been a good deal of movement of the hind legs before I saw it. I saw that the mare had foaled during night and I saw the dead ~~

Page 51 missing

**Paper 1876 – 1056**

52

John Campbell

its head hanging down and catching at everything that came in its way with its mouth, It refused to allow the foal go near it. It appeared to me that it had lost all sense. I was roused early in the morning by M<sup>c</sup>Phail who told me the beast was worse. I went with him to the Barn and found the animal moving about and behaving exactly in the same way. About day light it lay down for a few minutes but got up and moved about as before. We put it into the field and it kept moving there for about an hour

when~~

**Paper 1876 – 1058**

53

John Campbell

when it fell with its head between its feet. MacPhail relieved the head and it lay on its side for about five minutes and then died. there was perspiration but after it fell until it died it moved its hind feet backwards and forwards . This animal was also buried without being opened. I could assign no cause for death. I never saw a horse die presenting the same symptoms. They were quite new to me. Truth.

**Paper 1876 – 1059**

54

Malcolm Lamont

Hellipoll, 20<sup>th</sup> June 1876.

Malcolm Lamont

Says

I am 36 years

of age. I am a labourer and reside at Cornaigmore aforesaid. My house is situated about 200 yards

from that occupied by John MacPhail.

I had heard during last winter and Spring that clothing, Plough chains grapes Ducks & Hens were disappearing mysteriously from MacPhails house, and the neighbours were talking about it and sympathising with him, but we could arrive at no conclusion on the ~~

**Paper 1876 - 1060**

55

Malcolm Lamont

the subject.

In the end of December or beginning of January last

I heard that one of Macphails cows had been suddenly taken ill this was in the morning about day light. I went to the Byre and saw the cow. It was lying on its side in the stall nearest the door, with its head and neck stretched out to their full extent, and its legs also stretched out in a similar way. I do not think that either the neck or legs were stiff. The cow was moaning and groaning, I never saw a ~~

**Paper 1876 - 1061**

56

Malcolm Lamont

a cow so sick or affected in a similar way. I thought it dying the moment I saw it. I did not see any one attempt to give it a Drink. It died very shortly after I saw it. I assisted to skin and open it but could see nothing to cause death, the intestines appearance to beall quite healthy.

Robert M<sup>c</sup>Dougall

John Campbell

and several others were present and we all concurred in this opinion. We all considered the death strange but could make nothing of it further. I believe

Neil Lamont

bought the carcass but I ~~

**Paper 1876 – 1062**

57

Malcolm Lamont

I am not aware of it of my own knowledge.

About a week after wards a

Second cow

sickened and died under precisely the same symptoms and circumstances. I saw it early in the morning and was present till it died. It was moaning and groaning and lying exactly in the same position as the former one. MacPhail the owner was so vexed that he could hardly speak. I was sorry for him. I assisted also to skin & open this animal everything about the intestines and the carcass appeared to be in perfect health and I could not account ~~

**Paper 1876 – 1063**

58

Malcolm Lamont

account for the death. I could not understand the death at all and no one of the neighbours could understand it either.

In about a month of 6 weeks after this another Cow sickened and died exactly the same as the other two. I saw it also early in the morning and it was lying exactly in the same position as the others, moaning and groaning. I thought it also dying whenever I saw it, I continued with it till it died about

2 PM.

Macphail was very sorry but said almost nothing. I assisted to take the skin of ~~

**Paper 1876 – 1064**

59

Malcolm Lamont

off the animal and to bury the carcass. This one was not opened. The animal was in low condition and in calf. I do not know who proposed that it should be buried, but it was agreed that this would be the best thing to do. I observed that the Byre and Stable Doors were locked after the Death of the Second cow but Macphail said nothing to me as to the reason which led him to do so.

About 3 weeks ago

I saw the first mare that died in the stable about half an hour before ~~

**Paper 1876 – 1065**

60

Malcolm Lamont

before its death. It was lying in its stall and so weak and near death that I could not detect any symptoms of illness. She had foaled shortly before I saw her. the foal was lying at the door dead as I entered. the mare was lying on its side with its head and neck and four feet stretched out to their full extent but I did not observe whether or not they were stiff. I saw the mare the day before and it was then quite well. Macphails Servant was harrowing with it in the field. It was a strong good mare

5 or 6 years old~~

**Paper 1876 – 1066**

61

Malcolm Lamont

old. The mare was not opened. I thought that the cause of death might have been in foaling. I saw the earth in the stall had been disturbed and I thought this had been done by the mare when in labour.

I saw the other mare that died then it was ill. It was in the Barn it was moving round the house with its head hanging down and snapping with its mouth at anything that came in the way. She refused to allow the foal to suck. I saw this beast afterwards in the field. I assisted to take it out of ~~

**Paper 1876 – 1067**

62

Malcolm Lamont

of the Barn, when in the field it moved about in the same way. I left shortly after and did not see her die. I did not assist to bury her. I could not account for the death of this animal more than any of the other ones. It appeared to be mad. All which is Truth.

**Paper 1876 – 1068**

63

Neil Lamont

Cornaigmore, 20<sup>th</sup> June, 1876.

Neil Lamont

says

I am

42 years

of age. I am Tenant of the farm of Cornaigmore. My house is distant from John MacPhail, a witness about half a mile.

About the beginning of the present year I had a message from John M<sup>c</sup>Phail informing me that one of his cows was dead and requesting me to go down and see it with a view to purchase the carcass. I went down to MacPhails house about

9 o'clock

in the evening. I found him in the house. MacPhail asked me ~~

**Paper 1876 – 1069**

64

Neil Lamont

me to go and see the cow which I did and found the carcass cut in two halves and hanging up. We both examined and found the Flesh good. After examining the carcass I asked MacPhail what he would take for the whole of it. He asked £2..15/- and I gave him

£2..12/6<sup>d</sup>

for it. It was brought home the next morning. The whole carcass was consumed in my house. I nor any other inmate of my house never suffered from its use.

In about a week after this Macphail sent for me about

7 o'clock

in the morning to bleed one ~~

**Paper 1876 – 1070**

65

Neil Lamont

one of his cows which was sick. I went immediately and found the cow in the Byre lying on her side she was working her feet backwards and forwards as if in great pain, its head and neck stretched out. I saw at once that the cow was dying. I with the assistance of some of the neighbours present lifted her on her feet while I bled her. She bled freely and the blood appeared quite natural. I took about

2 dinner platefuls

of Blood from her. She stood for a few minutes alone after bleeding her and then fell down. In about an hour and a half afterwards she died. I

**Paper 1876 – 1071**

66

Neil Lamont

I have had considerable experience in cattle. My father being a Farmer and cattle Dealer. I assisted him in all his dealings since I was a boy and saw a good number of our own and other peoples cattle die. During my whole experience I cannot recollect of having seen any dying of any disease with the same symptoms as this. I cannot form an idea by the symptoms as to the cause of death of this cattle. Truth.

**Paper 1876 – 1072**

67

Malcolm Lamont

Hellipoll, 20<sup>th</sup> June 1876

Malcolm Lamont

Says

I am between

12 or 13 years

of age. I am a Servant to & reside with John Macphail, Cornaigmore aforesaid. I am aware that my master lost

3 cows &

2 mares

during last spring and this Summer, after very short illnesses. I saw them all when they were unwell but I did not take any notice of their symptoms or the way in which they were lying. I did not hear any one account for the deaths.

The~~

**Paper 1876 – 1073**

68

Malcolm Lamont

The first mare that died was a young strong animal. I harrowed with it and another mare for about 2 hours on the day before she died. It was then quite well and the work was light and did it no harm. I put it into the stable after loosening it from the harrows. I feed it with hay and Bean meal. It took its food quite well. I gave it its supper of Hay about

8 PM

and I afterwards locked the Stable door, and put the key on the chimney piece in the kitchen. It was quite well when I gave ~~

**Paper 1876 – 1074**

69

Malcolm Lamont

gave it its supper. The stable & Byre door were not locked at night till after the second cow died, and I did not know why my master did so afterwards. I ate part of the second cow and it did me no harm. Truth.

**Paper 1876 – 1075**

70

Lachlan Macphail

Cornaigmore. 20<sup>th</sup> June. 1876

Lachlan MacPhail

Says

I am

31 years of age

I am a Crofter and reside at Cornaigmore aforesaid. About the end of autumn

1875

I had occasion to be at the Mill Dam distant from my house about

200 yards

or so. I observed a Young pig, lying dead at the side of the dam. It was partly covered with water. I did not observe any marks upon the carcass. I knew the pig to be one belonging to my uncle John M<sup>c</sup>Phail, a witness. Truth.

**Paper 1876 – 1076**

71

Hugh MacDiarmid

Hellipoll, 20<sup>th</sup> June 1876

Hugh MacDiarmid

Says

I am Factor for Tyree and reside at Island House, in Tyree. I entered on my duties in the beginning of the month. The witness John Macphail shortly after I came to the Island came and complained to me that his sister and two nephews were grazing cattle on his Croft and laying Manure down on it and that they refused to remove the one or desist from the other although he repeatedly requested him to do so. I said I would look into the matter. His nephew Hugh Macphail came to me afterwards on the same subject and I said the same ~~

**Paper 1876 – 1077**

72

Hugh MacDiarmid

same to him. I went to Cornaigmore and after enquiry found that

John MacPhail

was right and I ordered his nephews to remove the cattle and to desist otherwise from troubling him in the occupation of his land and I learned subsequently that this order was obeyed. Truth.

H.Macdiarmid



Tyree . 21<sup>st</sup> August. 1876

Re-examined, says

I find that Hector Macphail's name stands in the Rental for the Croft occupied by himself and also for the one occupied by his brother John Macphail. John's name is now to be entered for the Croft occupied by him. Truth.

**Paper 1876 – 1078**

73

Alexander Buchanan

Baugh 21<sup>st</sup> June 1876

Alexander Buchanan

Says

I am a Surgeon and reside at Baugh in the Island of Tyree aforesaid.

I made a post mortem examination of a Mare after disinterment at Cornaigmore, Tyree and produce Report thereof dated

16<sup>th</sup> June 1876

which is a true report. This report refers to the last of the two mares belonging to  
John Macphail

which died. Macphail was present and assisted to exhume the carcass. On the date of examination I put into a

Cask~~

**Paper 1876 – 1079**

74

Alexander Buchanan

Cask

the Stomach of this animal entire and secured it with seals. I found the Cask entire with the Seals intact on the

19<sup>th</sup> June 1876

the seals were broken on that day in my presence when I opened the Stomach and placed part of the contents and the Substance of the stomach itself along with a part of the liver and lung into an earthen vessel which I committed to the care of

Label Marked N<sup>o</sup> 1

Allan Cameron

Police Inspector

I also made a post mortem examination of the carcass of the first ~~

**Paper 1876 – 1080**

75

Alexander Buchanan

first mare which died belonging to Macphail on the

19<sup>th</sup> June 1876

and I produce Report thereon dated that day, which is a true report.

Macphail was present and assisted to exhume the carcass prior to my examination. I put the Stomach, part of its contents a portion of the Liver and Spleen and Lung into two separate Jars and which I handed to

Labels N<sup>o</sup> 2

Allan Cameron

Inspector of Police

In both these reports I have stated that I was unable to account for the death of either of~~

**Paper 1876 – 1081**

76

Alexander Buchanan

of these animals and my meaning is that I am unable to account for the death from natural causes. the death points to poisoning and to poisoning by strychnine. I have heard of the symptoms of the illness of the

3 cows

and in their case also I think the death was not due to natural causes but also to strychnine. I cannot however form any distinct or decided opinion in regard to the cause of death of any of them - Truth.

**Paper 1876 - 1082**

77

Allan Cameron

Tobermory 28<sup>th</sup> June 1876

Allan Cameron

Says

I am Inspector of Police and reside in Tobermory in the united Parish of Kilninian & Kilmore, Island of Mull, Argyllshire.

I was present at Cornaigmore, Tyree on  
19<sup>th</sup> June 1876

when D<sup>r</sup> Buchanan made a post mortem examination of the First mare belonging to John Macphail which died and I produce two Jars

Label N<sup>o</sup> 2 Labelled respectively N<sup>o</sup> 2  
containing Stomach part of the contents of the Stomach part ~~

**Paper 1876 – 1083**

78

Allan Cameron

part of the Liver, Spleen and Lung which were respectively put into these Jars and handed to me by  
D<sup>r</sup>. Buchanan

Label N<sup>o</sup> 1 I also produce Jar No 1 containing Stomach, part of its contents and a portion of the Liver and Lung of the last mare belonging to Macphail which died, and which were also delivered to me by  
D<sup>r</sup>. Buchanan

on the day in question . Truth.

**Paper 1876 - 1084**

79

Hector Macphail

Hellipoll. 21<sup>st</sup> Augt. 1876

Hector Macphail

says

I am a crofter and reside at Cornaigmore, Island of Tyree and shire of Argyll. I am about  
50 years

of age. I occupy one Croft at Cornaigmore. My father John Macphail was tenant of it before me and I succeeded at his death. He was also tenant of the Croft also at Cornaigmore at present occupied by the witness John Macphail, my brother. He and my sister

Ann Macphail

with my fathers permission occupied that Croft jointly and ~~

**Paper 1876 – 1085**

80

Hector Macphail

and the Stock on it belonged to them in common my father had an interest in the Stock they paid the rent After my fathers death my name as eldest son was put into the rent Book as tenant of the Croft and I got the Notice from the Factors Office to pay the rent, but in point of fact my brother John and my sister were the real tenants as I took nothing whatever to do with the management nor had I any interest in the stock and they paid the Rent and Taxes.

About 3 years ~~

**Paper 1876 – 1086**

81

Hector Macphail

3 years

ago my sister Roused off all her stock and Crop, gave up her interest in the Croft and went to Glasgow, to live with her sons

Donald and Hugh

who were living there. After she left my brother John succeeded to her part of the Croft and put stock on it. He agreed to give me a small corner for pasture which he agreed I should occupy free of rent.

Last Spring I ceased to occupy this corner and it is now held by my brother John. My sister with her daughter  
Flora  
returned~~

**Paper 1876 – 1087**

82

Hector Macphail

returned to Tyree in the

Spring of 1875

and took up her residence in the house on the Croft which she had occupied before leaving it. This house had been used as a barn by my brother during the time she was away, but it was empty at the time she returned, John was not pleased at her resuming possession of the house and he expressed himself so to me, but I do not know whether he told her so. She bought a Cow and put in on the ground. My brother ~~

**Paper 1876 – 1088**

83

Hector Macphail

brother caused her to remove this animal after it had been a week on the pasture. I was willing that my sister should resume her old place and share with my brother the half of the Croft as formerly. She wished this herself. My brother John was against it. I did not interfere further between them than to express an opinion to John that if the Factor would say nothing against it I was willing that she should get the half of the Croft as formerly, but John was quite determined to keep it himself ~~

**Paper 1876 – 1089**

84

Hector Macphail

self. Hugh Macphail one of my sisters sons came from Glasgow to Tyree and took up his residence with his mother about the terms of

Martinmas 1875

Shortly after he came he began to manure a portion of the ground with sea ware, my brother John I am aware was opposed to this and desired him to desist. Hugh spoke to me on the subject more than once but as I did not wish to interfere I said though I was willing that his mother should have the Croft as before I could do nothing in the ~~

**Paper 1876 – 1090**

85

Hector Macphail

the matter. Hugh told me that he had seen Mr Geekie the Factor and that he had told him he did not intend to interfere between my sister and John if they could agree among themselves. I saw the Factor shortly afterwards and in consequence of what he said I told Hugh to cease from manuring the Lands and he did so at once.

Another son of my sister called

Donald

came to Tyree from Glasgow in the spring of 1876 and took his residence with his mother. Shortly ~~

**Paper 1876 – 1091**

86

Hector Macphail

Shortly afterwards a Cow and a horse was put on the ground but I do not know which of them did it. I did not know they were there till I saw them on the Land. Hugh before the horse and Cow were put on the ground came to me and said "Are you against me putting a Cow and a horse on the Croft" I said to him I am neither for nor against you, but don't do anything that you will afterwards rue. He said nothing to this. This was all that passed, and I heard next day that the Cow and Horse ~~

**Paper 1876 – 1092**

87

Hector Macphail

Horse had been put on the ground. I thought from what I said that Hugh would not put them there. John spoke to me about this and expressed himself dissatisfied. He said that Hugh refused to remove

the Horse and Cow that he had said that he had as much right to the Croft as him, that he was determined to keep it and that he had got angry and had offered to fight when he asked him to remove the beast. I said to him that I did not want to interfere between them. I had previous to this advised both to go to the Factor and ~~

**Paper 1876 – 1093**

88

Hector Macphail

and that should settle the difficulties. John told me that he had seen the new Factor M<sup>r</sup> MacDiarmid who had promised to go to Cornaig and enquire. In a day or two afterwards the Cattle were removed and John has the undisturbed possession of the Croft since.

After my sister came back to Tyree and I think also after Hughs return but I am not sure of this, I heard that the

Hens  
Ducks &  
Pigs

belonging to John had been ~~

**Paper 1876 – 1094**

89

Hector Macphail

disappearing from time to time. I heard of this on the occasions of my paying him a visit. I thought the disappearance curious but I could not account for it. I heard of the death of the first cow but I did not see it during its illness. some one mentioned the fact to me and I went to the house and found that the animal had been skinned and I saw two quarters. My brother told me the cow was quite well the evening before and that it had died after an illness of two hours. I did not examine the quarters. I did not see any ~~

**Paper 1876 – 1095**

90

Hector Macphail

any part of the inside and I made no enquiry about it. I saw the two quarters on a table outside the door and I did not go into the house at all, as I was in charge of a horse and Cart. My brother said that the death of the Cow was surprising, but he did not either say or lead me to understand that the Cow had been poisoned, and it did not strike me that it had been poisoned. I ate no part of this animal.

On a day about a Week~~

**Paper 1876 – 1096**

91

Hector Macphail

after this and about

9 oclock

in the morning I got a message from John that another of the cows had taken ill. I went off at once to see it. I found it in the Byre lying on its side evidently suffering much pain, the legs were stretched out and the neck and head were also stretched. I observed a movement in one of the forelegs but I do not recollect whether or not there was any motion in the other legs. I remained about an hour and the cow was in ~~

**Paper 1876 – 1097**

92

Hector Macphail

in the same state, all the time. I never in my life saw an animal similarly affected, but I did not hear any one talk of poison and it did not strike me that Poison was the cause of illness. I thought it very odd that two animals from the same Byre should die so quickly but it did not strike me as I have said that Poison was the cause. My brother seemed to be greatly vexed and spoke little. This cow died during the course of the day and I saw it afterwards in the ~~

**Paper 1876 – 1098**

93

Hector Macphail

in the hide, it was very much swollen I saw it skinned and opened and I could discover nothing unnatural or to account for death.

About a month

after this I heard that another of my brothers cows had fallen ill and died suddenly. I was unwell at the time and confined to the house, and I did not see it. I do not know who told me but the cow had died before I heard it was ill. I had no message from my brother. I cannot give the dates of the death of any of the cows but I am satisfied that they all ~~

**Paper 1876 – 1099**

94

Hector Macphail

all died before the end of

February 1876

and that both my sister Ann and her son Hugh were in Cornaigmore at the time I talked with them about the deaths. I expressed myself as sorry and that the deaths were strange and unaccountable. They agreed with me.

I did not ask them if they had seen the animals either during their illness or after death and they did not say to me in my conversation that they had~~

**Paper 1876 – 1100**

95

Hector Macphail

had seen them. My brother John told me that neither of them had come to see the animals and I said to him that I thought this very strange as they were living so close and that strangers had come to see them. I do not recollect whether John made a similar remark. I did not say anything to my sister or Hugh upon this subject nor did I ask them why they did not go to see the animals. I cannot give any reason why I did not put the question to them. I knew that they were ~~

**Paper 1876 – 1101**

96

Hector Macphail

were not on good terms and on this account I was less surprised that they did not go to see the animals though I did not think it a sufficient reason for them to keep away, nor was it a sufficient reason for my not speaking to them. I wished to keep myself out of the quarrel, and I daresay this was my reason for not asking them why they did not see the animals. I talked repeatedly with my sister and her son about the death of the cows and expressed myself ~~

**Paper 1876 – 1102**

97

Hector Macphail

myself to them as sorry for his loss. They also said they were sorry and that irrespective of the quarrel between them.

A day or two after last Whitsunday old style

Malcolm Lamont a witness my brothers servant came with a message that a mare belonging to my brother had taken suddenly ill and was dying. This was in the morning. I went off at once but the animal was dead before I arrived. Donald the other of my sisters sons was at home at the time. My brother told ~~

**Paper 1876 – 1103**

98

Hector Macphail

told me the mare was quite well when it was stabled the previous evening and that in the morning he found it lying in the stall with the Foal half delivered that he took the foal which was dead away and that the mare died almost immediately afterwards. I do not recollect that he said the foal was premature but he said he could not account for the death. From what my brother told me I did not think that the death of the mare was caused by foaling but ~~

**Paper 1876 – 1104**

99

Hector Macphail

but I did not arrive at any conclusion as to the actual cause of death. I did not suspect Poison nor did my brother. I am aware that another mare of his died suddenly about a fortnight afterwards I got a message in the morning from my brother that it was ill and I went and saw it. It was in the barn. She was walking round and round and biting at anything she came in contact with. I could not understand what was the matter, and I could not account for its ~~

**Paper 1876 – 1105**

100

Hector Macphail

its illness though I thought it might be “staggers” or giddiness in the head. I remained for two or three hours but I was not present when it died. I did not see either of my nephews or my sister about these mares when they were ill. I did not ask them whether or not they were there seeing them but I expressed myself to them how sorry I was at my brothers loss. I do not remember what they said in reply but I think they said that they did not wish him to ~~

**Paper 1876 – 1106**

102

Hector Macphail

to meet with such a loss. I cannot say whether or not they appeared indifferent I did not ask them if they had seen the mares during their illness or after their death and in talking with them they did not at any time refer to the deaths until I introduced the subject. I thought this conduct very odd and could not account for it, and the only reason which struck me was that they were not on good terms with John about the Croft. I cannot say exactly whether the horse and cow belonging to my sister ~~

**Paper 1876 – 1107**

103

Hector Macphail

sister were put on to the Crofts before or after the death of my brothers mares. I am certain however that both mares were dead before my brother John told me that he had gone to the new Factor M<sup>r</sup> MacDiarmid complaining of the Cow and Horse belonging to my sister being on the ground.

I have never in my life had any Poison in my house. The only Poison I ever had in my life was some Poison I bought in the Scarinish shop  
20 years  
ago to kill Rats. I bought ~~

**Paper 1876 – 1108**

104

Hector Macphail

bought only

3<sup>d</sup> worth.

It was in a paste and in a small Delf dish. I used it at once. This is the only Poison I ever had in my life. I know nothing of any other body having Poison. I have a few sheep but I never used dip for them. I used

Tobacco Juice

last year when I got a Gallon and I think part of it is in the Jar still. I never gave anybody any of it. I used it occasionally on my sheep for the Scab.

I remember the Procurator Fiscal being~~

**Paper 1876 – 1109**

105

Hector Macphail

being in Tyree making enquiry into this case. He did not examine me, and it did not occur to me to offer myself for examination as I was not asked. Donald my nephew was at the time with his mother but he left for Glasgow either on the day the Fiscal left the Island or a week afterwards. He is a Joiner to trade and I am aware that he came on a short visit to see his mother and that he intended to leave on his return to Glasgow a week before the Fiscal came to the ~~

**Paper 1876 – 1110**

106

Hector Macphail

the Island. I asked

Donald

specially on one of my visits if he had seen any of the animals during their illness or after their death, and he told me that he had not. He was in Tyree at the time the last of the Cows died and also when the two mares died, when he said that he had not seen any of them. I did not ask him the reason why nor did I remark for the reasons which I have already stated that I thought this strange. Truth.

**Paper 1876 – 1111**

107

page blank

**Paper 1876 – 1112**

108

Ann Macphail

Hellipoll. Tyree. 21<sup>st</sup> August 1876

Ann Macphail

says

I am a widow and reside at Cornaigmore, Island & Parish aforesaid. I am

55 years

of age. John Macphail and Hector Macphail witnesses are my brothers. My brother John and I had a Croft at Cornaigmore between is for

14 years

prior to Whitsunday 1873. We had separate dwelling houses and separate offices for the Cattle. I gave up my interest in the Croft at Whitsunday 1873 and then left it and went to Glasgow and lived with my sons Hugh and Donald who ~~

**Paper 1876 – 1113**

109

Ann Macphail

who were living there. Before I went I roused off the Cattle and Crop. My brother John got my share of the Croft after I left it but I understand he gave Hector a small corner for pasture I remained in Glasgow nearly

2 years

and came back to Tyree in

April 1875

accompanied by my daughter Flora, and we went to the house of my brother John. I lost my health in Glasgow and I had to leave it. I staid only one night with my ~~

**Paper 1876 – 1114**

110

Ann Macphail

my brother. I expected to get my former share of the Croft. I brought my furniture to Tyree intending to resume possession of the house and Croft. My furniture was brought to Cornaigmore the day after I returned to Tyree and I told John that I intended to resume possession of the house and croft, and that I proposed to put my furniture into the house in which I lived before I left. He would not let me, and the furniture remained in the Cart all day. the door was secured by a staple but not locked. I removed the staple in Johns presence. He forbade me ~~

**Paper 1876 – 1115**

111

Ann Macphail

me but did not lay hands on me to hinder me. I opened the door and I got the furniture into the house with the assistance of my daughter and some of the neighbours. We were both angry though we did not scold. I did not ask my brothers permission to go into the house as I was under the belief that I had a right to do so without his permission. It had been used as a barn by my brother while I was in Glasgow, but it was empty when I came back, I am still in the house and have ~~

**Paper 1876 – 1116**

112

Ann Macphail

have occupied it since my return.

My son Hugh came from Glasgow at Martinmas 1875 and he has resided with me since. My son Donald also came from Glasgow in the spring of 1876, and remained about

6 weeks

when he returned to Glasgow to work at his trade as a joiner. While he was with me he and his brother Hugh repaired the house. Shortly after I returned I bought a cow and put it on the Croft. I tethered it. John cut the tether and set his dog on it and put ~~

**Paper 1876 – 1117**

113

Ann Macphail

put it off the Croft. The cow was only a few hours on the Croft. John told me it was not to be there and I took grass for it from Neil Lamont a neighbouring farmer. Before my son Hugh came home I spoke to M<sup>r</sup> Geekie the Factor for the Croft and he told me to send for my son to Glasgow and that we were to resume possession of the Croft as before and that John my brother was to keep his own side. M<sup>rs</sup> Geekie interpreted between her husband and me. It was because of this ~~

**Paper 1876 – 1118**

114

Ann Macphail

this permission I sent for my son. Hugh after his return began to manure the Croft by putting Seaware on it. John objected to this but Hugh continued to lay the manure on it daily for a month. At the end of the month my brother Hector brought a message to me from M<sup>r</sup> Geekie that I was to stop manuring the Croft otherwise he would instruct the Dukes agent to prevent us. We stopped at once. At Whitsunday last Hugh went to my brother Hector for permission to put on some stock on the Croft ~~

**Paper 1876 – 1119**

115

Ann Macphail

Croft and he told me that Hector had granted him permission, and in consequence we put a cow and a horse on the Croft. It was Hectors name that was in the Rental Book and this was the reason why his permission was asked I did not ask Johns permission. I knew that John was angry and that he had ordered Hugh to remove the Cattle and that he refused to do so. John did not speak to me, nor I to him. The cow and horse was on the Croft ~~

**Paper 1876 -1120**

116

Ann Macphail

for about a fortnight, after which they were removed by the instructions of M<sup>r</sup> MacDiarmid the new Factor and we have not since interfered with Johns possession of the Croft.

I heard that some

Hens

Ducks &

Pigs

and some articles had disappeared from Johns out houses. I don't know how they disappeared or who took them. I never spoke to John or any of his household about them. We were not on speaking terms at the time because of the dispute ~~

**Paper 1876 – 1121**

117

Ann Macphail

dispute about the Croft. I heard at the time of the illness and death of his cattle and horses. I never went to enquire about them during this illness or after death. I do not think either of my sons or daughter saw any of the animals during their illness. But I think my two sons assisted to bury the first of the two horses that died. We talked in the house among ourselves about the deaths and we agreed that it was surprising and mysterious, but it never struck us they ~~

**Paper 1876 – 1122**

118

Ann Macphail



they were poisoned or that they had died otherwise than from natural causes. Hector my brother spoke to us on the subject and we agreed that John's loss was heavy, but I did not express any regret because it would do him no good. I was not a bit sorry, - other tenants in Tyree had lost cattle as well as him and got over it. My sons and daughter were on the same mind as myself. We were not glad at the loss he sustained though we were indifferent on the subject. I never gave any food to any of ~~

**Paper 1876 – 1123**

119

Ann Macphail

of my brothers cattle either outside or in the Office houses. I was not inside any of his office houses or in his house since my return except the night I stayed with him on my arrival. I am not aware that any of my family were in his offices since we came back. I do not know how either of the Cows or the horses came by their death and I am willing to swear that I have no such knowledge. I never heard any of my family say anything about the deaths except that it ~~

**Paper 1876 – 1124**

120

Ann Macphail

it was surprising. I never had Poison of any kind in my possession. I never saw any Poison and I never heard any of my family speak about Poison and I never knew or heard that they or any of them were possessed of any of it. Truth.

**Paper 1876 – 1125**

121

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**Paper 1876 – 1126**

122

Flora Macphail

Hellipoll, Tyree 21<sup>st</sup> August. 1876

Flora Macphail

Says

I reside with my mother M<sup>rs</sup> Ann Macphail a witness. I am  
25 years

of age. I came from Glasgow to Tyree along with my mother, at Whitsunday 1875, and we staid the first night in the house of my uncle John. My mother lost her health in Glasgow and it was because of that she returned to Tyree. She expected to get possession of the Croft and house as my uncle Hector was willing. When my mother told ~~

**Paper 1876 – 1127**

123

Flora Macphail

told my uncle John of her intention he opposed it and told her that she was not to put the furniture into the house. My mother however took the snib off the door in presence of John and afterwards went in and took possession of the house.

I concur with my mother as to the return of my brothers Hugh and Donald. I also concur with her as to her first putting a cow upon the ground of its being driven off by my uncle and ~~

**Paper 1876 – 1128**

124

Flora Macphail

and the manuring of the Land by Hugh and of the reason why he stopped, also with her of our putting a cow and horse on the Land and as to their removal and the reason of it.

My uncle John was always opposed to my mother and brother having anything to do with the Croft since our return from Glasgow. My uncle Hector was anxious that we should get it and I heard him say to my mother that he was as willing that she should get possession as before, as that my uncle John should have it ~~

**Paper 1876 – 1129**

125

Flora Macphail

it. I heard at the time of the disappearance of the Hens, Ducks, Pigs and articles from my uncles offices and of the death of his cows and horses. I did [not] see any of the animals during their illness, or after their death. I did not go to see them nor did I enquire at my uncle or any of his household about them. I don't think my brothers or mother made any enquiry on the subject. We agreed that the deaths were mysterious but we thought no more about it. My uncle was not ~~

**Paper 1876 - 1130**

126

Flora Macphail

not coming to see us and we did not go to see him. My reason for not going was that he opposed our getting the croft and that he tried to prevent us from getting into the house, but I had no ill will against him. I have no idea how these cattle or horses came by their death and I can give no information on the subject because I do not know anything of the causes which led to their death. I heard a rumour since the animals were lifted and examined by the Doctor that they were poisoned, but it never struck ~~

**Paper 1876 – 1131**

127

Flora Macphail

struck me before that that they were poisoned. What I heard was that it was suspected that the Cattle was poisoned. It was the witness

John Campbell

who said this to me. If they were poisoned I have no knowledge of who did it, and I am willing to swear this. I never had any poison and I never heard of its being, nor did I at anytime see any poison in our house or with any member of the family. My uncle Hector spoke to us about the death of both cattle and Horses but ~~

**Paper 1876 – 1132**

128

Flora Macphail

but I did not hear him express any surprise at me not going to see the animals during their illness or after their death. I have not spoken to my uncle John for a number of months and we are not on visiting terms. I am sure I have not spoken to him nor he to me since the death of the first cow. The only reason for this is the one I have already stated. My brother Hugh does not visit nor speak to him just for the same reason. Truth.

**Paper 1876 – 1133**

129

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**Paper 1876 – 1134**

130

John MacDougall

Tyree. 22<sup>nd</sup> August. 1876.

John MacDougall Police Officer residing at Baugh. Tyree aforesaid

Says

I made enquiry as to the Sale of Poison in Tyree, and I saw the Salesman Donald MacDonald at the Shop in Scarnish and was informed by him that no Poisons were sold there. It is a Grocers shop. There is no Chemists shop in the Island and the only medical man in the Island is D<sup>r</sup>. Buchanan. Truth.

the present tenant of the Scarnish shop was not the tenant  
20 years ago ~~

**Paper 1876 – 1143**

*cover*

2  
Medical Report  
death of  
Second Horse belong  
ing to John M<sup>c</sup>  
Phail that died  
16 June 1876

**Paper 1876 – 1141**

Baugh Tyree 16<sup>th</sup> June 1876

I hereby certify upon soul and conscience that this forenoon at Cornaig more Tyree, I made an examination on the carcase of a horse.

There was no rigidity of the limbs or neck or trace of external injury except a cut near the angle of the right jaw which I was informed had been done after death.

Abdomen

I opened the abdomen and placed a ligature on each end of the Stomach and removed it for special examination. The other organs were examined and found normal.

Chest

The Heart was examined in situ the right cavity contained a quantity of fluid blood, the left side was empty. The lungs were congested.

There was no obstruction in the mouth gullet or wind pipe and these parts were healthy

From the examination of the carcase I am unable to account for death.

**Paper 1876 – 1142**

June 19<sup>th</sup>. 1876

This day I opened the stomach and placed some of its contents in a jar along with a part of itself and also segments of the Lung and Liver and which jar was taken possession of by Allan Cameron.

Alexander Buchanan  
Surgeon

**Paper 1876 – 1149**

*cover*

3  
Medical Report  
Death of  
First Horse belonging  
to John McPhail  
which died  
19 June 1876

**Paper 1876 – 1147**

Baugh Tyree 19<sup>th</sup> June 1876

I hereby certify upon soul and conscience that I have this day examined at Cornaig more Tyree the carcase of a horse.

The carcase was fresh and presented no marks of external injury

Abdomen

The Stomach was removed for separate examination. The other organs were examined and presented nothing remarkable. the bowels contained the usual quantity of faeces and were in some places distended with air.

Chest

The Heart was examined in situ both ventricles were found empty. the Lungs were voluminous and apparently quite healthy.

The Stomach on being opened was found to contain food in the form of grass oats, etc part of which was put in jars along with the Stomach a piece of the spleen, & part of the Liver and given into the possession of Allan Cameron.

**Paper 1876 – 1149**

From the examination of the carcass I am unable to account as to the cause of death  
Alexander Buchanan  
Surgeon

**Paper 1876 – 1140**

Cover

No 4  
Inventory of Productions  
Death of  
3 cows & 2 horses  
at Cornaigmore  
Tyree. –

Nº. 3                      1876

**Paper 1876 – 1139**

Inventory of Productions  
In Precognition  
Death of  
3 Cows and 2 horses  
at Cornaigmore, Tyree

- 1<sup>st</sup> Transmitted to Crown Counsel
- 2<sup>nd</sup> Medical Report as to 2<sup>nd</sup> horse that died dated 16<sup>th</sup> June, 1876
- 3<sup>rd</sup> Medical Report as to 1<sup>st</sup> horse that died dated 19<sup>th</sup> June 1876.

Retained by Procurator Fiscal

Label N° 1 Jar containing Stomach Liver, & Lung, and part of the contents of Stomach of last horse that died.

Label N° 2 Two Jars containing Stomach, part of its contents, & part of Liver, Lung & spleen of 1<sup>st</sup> horse that died.

**Paper 1876 – 1144**

Death of Cows and Horses at Cornaigmore

Crown Office  
Edinburgh 8 August 1876

Sir,

I return this case and annex copy Crown Counsels Notes to which I refer you. - I also

send Dr [Maclagoms] report

I am Sir  
Your mo. obedt. Servt.  
D.A. Duncan  
For the Crown Agent

The Procurator Fiscal  
Tobermory

**Paper 1876 – 1146**  
*cover*

Edin. 8<sup>th</sup> August Crown Agent  
Precognition Death  
of Cows & Horses

-----  
Farther enquiry  
-----

**Paper 1876 – 1145**

Copy CC Note

8 Aug 1876 - To the pror. Fiscal to consider the Medl.Report, and report. The animals may have been poisoned, but it appears that the proof that they have been so cannot be aided by medical or scientific evidence. Probably the Procurator Fiscal had better examine one or more of the parties suspected.

**Paper 1876 – 1150**

D<sup>th</sup> of Cows &c at Cornaigmore  
Crown Office  
Edinburgh 15 Augt. 1876

Sir,

I sent you a telegram today regarding this matter, and now beg to annex copy of notes by Crown Counsel, to which I refer for

I am Sir  
Your mo. obed. Serv  
H. Milrey  
For the Crown Agent

The Procurator Fiscal  
Tobermory

**Paper 1876 – 1151**

Copy C.C. Note

15 Aug 1876 ~ The Pror Fiscal has correctly understood Crown Counsels meaning - the object to prove if possible the guilt of some one or more of the persons implicated. Of course those examined will not be tried.

**Paper 1876 – 1152**

POST OFFICE TELEGRAPHS

Handed in at Edinburgh Office at 12.50 P.M. Received here at 1-50 P.M.  
Dated stamp of Delivering Office TOBERMORY / B / AUG 15 / 76

From  
The Crown Agent

To  
The Pror Fiscal

Edinburgh

Tobermory

Death of Cows at Cornaigmore. You have correctly understood Crown Counsels meaning the object to prove if possible the guilt of some one or more of the persons implicated of

**Paper 1876 – 1153**

course those examined will not be tried letter by post.